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Title: CONSIDER APPROVAL OF PROFESSIONAL CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF CARSON AND MOTOROLA SOLUTIONS, INC. FOR A CITYWIDE AUTOMATIC LICENSE PLATE READER (ALPR) PROGRAM AND RESOLUTION NO. 22-253 FOR ADOPTION OF AN ALPR PRIVACY & USAGE POLICY (CITY COUNCIL)

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Attachments: 1. Proposed contract with Motorola Solutions, Inc., 2. Request for Proposals 22-038, 3. Proposal from Motorola Solutions, Inc., 4. Itemized List of Vendors / Scoring Sheet, 5. Resolution 22-253 adopting ALPR Privacy and Usage Policy

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, March 07, 2023

Consent

SUBJECT:

CONSIDER APPROVAL OF PROFESSIONAL CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF CARSON AND MOTOROLA SOLUTIONS, INC. FOR A CITYWIDE AUTOMATIC LICENSE PLATE READER (ALPR) PROGRAM AND RESOLUTION NO. 22-253 FOR ADOPTION OF AN ALPR PRIVACY & USAGE POLICY (CITY COUNCIL)

I. SUMMARY

This item transmits a request for City Council to approve the purchase of a citywide License Plate Reader Camera (“ALPR”) Program for the City of Carson. Deployment of this technology will allow the City and the Los Angeles County Sheriff’s Department (the “LASD”) to identify vehicles associated with potential criminal activity that are entering and exiting the local area. The intent is for the ALPRs to be installed on existing City-owned infrastructure (i.e., traffic signal and street light poles, buildings, etc.) to help ensure rapid deployment. Once installed, the ALPRs will capture citywide license plate data to help LASD identify, arrest, and convict criminals. The ALPRs would be leased by the City on a 5-year basis and LASD would have full access to the ALPR data.

Staff recommends the City Council approve the proposed professional services agreement (Exhibit 1) between the City of Carson and Motorola Solutions, Inc. for a total of \$815,215.24 over five years. The cost for the first year is \$216,615.24 and will be drawn from the existing Fiscal Year 2022-2023 Budget. A Budget Resolution for this project is included separately from this item as part of the Mid-Year Financial Report for Fiscal Year 2022-2023.

The City Attorney's Office has prepared an official ALPR Privacy & Usage Policy ("Policy") that explains and confirms how the ALPR data will be used. The Policy would be approved by City Council's adoption of Resolution No. 22-253 (Exhibit 5).

Should the City Council approve this Program, staff anticipates a minimum lead time of 10 weeks for the system to be fully up-and-running throughout Carson.

II. RECOMMENDATION

1. APPROVE the proposed Contract Services Agreement with Motorola Solutions, Inc. for a five-year term with a not-to-exceed contract sum of \$815,215.24 (Exhibit No. 1 the "Agreement").
2. AUTHORIZE the Mayor to execute the Agreement following approval as to form by the City Attorney.
3. WAIVE further reading and ADOPT RESOLUTION NO. 22-253, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AUTOMATIC LICENSE PLATE READERS USAGE AND PRIVACY POLICY" (Exhibit 5).

III. ALTERNATIVES

TAKE another action deemed appropriate by the City Council and consistent with applicable laws.

IV. BACKGROUND

The City of Carson has used ALPR technology at specific locations but not on a citywide scale. This Program envisions a citywide leased ALPR program that would operate in conjunction with the current fleet of City-owned ALPRs including the four mobile ALPR trailers purchased by the City earlier this year. This expanded Program proposes up to 73 ALPRs to be installed at strategic locations throughout the City, including parks. Because of the significantly larger scale of this project, staff recommends the lease model wherein the City pays an initial set-up fee and a monthly lease and subscription fee thereafter that includes warranty, software service, and equipment refresh when the ALPRs wear out. Several cities have opted for a ALPR leasing model in lieu of a purchase due to the lower per-unit cost and the efficiency of managing, tracking, maintaining, and repairing a citywide ALPR Program through a contractor. Also, the lease option enables the City to quickly

reduce, eliminate, or augment the ALPR Program as needed and as appropriate.

Selection Process

Staff initiated a formal RFP process in October 2022 and received bids from five firms to provide a citywide ALPR Program. The bids were reviewed by a panel of staff from the Public Safety Department, the ISPM (“Innovation, Sustainability, and Project Management”) Department, and the City Manager’s Office. The panel scored the firms, conducted interviews of the top firms with input and participation from the Advanced Surveillance and Protection Unit of LASD, and identified Motorola Solutions, Inc. as being a top candidate based on their experience, qualifications, and cost. Also, Motorola Solutions, Inc. offers the same ALPR Program used by LASD. Because the City contracts with LASD for police services, using the same ALPR Program offers the additional advantage for streamlined and efficient use by LASD.

The firms that provided bids are listed below in alphabetical order:

- American Integrated Security Group, Inc.
- Flock Group, Inc.
- Intelli-Flex, Inc.
- Motorola Solutions, Inc.
- Sensen Networks, Inc.

Contract

The lease proposal from Motorola Solutions, Inc. includes initial set up cost of a flat fee of \$1,950.00 per ALPR per year with warranty and software service included. The proposed agreement includes 73 ALPRs and a full breakdown of the cost is included in Exhibit 1 for reference.

As part of the scope of services, the contractor will help the City and LASD identify the most strategic locations for ALPRs in the City. After the ALPRs are installed, the City will continue to coordinate with the contractor and LASD to ensure the ALPR technology is fully operational and achieves maximum benefits for the Carson community. Staff will monitor the performance of the Program with LASD and recommend adjustments as needed to improve performance outcomes. The contract sum is for a total not to exceed amount of \$815,215.24 over five years.

Legal Contract Issues

The agreement itself has been rigorously negotiated between the consultant and the City Attorney’s office.

The primary issue that staff would like to call to City Council’s attention is that consultant insists upon limiting its liability exposure to the amount of fees paid by City during the eighteen (18) consecutive month period immediately preceding the event from which the claim arose, except in the event of any gross negligence or intentional misconduct of consultant, personal injury, tangible property damage or death. Staff wanted to make

Council aware of this limitation of liability prior to any award of contract to Motorola Solutions.

Another aspect of the agreement of note is that City will have the ability to terminate early for any reason but if City does so, an early termination fee will need to be paid by City based on a discounted MSRP of the equipment depending on when during the 5-year term the agreement is terminated. Also, at the end of the 5-year term, City will have the option of purchasing the equipment at a cost of \$1.00.

Finally, the City's standard indemnity provisions were amended so that consultant will not be held responsible for third party claims related to any failure by consultant to perform any term or obligation under the agreement absent consultant's negligence, gross negligence or willful misconduct; however, consultant will be required to indemnify City for any failure to pay prevailing wages or third party claim for personal injury, death, or direct damage to tangible property to the extent caused by consultant's negligence, gross negligence or willful misconduct. This indemnity protection is the most consultant offers to any of its clients and without these changes, consultant was unwilling to enter into the agreement with City. Other indemnity language that will protect the City from third party intellectual property infringement claims has been included in the agreement.

Technology

The proposed ALPRs are powered using a solar panel power unit along with internal and external batteries. Using radar-based technology, the ALPRs can be configured to capture vehicles moving at specific speed thresholds and directions of travel. They can scan vehicles moving at specific speeds, up to 75 MPH, and directions, up to 75 feet away. Each scan collects valuable information like make, model, color, and speed, in both light and dark conditions. It reads the license plate and takes that data as the vehicle drives by and captures a picture of either the front or rear license plate and automatically runs it in a database to efficiently identify public safety threats, such as vehicles flagged in an Amber Alert, drug trafficking, missing person cases, and stolen vehicles, etc. The proposed ALPR system will be synchronized with the Sheriff's Department's existing database allowing for seamless integration, the ability to provide automatic alert notifications to dispatch using existing LASD workflow, and access to collected data for LASD Investigators.

Procurement Standard

Carson Municipal Code Section 2611(c) provides that the procurement of professional services shall be based on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price, after notice to a number of potential offerors adequate to permit reasonable competition consistent with the nature and requirements of the procurement. The proposed ALPR Program and system involves specialized professional services, so any award is required to be made in accordance with Section 2611(c). Award of the contract to Motorola Solutions, Inc. is consistent with this procurement standard.

Privacy & Usage Policy

Exhibit 5 is Resolution No. 22-253 which if approved, will adopt a ALPR Privacy & Usage Policy ("Policy"). California Civil Code Section 1798.90.51 requires public agencies implementing and using ALPR technologies to adopt a privacy and use policy in order to

ensure that the collection, use, maintenance, sharing, retention, and dissemination of information collected pursuant to such system protects individual privacy and civil liberties. The City Attorney's Office has drafted such a policy, which is required to be made available to the public in writing and posted on the City's website.

The purpose of this Policy is to set forth the procedures for use of the ALPRs and ALPR data conducted and collected in the course and scope of LASD providing law enforcement and crime prevention services as well as establishing use and data retention policies. The City will only make the ALPR data available to the following: (1) LASD, which provides law enforcement services for the City, in accordance with LASD's duly adopted policy and procedures, and (2) other law enforcement or prosecutorial agencies upon request from those agencies. Once the data is obtained by any law enforcement or prosecutorial agency, it shall become the property of that agency and the City of Carson shall have no responsibility for that data and shall not be required to maintain any copy thereof. Moreover, the usage and privacy policies of that agency will apply.

A summary of the Policy's primary highlights is below: (1) it describes City's purpose for using ALPRs and collecting ALPR data as being to deter criminal activity and to aid law enforcement in its investigation and prosecution of possible crimes, (2) it provides that the ALPR system shall only be accessed by sworn LASD officers in accordance with applicable policy and procedures duly adopted by LASD, (3) it provides that the independent contractor installing and maintaining the ALPR technology shall not access the data without explicit, written permission from the City to help collect evidence in the event of a crime, (4) it states that ALPR footage and data will remain confidential, will not be shared or open to the public for review, and will only be accessed by LASD in accordance with LASD's duly adopted policy and procedures or other law enforcement or prosecutorial agencies upon request from those agencies, and (5) data from the ALPR system will be stored for a period of five (5) years after which time the ALPR data will be permanently deleted.

V. FISCAL IMPACT

The cost proposal as provided by Motorola Solutions, Inc. includes \$1,950.00 per ALPR per year, in addition to set-up and related costs, for a total contract sum of \$815,215.24 for the full five-year term. There is no impact to the Fiscal Year 2023 Budget because the cost can be absorbed through savings. Staff will seek City Council approval of budget allocations in future years for this Program as needed, while focusing on using savings first. A Budget Resolution for this project is included separately from this item as part of the Mid-Year Financial Report for Fiscal Year 2022-2023. Funds for this agreement will be allocated within the Public Safety Division budget account for professional services (101-55-592-101-6004).

VI. EXHIBITS

1. Proposed contract with Motorola Solutions, Inc. (pgs. 6 - 57)
2. Request for Proposals 22-038 (pgs. 58 - 96)
3. Proposal from Motorola Solutions, Inc. (pgs. 97 - 169)

4. Itemized List of Vendors/Scoring Sheet (pg. 170)
5. Resolution 22-253 adopting ALPR Privacy & Usage Policy (pgs. 171 - 176)

Prepared by: City Manager's Office; City Attorney's Office; ISPM Department; and Public Safety Division