

RESOLUTION 2017-106

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO RATIFYING AN AMENDMENT TO THE EXISTING AGREEMENT BETWEEN TYLER TECHNOLOGIES AND THE SAN PABLO POLICE DEPARTMENT FOR THE REMOVAL OF RICHMOND POLICE DEPARTMENT DATA FROM THE DATABASE IN THE AMOUNT OF \$26,000, INCLUDING A 15% CONTINGENCY FOR TOTAL AUTHORIZATION OF \$29,900 USING EXISTING BUDGET RESOURCES FROM THE FY2016/17 POLICE DEPARTMENT SPECIAL DEPARTMENT EXPENSE LINE ITEM (100-2110-44000)

WHEREAS, *New CAD/RMS Services Alternative* is an adopted policy item under the FY 2015-17 Council Priority Workplan Update, effective October 1, 2016;

WHEREAS, this proposed action is not a project under CEQA pursuant to Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, but if deemed a project, then under CEQA Guidelines § 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment;

WHEREAS, on July 27, 2016, the Richmond Police Department presented all consortium members with a notice of intent to terminate consortium Records Management and Consolidated Communications services which were being provided by the Richmond Police Department;

WHEREAS, staff discussed options with the City Council's Public Safety Standing Committee on November 15, 2016, and the Committee directed staff to explore alternate service models, including a new Tri-City model with the Cities of Hercules and Pinole;

WHEREAS, after evaluating several options related to San Pablo Police Department's operational efficiency and ensuring that the Department continues to improve upon service commitments to the community, the Police Department elected to opt-out as a member of the CAD/RMS (computer-aided dispatch/records management system) consolidated consortium, effective July 1, 2017. City Council ratified this action on January 17, 2017;

WHEREAS, a letter was sent to Police Chief Allwyn Brown and Richmond Mayor Tom Butt notifying them of the City's intent to terminate all consortium records management and consolidated communications services provided by the Richmond Police Department effective July 1, 2017;

WHEREAS, discussions ensued between the San Pablo, Pinole and Hercules Police Departments about forming a tri-city partnership in which the Pinole Police Department would provide communication (dispatch) services and the San Pablo Police Department would host and maintain the CAD and RMS servers and related equipment;

WHEREAS, on March 6, 2017, the City Council approved the concept of a tri-city agreement with the Cities of Hercules and Pinole as CAD/RMS partners and with the understanding that follow-up actions would be necessary during the transition and before the final agreement was presented to Council for approval to maintain continuity of police dispatch and record services (Resolution 2017-038);

WHEREAS, consistent with the San Pablo City Council's Resolution 2017-038, San Pablo, Pinole and Hercules prepared the documents to form a tri-city agreement where Pinole will provide communication (dispatch) services and San Pablo will host and maintain the CAD and RMS system and servers;

WHEREAS, on April 17, 2017, the San Pablo City Council authorized the City Manager to purchase the CAD and RMS servers, related equipment, support and maintenance from Computer Discount Warehouse (CDWG), Strategic Products and Services (SPS) and Shared Service Provider Data (SSP);

WHEREAS, on May 1, 2017, the San Pablo City Council approved the Tri-City Agreement authorizing the City Manager to finalize and execute the Tri-City Agreement with the cities of Hercules and Pinole for dispatch and CAD/RMS services;

WHEREAS, on May 14, 2017, The San Pablo IT Division completed the installation of essential CAD & RMS equipment and downloaded the required operating systems;

WHEREAS, Tyler Technologies can provide server migration from the Richmond PD servers to the new CAD/RMS servers to include system assurances and software installation which were ratified by the City Council on March 6, 2017, pursuant to Tyler Technologies acquiring New World Systems and honoring the February 14, 20014 agreement between the City and New World Systems;

WHEREAS, for Tyler Technologies' server migration to be successful, data from the Richmond Police Department database needs to be copied and downloaded on to the new CAD/RMS servers and the Richmond Police Department requested the removal of their data from the copied database before the data is downloaded on to the new CAD/RMS servers;

WHEREAS, Tyler Technologies will provide the service to remove the Richmond Police Department data from the copied database at a cost of \$26,000;

WHEREAS, in order to keep within the new Tri-City CAD/RMS System deadline of July 1, 2017, Assistant City Manager Reina J. Schwartz signed the Amendment to the original 2003 License Agreement on May 16, 2017;

WHEREAS, using Tyler Technologies to do this work without a competitive bidding process is justified pursuant to Section 3.16.110 of the San Pablo Municipal Code because: (1) the contract is with a consultant with specialized and professional services; (2) 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; and (3) sole source contracts. Further, the nature of the subject matter of the contract is such that competitive proposals would be unavailable or would not produce an advantage, and advertisement for competitive bid would thus be undesirable, impractical, or impossible. As set forth above, because of the unique factual circumstances, competitive bidding requirements provided for by statute may be dispensed with 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). The purposes of provisions requiring competitive bidding in letting public contracts are to guard against favoritism, improvidence, extravagance, fraud and corruption; to prevent waste of public funds; and to obtain the best economic result for the public. (California Health & Safety Code, § 33422); and

WHEREAS, the contract cost of the removal service is \$26,000 and adding a 15% contingency amount of \$3,900, if needed for unforeseen travel expenses, would increase the total authorized cost to \$29,900 and will be paid using existing budget resources from the FY 2016/17 Police Department Special Department Expense line item (100-2110-44000).

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

1. Ratifies the action of the City Manager or assigned designee to sign the Amendment to the existing 2003 Agreement between Tyler Technologies and the San Pablo Police Department for the service of removing Richmond Police Department data from the database in the amount of \$26,000 with a 15% contingency for a total authorization of \$29,900 using existing budget resources from the FY 2016/2017 Police Department's Special Department Expense line item (100-2110-44000).

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ADOPTED this 5th day of June, 2017, by the following vote:

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| AYES: | COUNCILMEMBERS: | Kinney, Morris, Calloway and Valdez |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | Cruz |
| ABSTAIN: | COUNCILMEMBERS: | None |

ATTEST:

APPROVED:

/s/ Ted J. Denney
Ted J. Denney, City Clerk

/s/ Cecilia Valdez
Cecilia Valdez, Mayor