

RESOLUTION 2017-214

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) DECLARING 66 POLICE DEPARTMENT VIEVU BODY-WORN CAMERAS, FOUR DOCKING STATIONS AND ASSOCIATED EQUIPMENT AND HARDWARE AS SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL AT THE HIGHEST COST; AND (2) AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE-YEAR AGREEMENT FOR FY 2017/18 THROUGH 2021/22 AT A NOT TO EXCEED COST OF \$389,192 FOR THE PURCHASE OF 66 AXON BODY-WORN CAMERAS, 12 AXON DOCKING STATIONS, EQUIPMENT, HARDWARE, SOFTWARE, WARRANTY, SERVICE, MAINTENANCE, AND TRAINING THROUGH THE NATIONAL IPA COOPERATIVE PURCHASING PROGRAM

WHEREAS, Technology Improvements under the Public Safety Policy Area is an adopted policy item under the FY 2018-21 City Council Priority Workplan, effective November 1, 2017;

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. If a project, then the Ordinance is exempt from the provisions of the California Environmental Quality Act, (CEQA), 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, staff explored options to purchase and deploy body worn cameras for Police Officers in 2016. The Police Department tested four products: the Taser Flex camera, Taser Axon Body 2 camera, Wolfcom Vision camera, and the Vievu LE4 camera. Based on testing at that time, the Vievu LE4 camera was chosen and its purchase in the amount of \$45,460 was ratified by the City Council on September 19, 2016 (Resolution 2016-282);

WHEREAS, pursuant to Resolution 2016-282, the City Council also authorized a \$228,958 contract for a video storage system with Quantum Corporation through Aronson Security Group. The Police Department will continue to utilize the Quantum video storage system for the City-Wide Security System and the computerized evidence storage solution File on Q;

WHEREAS, since that time, implementation has been challenging, and there have been technological advancements with other products as discussed in the staff report and below in more detail. Staff now desires to surplus the Vievu cameras and to acquire other body worn cameras. Staff's intentions are to recoup a majority of the cost of the Vievu equipment through San Pablo Municipal Code 3.16.120;

WHEREAS, the body worn camera technology Axon developed allows seamless automatic camera activation whenever pre-selected criteria are met: for example, when an officer removes his or her firearm from the holster; when the camera detects another camera in proximity to it; and when the officer activates overhead vehicle emergency lights. These important features are essential to officer safety and evidence procurement;

WHEREAS, San Pablo Police Officers currently use the X26 Axon Taser which is fully compatible with the Axon body worn camera components affording all the benefits of the previously listed features;

WHEREAS, Evidence.com is a data management solution provided by Axon that incorporates "Smart Tracker" technology. This technology allows the user to pick and choose any object to track in a video, and automatically redact faces and objects. Smart Tracker technology also offers a "review and edit" stage for processed redactions whereby the Police Department can also include audio redactions, and change the blur levels to align with Department policies;

WHEREAS, Evidence.com also provides an integrated solution for uploading body worn camera metadata electronically. This allows officers to quickly deposit their evidence rather than spend time producing expensive DVD's;

WHEREAS, procuring body worn cameras from Axon Enterprise Inc. is exempt from City bidding requirements because: 1) 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); 2) sole source agreements, given the unique software attributes discussed above (San Pablo Municipal Code section 3.16.110(C); and 3) cooperative purchasing agreements with other public agencies pursuant to San Pablo (San Pablo Municipal Code section 3.16.110(E);

WHEREAS, 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);

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 technological needs and product integration are only manufactured and available for purchase from Axon, and Axon is the sole developer and vendor of the Evidence.com data management services;

WHEREAS, Axon also provides a full-featured body camera platform that includes digital evidence management. The San Pablo Police Department has not been able to find another vendor to reliably deliver a combination of: point-of-view recording, a minimum 12-hour battery, automatic triggers, a dock and walk workflow, a full-featured ecosystem using a prosecutor platform, forensic auditing, automated redaction, public disclosure tools, an API toolkit, and unlimited storage bundled with a conductive energy weapon (X26 Taser) replacement package as part of their offering, CAD/RMS integration, and a recommendation from the Contra Costa County District Attorney's Office to utilize Evidence.com for the San Pablo Police Department's evidentiary data storage and management;

WHEREAS, in addition, the City is purchasing the Axon equipment and related services through the National IPA Cooperative Purchasing Program. On February 2, 2015, following a competitive proposal process the City of Tucson, Arizona and Taser signed Master Purchasing Agreement #151089-01 for the procurement of body worn cameras including, software, peripherals, and services. The agreement offers discounts in software, equipment and maintenance, hardware, and peripherals and was established to allow other jurisdictions, including those in California, to “piggy back” on the contract to acquire equipment and services;

WHEREAS, on August 17, 2016, the City of Tucson, Arizona and Taser signed a Contract Amendment to renew the contract/Agreement for the period of February 1, 2017 through January 1, 2019;

WHEREAS, on May 23, 2017, the City of Tucson, Arizona and Axon signed a Contract Amendment for a name change from Taser to Axon;

WHEREAS, Master Purchasing Agreement #151089-01 is offered nationally through National IPA. National IPA is a cooperative purchasing program offered to public agencies and agencies for public benefit. It is an optional program with no minimum purchase requirements and no fees;

WHEREAS, on November 7, 2017, the Public Safety Standing Committee received a presentation on the Axon equipment and software as well its implementation. The Committee voted to receive the presentation and recommended this item be forwarded to the City Council for approval;

WHEREAS, staff is requesting the City Council to authorize the City Manager to execute a five -year agreement for Fiscal Years 2017/18 through 2021/22 at a not to exceed amount of \$389,192 for the purchase of 66 Axon body worn cameras, 12 Axon docking stations, equipment, hardware, software, warranty, service, maintenance, training, two camera upgrades, and one Taser replacement through Master Purchasing Agreement #151089-01 which is offered through the National IPA Cooperative Purchasing Program;

WHEREAS, the authorization for the fifth and final year of the agreement in FY 2021/22 is contingent on budget funding under the new operating budget not to exceed \$82,200 and the agreement with Axon allows cancellation for non-appropriation of funds without penalty; and

WHEREAS, funding for the contract is already appropriated under the current Quadrennial Operating Budget and is available in the San Pablo Police Professional Services line item (100-2110-43600).

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

1. Authorizes the disposal of 66 Vievu cameras, equipment and hardware as surplus property pursuant to San Pablo Municipal Code 3.16.120 by the manner deemed most appropriate by the purchasing officer (Finance Director).

2. Authorizes the City Manager to execute a five -year agreement for FY 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22 at a total estimated five-year cost not to exceed \$389,192 for the purchase of 66 Axon body-worn cameras, 12 Axon docking stations, including equipment, hardware, software, warranty, service, maintenance, two camera upgrades, one Taser replacement, and training through Master Purchasing Agreement #151089-01 which is offered through the National IPA Cooperative Purchasing Program.
3. Authorizes the fifth and final year of the contract to be contingent on City Council approval of funding for that particular fiscal year (FY 2021/22) under the new Quadrennial Operating budget, not to exceed \$82,200.
4. Authorizes payment of the contract under the current Quadrennial Operating Budget from the San Pablo Police Professional Services line item (100-2110-43600).
5. Authorizes the City Manager to make modifications to the equipment and services described above, if needed, as long as within the authorized budget for the project.

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ADOPTED this 20th day of November, 2017, by the following vote:

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

ATTEST:	APPROVED:
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/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, City Clerk

/s/ Cecilia Valdez
Cecilia Valdez, Mayor