



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 21-0559, Version: 1

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Award a Contract to Axon Enterprise, Inc. for a Body-Worn Camera Solution and Tasers for the Department of Public Safety (F21-139)

#### **REPORT IN BRIEF**

Approval is requested to award a multi-year contract to Axon Enterprise, Inc. of Scottsdale, AZ, to provide a body-worn camera (BWC) solution, including software, unlimited digital evidence storage, and conducted electrical weapons (CEWs) (i.e., Tasers), in a not-to-exceed contract amount of \$1,730,115. Approval is also requested to authorize the City Manager to amend this contract, subject to available budget and if pricing and service remain acceptable to the City.

#### **EXISTING POLICY**

Pursuant to Section 2.08.040 (d) of the Sunnyvale Municipal Code, Council approval is required for the procurement of good and/or services greater than \$250,000 in any one transaction.

Further, Section 2.08.070(b)(3) authorizes the purchase of goods and/or services to be exempted from the competitive bidding requirements when the solicitation of bids or proposals would be impractical, unavailing or impossible.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **BACKGROUND AND DISCUSSION**

A body worn camera (BWC) is a small, lightweight camera worn on an officer's uniform, capable of capturing video from the officer's perspective. BWCs are becoming standard throughout law enforcement and their use is supported by the International Association of Chiefs of Police and the California Police Chiefs Association. The video and audio documentation of incidents provided by BWCs may assist both in the prosecution of criminal cases and in proving/disproving alleged policy and/or law violations by staff. The cameras will be used by all officers and supervisors in the Department of Public Safety (DPS).

In October 2015, a request for proposals (RFP) was issued to identify a BWC solution. The RFP was structured to solicit the qualifications of vendors, performance of solution and five-year costs for the proposed cameras and storage solution, including all required services, installation, training, and annual maintenance fees. Based on the evaluation of the written proposals and field test results, Taser International, Inc (Taser). was awarded a multi-year contract (RTC No. 16-0488). The Master Services and Purchasing Agreement for software licensing and maintenance of body-worn cameras and CEWs will expire on June 30. In 2017, Taser announced that it had rebranded as Axon Enterprise to reflect its expanded business.

Body-worn cameras collect vital evidence that is uploaded and stored in Axon's cloud-based software application, Evidence.com. Body-worn camera data must be compatible with the software that is used to upload and store evidence. Evidence.com is proprietary, and it has been determined that the replacement or transfer of evidence to a different system would be cost-prohibitive as it would also require a re-investment in the BWC. With this consideration, DPS has determined that Axon is the sole source to provide this equipment and software.

The Department of Public Safety (DPS) met regularly with representatives from Axon Enterprises over the course of four months to review the current products being used in comparison to new Taser products that have been recently introduced. DPS determined that upgrading Taser units to a newer model (Taser 7) was cost-prohibitive and elected to accept a proposal for replacement of existing units with similar models at a lower cost to the City. This discussion also included the necessary access to BWC software and unlimited digital evidence storage through Evidence.com.

Therefore, staff is requesting a 5-year contract term and authorization for the City Manager to amend this contract subject to available budget, should the pricing and service remain acceptable to the City for up to an additional five years.

### **FISCAL IMPACT**

The existing agreement with Axon Enterprises has an annual cost of \$294,042. The proposed five-year contract is at a cost of \$346,023. DPS currently has an annual budget of \$303,400 for this contract. The increase of \$42,623 will be absorbed in the FY 2021/22 DPS operating budget. Funds have been identified in Program 12702, Contracts/Service Agreements from other contracts that are being underspent. The budget impact for FY 2021/22 will be net zero. DPS will evaluate the cost of the contract in subsequent years as part of its bi-annual operating budget analysis and, if a budget increase is required, will include that request in its FY 2022/23 and FY 2023/24 operating budget proposal.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at Office of the City Clerk, and on the City's website.

### **RECOMMENDATION**

Take the following actions:

- Award a five-year contract to Axon Enterprise, Inc. for a body-worn camera (BWC) solution, including software, unlimited digital evidence storage, and conducted electrical weapons (CEWs) in a not-to-exceed contract amount of \$1,730,115;
- Authorize the City Manager to execute the contract when all necessary conditions have been

met; and

- Authorize the City Manager to amend the contract, subject to available budget and if pricing and services remain acceptable to the City for up to an additional five years.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Phan S. Ngo, Director of Public Safety

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

## **ATTACHMENTS**

1. Master Services and Purchasing Agreement