COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

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J. TYLER McCAULEY
AUDITOR-CONTROLLER

August 16, 2002

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: J. Tyler McCauley
Auditor-Controller

SUBJECT: **SHERIFF'S DEPARTMENT CONTRACTING QUARTERLY REPORT AND FOLLOW-UP REVIEW**

At the April 2, 2002 meeting of the Board of Supervisors, your Board requested that the Auditor-Controller issue quarterly reports on the progress the Sheriff's Department (Department) has made towards improving the timeliness with which contracts are put out to bid and processed for Board approval. The Department issued a report to your Board on May 29, 2002, that noted several proposed changes to improve its contracting processes.

In this first report, we have also included the results of a follow-up review on the Department's efforts to implement the seven contracting recommendations contained in our July 1997 Fiscal Review. In conducting our review, we interviewed managers and staff from the Department's Administrative Services Division, and reviewed solicitation and other documents relevant to the Department's contracting activities.

Summary of Findings

The Department identified several proposed enhancements to strengthen its contracting processes, such as developing a comprehensive database to monitor Board approved contracts and providing training to contract staff. The proposed enhancements, scheduled for implementation over the next three to six months, should allow the Department to more effectively monitor its Board approved contracts.

We were unable to review the implementation status of four of the seven audit recommendations because the Department had not started and completed a solicitation during the period of our review. (Although the Sheriff's Fingerprint Contract recently received Board approval, the Department began its solicitation process prior to the issuance of our audit recommendations.) We will report on the implementation status of these recommendations in our next status report.

For the remaining three recommendations, we noted that the Department's WordPerfect table used to monitor Board approved contracts contained errors that prevented the Sheriff from effectively monitoring the contracts. This may have contributed to the need for the Department to request Board approval to extend five existing contracts, since the solicitation process for the new contractors did not start in time to complete the process before the contracts' expiration dates. We also noted that two sole source contracts should have been competitively bid.

Below are the detail results of our first review and the follow up of our 1997 Fiscal Review.

Contracting Unit Proposed Enhancements

On May 29, 2002, the Department issued a report to the Board that identified five areas in which the Department proposed to improve its contracting processes (Contract Monitoring, Board Contract Initiation, Preparation and Approval, and Associated Issues.) The Board subsequently directed our office to conduct a quarterly review of the Department's efforts to implement the proposed enhancements. This is our first review.

Contract Monitoring

The Department currently uses a WordPerfect table to monitor Board approved contracts. The table lists the financial and term information for each contract, if a current solicitation has started, and the targeted completion date. During our follow-up of the Fiscal Audit recommendations, we noted that the information contained in the current contract tracking system contained several errors that prevent the effective monitoring of the Department's Board approved contracts. For example, the term dates, contract amounts, and the solicitation start dates for several contracts were incorrect. This may have contributed to the need for the Department to request Board approval to extend five existing contracts, since January 2002, because the solicitation processes for new contractors had not been started in time to complete the process before the contracts' expiration dates.

The Department has proposed implementing a new Microsoft Access database to track the Department's Board approved contracts. The new database will contain additional contract information that can be analyzed more effectively because of Access' sorting and report writing capabilities. The database will also automatically notify staff of contracts nearing expiration and the need to start the solicitation process. The Department's Fiscal Unit will also have access to the database to monitor the contracts' financial information.

The targeted implementation date for the database is September 30, 2002. However, the Department stated that implementation is contingent on the Department filling the position designated to develop the database. Once the position is filled, the database is expected to be implemented within three months.

The Department has indicated that until the new database is implemented, contract staff will update the current tracking system and improve the accuracy of the information. As part of our next follow up review, we will identify the efforts of the Department to implement the proposed database and evaluate the accuracy and completeness of the information contained in the existing system used to monitor Board approved contracts.

Board Contract Initiation, Preparation and Approval

The Department has recently implemented new procedures and protocols to ensure that it completes contract solicitations timely and appropriately. Effective June 2002, department procedure requires that Program and Contract staff hold "kick-off" meetings to formally assign contract preparation duties to staff and establish timelines and deadlines for their completion. Staff is supposed to create a schedule that allows sufficient time for obtaining Board approval prior to the expiration date.

At each "kickoff" meeting, a contract procurement protocol document is to be completed that lists each step of the contract preparation and approval process and its corresponding deadline. With the document, staff can keep abreast of deadlines and coordinate with other staff whose responsibilities may affect the timely completion of their own.

Also, a memo was issued to all high-level managers on May 28, 2002, which explained the protocol for requesting contract services. The memo identifies the positions within the Department with the authority to request contract services and the Units available to assist in preparation of the request. The memo also states that the requests must identify a viable funding source to ensure funds are available for the contracted services.

In our next follow up report, we will review the effectiveness of the "kick-off" meetings, the use of the protocol documents, and the Department's adherence to the processes outlined in the May 28th memo.

Staffing and Communication

Currently, three of the five Contract Compliance Monitoring Unit's budgeted positions are unfilled. One unfilled position is for the staff person assigned to create the new database, and two unfilled positions are for program monitors. The Department stated that the unfilled positions impact its ability to implement the proposed enhancements and other changes to improve the contracting processes currently under development.

The Department is working towards improving the coordination and communication among the Contract Administration and Contract Compliance Monitoring Units, Accounts Receivable, and Accounts Payable. It is a management goal within the Administrative Services Division to assume responsibility for creating a single monitoring system over all purchase orders and contracts. A single monitoring system would eliminate coordination and communication problems that exist as a result of

working across different units. For example, the Contract Compliance Monitoring Unit is not informed of purchase orders, which are issued from the Internal Services Department (ISD) and forwarded directly to the Fiscal Unit. According to Administrative Services management, this poses a problem as some purchase orders should be converted to contracts because of high funding amounts or the need for term limits. However, due to staffing and organizational constraints, a timeline for consolidating the systems has yet to be established.

Our next follow up will include a review of the Department's efforts to fill key vacant positions and will address the Department's timeline for consolidating the monitoring of contracts and purchase orders.

Associated Issues

Staff Training

The Department noted that staff directly and indirectly involved with the contracting process will receive formal training through a number of County-sponsored training programs. For example, the Department indicated that all contract staff are required to attend the two-day Countywide contracting training conducted by ISD, County Counsel, Auditor-Controller, and Department of Human Resources (DHR). Currently, seven (70%) of the ten contract staff have completed the two-day training. Two of the staff are scheduled to complete the training by August 2002, and the third is in the process of registering for the training. In addition, staff are also planning to attend the 100 hour Contract Manager/Analyst Certificate program currently being developed by DHR and ISD. Finally, the Department will work with DHR and ISD staff to identify additional training opportunities, as available.

Strategic Plan

The Administrative Services Division Financial Programs is in the process of creating a strategic plan, which identifies the detailed issues the Department needs to address to improve the contract monitoring process. The plan is expected to be implemented within three to six months. We will monitor the progress of its development in future reviews.

Adherence to County Policy/Procedures

In a memo to the Board, dated May 29, 2002, the Department reported efforts to implement the appropriate measures to comply with the applicable policies and procedures stated in the Chief Administrative Office's June 15, 2001 letter to the Board regarding the need to amend contract documents and Board letters to reflect that:

- Contractors have been notified that they will not be paid for expenditures beyond the specified contract amounts.

- Include assurances by the department head that contractors will not be asked to perform services which will exceed the approved contract amount, scope of work, and contract dates.

- Require notification by contractors to County staff when contract amounts have been incurred up to 75 percent of the contract total, and when contracts are within six-months of expiration.

In our next report to the Board, we will review the efforts of the Department to develop a formalized training program for Department managers and staff, complete work on the strategic plan for the contract monitoring function, and ensure current contracts are amended to include the appropriate clauses noted above to reduce the likelihood of retroactive contracts.

Fiscal Audit Follow up – Contracting Unit

The Audit Committee requested our office conduct a follow-up on our two 1997 Fiscal Audit reports and 1997 KPMG Management Audit of the Sheriff's Department. Our follow-up review was intended to assess the Sheriff's progress in implementing 34 recommendations from the prior reports in key areas including budget, procurement, revenue billing and collection, payroll, management, and contracting. Seven of the 34 recommendations related to the Department's contracting function.

Due to the similarity in nature of the Board's April 2, 2002 request noted above, we included the results of our follow-up on the seven contracting recommendations in this report.

Contract Monitoring and Obtaining Board Approval

Recommendations 1, 6 and 7

> ***The Department annually evaluate all contracts for potential competitive bidding.***
>
> ***The Department ensure all future contracts and supplements are properly approved by the Board and include signed agreements.***
>
> ***The Department review all of its existing contracts and supplements and ensure signed agreements have been established and required Board approval has been obtained.***

Current Status: In Progress

In its December 2001 status report, the Department noted that it is not practical to evaluate all contracts annually for competitive bidding because most are awarded for a multi-year term following a lengthy bid process. The Department stated that Contract

Unit staff do review each expiring contract with County Counsel to determine whether competitive bidding is appropriate.

The Department also responded that it follows County contracting policies and that it maintains documentation of contract actions in the Contract Unit's central files.

We selected 15 contracts to determine whether the contracts were competitively bid and the appropriate Board approvals were obtained by the Department in accordance with County policies and procedures. Our review of the 15 contracts noted the following.

- The Department classified four contracts as sole source, and we identified the following issues related to two of these sole source contracts.

  One contract (Sekani Film Bank) was approved in December 1996 for a five year term. In December 2001, the Department extended the contract as a sole source for a two year period, based on a number of factors, including an emergent need to meet training obligations. However, the Department was unable to provide documentation to support that emergent need. The Department should ensure that it documents all justifications for sole source contracts.

  Beginning in 1993, the Department acquired services of IKON Office Solutions, the sole proprietor of software for a jail system, using a purchase order. The Department did not actively monitor the purchase order to ensure its accumulated dollar value did not exceed the $100,000 sundry service limit. When the Sheriff reached this limit, ISD notified the Sheriff that they needed to obtain a contract with IKON instead of using a purchase order. The Sheriff was unable to competitively bid a replacement system with such short notice, so the Sheriff entered into a sole source contract with IKON in November 1999 for a two year period. In the future, the Sheriff should monitor compliance with purchasing limits to allow sufficient time to competitively bid contracts.

- We noted that, for a new contract, the Department did not disclose in their Board letter that the selected contractor was not the low bidder. The Board agenda procedures require County departments to provide clear and compelling reasons in their Board letters for not selecting the low bidder.

The Department should ensure that it documents all justifications for sole source contracts. In addition, the Department should monitor compliance with purchasing limits to allow sufficient time to competitively bid contracts. Finally, the Department needs to ensure that when low bids are not selected, the Department provides a detailed explanation in the Board letter for not selecting the low bid.

Recommendations

The Department management:

1. **Ensure that it documents all justifications for sole source contracts.**

2. **Monitor compliance with purchasing limits to allow sufficient time to competitively bid contracts.**

3. **Ensure that when low bids are not selected, the Department provides a detailed explanation in the Board letter for not selecting the low bid.**

Proposal Evaluation

Recommendations 2, 3, 4, and 5

The Department modify and formalize its contract evaluation process to ensure that all proposals are completed and evaluated by all committee members, and that all aspects of the evaluation process are properly documented to support the recommended contract award.

The Department develop more detailed and objective proposal evaluation forms, and ensure all proposal scores are documented and/or explained.

The Department instruct the evaluation committee members as to the need to objectively and accurately evaluate proposals.

The Department monitor its evaluation process to ensure vendor proposals are evaluated effectively.

Current Status: In Progress

Our July 1997 review identified four ways in which the Department could improve the way bidders proposals are evaluated. In its December 2001 status report, the Department responded that the process used to evaluate proposals has been modified and formalized since our prior review. The Department also reported that the proposal evaluation forms have been revised and formal instructions to evaluation committee members have been developed. Finally, the Department reported it is working closely with County Counsel on each solicitation process.

During the period of this review, the Contract Unit had not started and completed a solicitation process for new contracts (Although the Sheriff's Fingerprint Contract recently received Board approval, the Department began its solicitation process prior to the issuance of our audit recommendations.). As a result, we were unable to determine if the Department has appropriately implemented the noted recommendations. However, the Department is in the process of completing work on several new

solicitations, and we will include a review of the related proposal evaluation processes in our next status report to the Board.

Additional Issues

Solicitation and Record Retention

It is important for the Department to retain the records and documents used in selecting a contractor for at least the term of the contract. Retaining the materials provides the Department with documentation of the processes used to select the contractor and allows the Department to respond to inquiries about the integrity and appropriateness of the solicitation process.

During our follow-up review, we noted the Department does not always retain the records and documents used in the solicitation process of current contracts. We reviewed files of six solicitations of current contracts and noted the following:

- Three files did not contain the completed evaluation instruments.
- Two files did not contain copies of the RFP's or bidders' conference documentation.
- Six files did not contain the losing bidders' proposals.

The Department management needs to ensure the records and documents used in the solicitation process of current contracts are retained in order to document the solicitation processes used by the Department.

Recommendation

4. **The Department management ensure the records and documents used in the solicitation process of current contracts are retained in order to document the solicitation processes used by the Department.**

Acknowledgment

The Department's management and staff were cooperative during our review and actively participated in the review process. The Department agreed with our appraisal of the Department's status in improving its contracting operations. Attached is the Department's recommendations to improve its contracting processes, dated May 29, 2002, and the Department's first self-reported progress report, dated July 15, 2002.

To allow the Department time to implement its planned improvements in the contracting process, and complete the contracting solicitations necessary for our review, unless otherwise instructed, we plan to provide our next status report to the Board in six months.

Please call me if you have any questions, or your staff may contact DeWitt Roberts at (213) 974-0301.

JTM:DR:DC

Attachments

c: David E. Janssen, Chief Administrative Officer
Leroy D. Baca, Sheriff
Violet Varona-Lukens, Executive Officer
Public Information Office
Audit Committee

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

May 29, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

RECOMMENDATIONS TO IMPROVE THE TIMELINESS WITH WHICH CONTRACTS ARE PUT OUT TO BID AND PROCESSED FOR BOARD APPROVAL

At the April 2, 2002 meeting of the Board of Supervisors, your Board requested that the Los Angeles County Sheriff's Department (LASD) report back to the Board within 60 days with recommendations addressing issues in regard to improving the timeliness with which contracts are put out to bid and processed for Board approval. Specifically, the issues identified by your Board were as follows:

ISSUES

1. Ensure that Request for Proposals for major services, and particularly for specialized medical services, are released in time to provide sufficient review and time for completion of the contracting process, prior to the expiration of existing contracts and purchase orders;

2. Establish protocols that stipulate the steps and timing of the contract procurement process;

3. Review current staffing of the Department's Contracting Unit, Accounts Receivable, and Accounts Payable units, and improve the coordination and communication between them; and

4. Implement mechanisms to accurately track the progress of purchase orders and contracts, and create a "tickler system" to warn of agreements nearing expiration or reports not received from other departments impacting the contracting process.

LASD REPORT

In general, the business of County contracting is a very complex, detailed and technical operation as recognized by your Board order to the Internal Services Department to implement a course of instruction in basic contracting principles. At present, the LASD Contracts Unit is preparing significantly more new, renewal, and amended Board contracts than at any previous time. To accomplish the multitude of tasks associated with Board contract preparation and administration, it requires staff who have extensive knowledge and skill in the diverse fields of contracting and purchasing. Hiring of staff with the sufficient level of contracting and purchasing expertise and background is a Countywide problem. To that end, the County, under the helm of the Department of Human Resources, has undertaken a contract classification study regarding the upgrading of contract and contract monitoring positions. In recognition of the issue of staff training, the Department of Human Resources, Auditor-Controller, Internal Services Department, and County Counsel have initiated a two day Contract Training Workshop. Additionally, a 100 hour Contract Manager/Analyst Certificate program is under design by the County in conjunction with California State University. LASD supports the classification study, contract training efforts, and is fully committed to taking part in each program.

Notwithstanding the complexities and staff training issues associated with the contracting process, LASD is undertaking an expeditious effort to address all issues.

MONITORING

In the past LASD's Contract Monitoring Unit has concentrated it efforts solely on Proposition "A" and Living Wage Contract issues. As a result of recent retroactive Board contract requests and cost overrun issues, the Contract Monitoring Unit is now tasked with monitoring contracts with regard to contract term, timelines, and funding issues for <u>all</u> LASD Board contracts.

4. Implement mechanisms to accurately track the progress of purchase orders and contracts, and create a "tickler system" to warn of agreements nearing expiration or reports not received from other departments impacting the contracting process.

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In general, the business of County contracting is a very complex, detailed and technical operation as recognized by your Board order to the Internal Services Department to implement a course of instruction in basic contracting principles. At present, the LASD Contracts Unit is preparing significantly more new, renewal, and amended Board contracts than at any previous time. To accomplish the multitude of tasks associated with Board contract preparation and administration, it requires staff who have extensive knowledge and skill in the diverse fields of contracting and purchasing. Hiring of staff with the sufficient level of contracting and purchasing expertise and background is a Countywide problem. To that end, the County, under the helm of the Department of Human Resources, has undertaken a contract classification study regarding the upgrading of contract and contract monitoring positions. In recognition of the issue of staff training, the Department of Human Resources, Auditor-Controller, Internal Services Department, and County Counsel have initiated a two day Contract Training Workshop. Additionally, a 100 hour Contract Manager/Analyst Certificate program is under design by the County in conjunction with California State University. LASD supports the classification study, contract training efforts, and is fully committed to taking part in each program.

Notwithstanding the complexities and staff training issues associated with the contracting process, LASD is undertaking an expeditious effort to address all issues.

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In the past LASD's Contract Monitoring Unit has concentrated it efforts solely on Proposition "A" and Living Wage Contract issues. As a result of recent retroactive Board contract requests and cost overrun issues, the Contract Monitoring Unit is now tasked with monitoring contracts with regard to contract term, timelines, and funding issues for <u>all</u> LASD Board contracts.

Currently, monthly reports have been implemented for all Board contracts. Parallel to the monthly report is the need to develop a computerized "Tickler" system. In concept, a database tracking system will be used to track the financial and term data pertaining to contracts which will be matched against financial and contract term constraints and/or thresholds. LASD's target for implementation is September 30, 2002, and is partially dependent upon the availability of the software application and staff's training in its use.

BOARD CONTRACT INITIATION

LASD requires all requests for initiation of a contract be in writing, and must identify the contract program manager. In concert with the written request, LASD is initiating kick off meetings to discuss and formalize, in writing, a timeline for completion of the contract that provides sufficient time for review and Board approval.

PREPARATION AND APPROVAL

LASD's Contract Unit has prepared a contract procurement process protocol document (Attachment 1). It lists each step in the contract preparation and approval process. Once a written request is received, a meeting is held with the requesting unit program manager to establish a schedule to meet all necessary benchmarks for timely submission and Board of Supervisor approval.

STAFFING AND COMMUNICATION

Within LASD, the responsibility for contracting services and purchase orders is bifurcated and resides in two separate Bureaus (Financial Programs and Fiscal Services). At the present time, a single monitoring system will have to be developed, implemented, and utilized by both bureaus. The long-term goal is to combine the monitoring of these separate operations under one command structure.

Staffing remains an issue within the Contract Administration and Contract Monitoring Units, with critical positions remaining unfilled as a result of the present hiring/promotional freeze.

ASSOCIATED ISSUES

Training: LASD employees who are directly and indirectly involved in the contracting process have been requested to participate in the County Training workshop. Additionally, LASD's Contract Staff will be required to attend the two-day workshop and will also be required to attend the 100 hour Contract Manager/Analyst Certificate program that is currently under development. LASD's Contracts Administration Unit is examining the appropriateness of replicating the County's two-day contract training workshop, in a shortened version, for all managers and front-line supervisors within LASD. This program is currently in its conceptual stages and has not been formalized.

County Policy/Procedures - In addition to this response to your Board LASD wishes to inform the Board that LASD has taken the appropriate measures to comply with the applicable policies and procedures stated in the Chief Administrative Office's June 15, 2001 letter to the Board regarding County Policy/Procedures. There are seven steps (processes) cited in the letter, four of which are directly applicable to the contracting process, and which in brief are as follows:

1. Amend contract and purchase order documents to inform contractors that they will not be paid for expenditures beyond the contract or purchase order amounts.

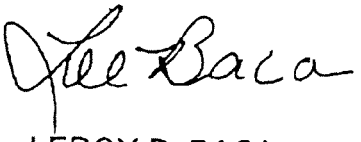
2. Amend the Board letter format to include assurances by the department head that contractors will not be asked to perform services which will exceed the approved contract amount, scope of work, and contract dates.

3. Instruct Department to train all managers and front-line supervisors on proper purchasing and contracting policies including approval requirements for County purchase orders, contracts, or other specific authority to incur expenditures.

4. Require notification by contractors to County staff (and subsequently, Department monitoring staff to notify executive management) when contract amounts have been incurred up to 75 percent of the contract total, and when contracts are within six-months of expirations.

If you have any questions, please contact Chief Marvin J. Dixon at (323) 526-5488.

Sincerely,



LEROY D. BACA
SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

July 15, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

QUARTERLY PROGRESS REPORT ON THE SHERIFF'S DEPARTMENT'S RECOMMENDATIONS TO IMPROVE THE TIMELINESS WITH WHICH CONTRACTS ARE PUT OUT TO BID AND PROCESSED FOR BOARD APPROVAL

As requested at the April 2, 2002 meeting of the Board of Supervisors, this is the initial quarterly progress report on the effectiveness of the Department's efforts to improve the Sheriff's Department's contracting process.

Sheriff's Department management has met twice with representatives from the Auditor-Controller's Office to discuss the issues cited at the April 2, 2002 meeting of your Board and the Department's recommendations cited in its letter dated May 29, 2002. At the meetings with the Auditor, we identified issues that need to be addressed and the efforts presently underway to attain full compliance.

Sheriff's Department management has communicated to the Auditor's representatives that it is committed to improving its contracting and monitoring processes and has either implemented or is planning on implementing the following actions:

- Has significantly improved the completeness and accuracy of its monthly monitoring reports.

- Has established a monthly Breach of Policy and/or Process Violations Notification Report in accordance with Departmental procedures.

- Will immediately fill all vacancies within the Contract Administration and Contract Monitoring Units.

- Will complete the revised Request for Proposal Protocol Checklist for all Board contract actions.

- Has initiated kick-off meetings with contract project managers for each contract action to establish a formalized time-line to meet all the necessary benchmarks for timely submission of a contract for Board approval.

- Has initiated steps to implement a computerized database tracking "Tickler" system. A target date of September 30, 2002, has been established for implementation. However, this date is contingent upon lifting of the promotional freeze and transfer of the project coordinator.

- Will identify and schedule available County training opportunities in contracting and procurement procedures for all contract administration staff members.

- All contract staff has either attended or are scheduled to attend the County's two-day Contract Orientation Workshop and ISD's Procurement Policies and Procedures training course.

- Has incorporated the provisions in all contracts, contract renewals, and extensions which require vendors to notify the department when they have consumed 75 percent of the services authorized under the terms of the contract and when their contracts are within six months of expiration.

- Has incorporated provisions in all contracts, contract renewals, and extensions to inform contractors that they will not be paid for expenditures or services beyond the amounts authorized in their contract.

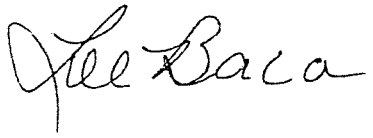
- Has included in each Board letter language that will affirm that the Department will not ask contractors to perform services which will exceed the approved contract amount, scope of work, and contract dates.

- Is developing a contract monitoring Strategic Plan to ensure compliance with all County, Board of Supervisors, and departmental procedures.

In an effort to ensure that the Department remains on target with all actions, Sheriff's Department management has requested that the Auditor-Controller bring to its immediate attention any problem areas identified and to engage in regular meetings on a monthly or more frequent basis to discuss any problems, issues and progress.

If you have any questions, please contact Marvin J. Dixon, Chief, Administrative Services Division, at (323) 526-5488 or Michael McDermott, Captain, Financial Programs, at (323) 526-5232.

Sincerely,



LEROY D. BACA
SHERIFF