

RESOLUTION 2020-118

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING (1) APPROPRIATION OF \$179,592 IN FUNDS PREVIOUSLY APPROVED TO FUND DRONE PROGRAM; (2) THE PURCHASE OF EQUIPMENT, TRAINING, AND INFRASTRUCTURE FOR THE NIGHTINGALE DRONE SYSTEM FOR ENHANCED PUBLIC SAFETY DRONE RESPONSE AT A COST OF \$146,225 AND EXECUTION OF AGREEMENT; AND (3) A WAIVER OF FORMAL BID REQUIREMENTS AND APPROVAL TO ENTER INTO A CUSTOMER AGREEMENT WITH NIGHTINGALE FOR THE PURCHASE

WHEREAS, Diversify Revenue Stream, Community Policing, and Strengthen Technological Infrastructure are adopted policy items under the FY 2019-21 City Council Priority Work Plan, as last amended on September 8, 2020;

WHEREAS; the Supplemental Law Enforcement Services Grant is a mandated grant as defined by Government Code 30061(b)(3)(i) wherein the County shall remit at minimum \$100,000 annually to be spent on frontline law enforcement. Grant revenues have accumulated and are available for appropriation;

WHEREAS, the Department of Justice (DOJ) Bureau of Justice (BJA) allocated the Coronavirus Emergency Supplemental Funding (CESF) Program to provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to COVID-19. The City of San Pablo was awarded \$46,867;

WHEREAS, On February 18, 2020, the City Council adopted resolution #2020-023, approving the appropriation of \$63,648 from SLESF funding to support a buildout in creating access to the sally port rooftop; a photogrammetry application for the entire City; and upgrades and maintenance to drones and cameras;

WHEREAS, in July 2020, Impossible Aerospace informed the San Pablo Police Department they would no longer be able to operate as a drone provider due to the unforeseen consequences of the Covid-19 pandemic resulting in a refund of equipment in the amount of \$69,077 and a first amendment terminating the agreement with Impossible Aerospace;

WHEREAS, Nightingale Security was previously identified as a 3rd-party vendor to supply a base-station atop the Police Department's sallyport, with the desired plan to integrate the Impossible drone for autonomous rooftop deployment, without delay, to respond to critical incidents;

WHEREAS, the Police Department wishes to pursue continuance of an enhanced public safety drone response through Nightingale Security due to their proprietary software and technology which enhances autonomous response at a cost of \$146,225 for two Portable Blackbird Drone Systems, 3D mapping, training, and maintenance;

WHEREAS, the San Pablo Police Department is one of two agencies in Contra Costa County to have been awarded a FAA COA certificate. Upon completion of training requirements with the Nightingale Security drone, the Police Department will be adding the Nightingale Security equipment to the existing COA's without interruption with the FAA;

WHEREAS, further infrastructure is needed to stabilize and further the drone program, including, but not limited to: creating access to sally port rooftop; implementing storage solution for drone footage;

WHEREAS, staff recommends the procurement of Nightingale Security drones be exempted from City bidding requirements because: 1) it involves specialized services combined with equipment and products, in which the City acquires and installs equipment but must also retain specialized services for consulting on use, training, installing, maintaining, and servicing the products (San Pablo Municipal Code section 3.16.110(B); and 2) the unique software attributes discussed above support the use of sole source agreements (San Pablo Municipal Code section 3.16.110(C);

WHEREAS, further competitive bidding requirements may be dispensed if the public interest is better served by doing so, as where competitive bidding would not produce an advantage. (Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal.App.3d 631; Los Angeles Dredging Co. v. Long Beach (1930) 210 Cal.348.) The exception may be invoked where the product or service contracted for is of unique value and may not be obtained elsewhere (Hodgeman v. City of San Diego (1942) 53 Cal.App.2d 610,618); and

WHEREAS, acquisition pursuant to the specialized services and equipment exception and sole source justification are met because the goods and services required to satisfy the Department's specific operational needs in rapid deployment patrol response with an autonomous drone solution is only developed and available for purchase from Nightingale Security, who is the sole developer and vendor of the proprietary Blackbird Nightingale drone. The San Pablo Police Department has not been able to find another vendor to reliably deliver a similar product with technology to meet the agency's specific operational needs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby authorizes:

1. Appropriation of \$179,592 from General Fund fund balance (100-0000-00000) for funds previously approved and appropriated to the Police Department professional services account (100-2110-43600);
2. Waiver of formal bidding requirements for to enter into a service agreement with Nightingale Security drone system due to (a) specialized services combined with equipment and products, in which the City acquires and installs equipment but must also retain specialized services for consulting on use, training, installing, maintaining, and servicing the products (San Pablo Municipal Code section 3.16.110(B); and (b) the unique software attributes

discussed above support the use of sole source agreements (San Pablo Municipal Code section 3.16.110(C)); and

3. Purchase of equipment to include two additional Nightingale Security drones, 3D mapping software, and training for enhanced public safety drone response at a cost of \$146,225 and execution of the attached agreement with Nightingale Security.

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ADOPTED this 21st day of September, 2020, by the following votes:

AYES:	COUNCILMEMBERS:	Kinney, Pineda, Xavier, Pabon-Alvarado and Cruz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ LaTanya Fisher
LaTanya Fisher, Acting Deputy City Clerk

/s/ Arturo M. Cruz
Arturo M. Cruz, Mayor