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OAKLAND

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Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88711 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO
1) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH
SHOTSPOTTER, INC. FOR GUNSHOT LOCATION DETECTION SERVICE
COVERAGE FOR:

- A. OPD SHOTSPOTTER AREA PHASES I, II AND III, FROM JULY 1, 2021 TO JUNE 30, 2023, FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED ONE THOUSAND ONE HUNDRED EIGHTY-SIX DOLLARS (\$601,186) PER YEAR FOR A TOTAL OF ONE MILLION TWO HUNDRED TWO THOUSAND, THREE HUNDRED SEVENTY-TWO DOLLARS (\$1,202,372), WITH AN OPTIONAL THIRD YEAR, FROM JULY 1, 2023 TO JUNE 30, 2024 FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED ONE THOUSAND ONE HUNDRED EIGHTY-SIX DOLLARS (\$601,186); FOR A TOTAL NOT TO EXCEED ONE MILLION EIGHT HUNDRED AND THREE THOUSAND, FIVE HUNDRED FIFTY EIGHT DOLLARS (\$1,803,558) FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2024; AND
- B. OPD SHOTSPOTTER AREA PHASE IV, FROM JULY 1, 2021 TO JUNE 30, 2023, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-FIVE THOUSAND, THREE HUNDRED DOLLARS (\$195,300) PER YEAR FOR A TOTAL OF THREE HUNDRED NINETY THOUSAND, SIX HUNDRED DOLLARS (\$390,600) WITH AN OPTIONAL THIRD YEAR, FROM JULY 1, 2023 TO JUNE 30, 2024, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-FIVE THOUSAND, THREE HUNDRED DOLLARS (\$195,300); FOR A TOTAL AMOUNT NOT TO EXCEED SEVEN HUNDRED NINETY-SIX THOUSAND FOUR HUNDRED EIGHTY SIX DOLLARS (\$796,486) PER YEAR FOR AN OVERALL TOTAL OF ONE MILLION FIVE HUNDRED NINETY TWO THOUSAND NINE HUNDRED SEVENTY TWO DOLLARS (\$1,592,972) FOR OPD SHOTSPOTTER AREA PHASES I, II, III AND IV FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2023, WITH AN OPTIONAL ADDITIONAL THIRD YEAR OF OPD SHOTSPOTTER COVERAGE FOR AREA PHASES I, II, III AND IV, FOR THE PERIOD OF JULY 1, 2023 THROUGH JUNE 30, 2024, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED NINETY SIX THOUSAND FOUR HUNDRED EIGHTY SIX (\$796,486); AND

2) WAIVE THE COMPETITIVE REQUEST FOR PROPOSAL/ QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL LOCAL BUSINESS (L/SLB) ENTERPRISE PROGRAM PROVISIONS FOR THE CONTRACTS WITH SHOTSPOTTER, INC.

WHEREAS, the ShotSpotter System is composed of outdoor acoustic sensors placed strategically to detect gunshots plus the use of machine classification systems and trained personnel to identify gunshots and then send real-time notifications to law enforcement agencies; and

WHEREAS, on July 18, 2006, the City Council, by Resolution Nos. 80075 C.M.S. respectively, authorized OPD to enter into an agreement with SST, Inc. (ShotSpotter), for the initial ShotSpotter coverage area (Phase I); and

WHEREAS, on October 4, 2011, the City Council, by Resolution No. 83580 C.M.S., authorized OPD to enter into a Professional Services Agreement with SST, Inc., for an annual subscription fee of \$84,000 per year, and the current contract extension for maintenance on the existing ShotSpotter technology system expires on April 18, 2016; and

WHEREAS, on October 2, 2012, the City Council, by Resolution No. 84058 C.M.S., authorized OPD to enter into a Professional Services Agreement with SST, Inc. to expand Shot Spotter system (phase II), for an annual subscription fee of \$264,000 per year, and the current contract extension for Shot Spotter System maintenance expires on April 18, 2016; and

WHEREAS, on November 5, 2014, the City Council, by Resolution No. 85254 C.M.S., authorized OPD to expand ShotSpotter coverage (Phase III) for \$146,600 from October 21, 2014 through April 18, 2016; and

WHEREAS, on April 5, 2016, the City Council adopted Resolution No. 86083 C.M.S., which authorized the City Administrator or designee to: 1) contract with SST Inc. for gunshot detection services from April 19, 2016 to April 18, 2017, for all three OPD ShotSpotter Phases for \$494,600 per year, subject to the availability of funds and approval by the City Council of the funds in OPD's baseline budget proposal, with three optional one year extensions at the same rate, for a total amount not to exceed \$1,978,400; and 2) waive the competitive request for proposal/qualifications (RFP/Q) process, the advertising and bidding requirements, and local and small local business (L/SLB) enterprise program provisions for the agreement with SST, Inc.; and

WHEREAS, the City and SST, Inc. signed a new contract in August 2016 following the adoption of Resolution No 86083 C.M.S. for ShotSpotter service coverage for the period of April 19, 2016 to April 18, 2017; and

WHEREAS, the City and SST, Inc. signed Amendment No. 1 for ShotSpotter service for the period of April 19, 2017 to April 18, 2018 for Phase I and Phase II, and from September 28, 2017 to September 27, 2018 for Phase III; and

WHEREAS, the City and SST, Inc. signed Amendment No. 2 for ShotSpotter service for the period of April 19, 2018 to April 18, 2019 for Phase I; and extending Phase II coverage from April 19, 2018 to June 30, 2018, and shortening Phase III coverage from September 27, 2018 to June 30, 2018; and

WHEREAS, the City and SST, Inc. signed Amendment No. 3 extending ShotSpotter service to Phase II and Phase III coverage from July 1, 2018 to June 30, 2019; and

WHEREAS, the City and SST, Inc. signed Amendment No. 4 extending ShotSpotter service to Phase I coverage from April 19, 2019 to April 18, 2020, and for Phase II and Phase III coverage from July 1, 2019 to June 30, 2020; and

WHEREAS, the City and SST, Inc. signed an Agreement to provide software as a Subscription Service dated December 7, 2020 to continue providing the services for Phases I, II, and III through June 30, 2021; and

WHEREAS, SST, Inc. is now incorporated as ShotSpotter, Inc. (“ShotSpotter”); and

WHEREAS, the Oakland Municipal Code (OMC) 9.64.040: Surveillance Technology “Oversight following City Council approval” requires that for each approved surveillance technology item, city staff must present a written annual surveillance report for Privacy Advisory Commission (PAC); after review by the PAC, city staff shall submit the annual surveillance report to the City Council; the PAC shall recommend to the City Council that: the benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights are safeguarded; that the use of the surveillance technology cease; or propose modifications to the corresponding surveillance use policy that will resolve the concerns; and

WHEREAS The PAC recommended adoption of OPD Department General Order (DGO) I-20: “Gunshot Location Detection System” at their October 3, 2019 meeting; the report was presented to the City Council on November 19, 2019 and adopted by the City Council via Resolution No. 87937 C.M.S.; and

WHEREAS, OPD proposed a resolution for adoption at the at the June 16, 2020 Council meeting which would have approved a new contract with ShotSpotter for one year for all three phases with two optional additional years for contract of three years total; and

WHEREAS, at the June 16, 2020 meeting PAC commissioners recommended that the Council only adopt a one-year contract as the PAC had to date not reviewed an annual report of the surveillance technology required by OMC 9.64; the City Council moved to schedule an amended resolution to the June 23, 2020 Council meeting; and

WHEREAS, the City Council adopted Resolution No. 88172 C.M.S. at the June 23, 2020 City Council meeting, which authorized a one-year contract, and adopted a motion that the PAC and OPD provide feedback to the City Council after reviewing the 2020 ShotSpotter Annual Report; and

WHEREAS, OPD has scheduled the presentation of the OPD ShotSpotter 2020 Annual Report to the May 6, 2021 Privacy Advisory Commission; and

WHEREAS, ShotSpotter, Inc. is the only vendor proven to have time tested technology that has been independently tested and proven by the US Department of Justice; and

WHEREAS, OPD and City staff have determined that ShotSpotter, Inc. is the only contractor which has demonstrated an ability to implement a gunshot detection system capable of providing the gunshot detection system coverage as will be required by the proposed agreement with the City of Oakland; and

WHEREAS, ShotSpotter does not meet the City of Oakland's fifty-percent (50%) minimum participation requirement for professional services contracts of \$100,000 or more associated with the Local/small Business Enterprise (L/SBE) Programs; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.051.B authorizes the City Council to waive the advertising and competitive bidding requirements of OMC Section 2.04.050 after a finding and determination that it is in the best interests of the City to do so; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to 1) enter into a Professional services agreement with ShotSpotter, Inc., for gunshot location detection service coverage for OPD ShotSpotter Area Phases I, II and III, from July 1, 2021 to June 30, 2023, for an amount not to exceed six hundred one thousand one hundred eighty-six dollars (\$601,186) per year for a total of one million two hundred two thousand, three hundred seventy-two dollars (\$1,202,372), with an optional third year, from July 1, 2023 to June 30, 2024 for an amount not to exceed six hundred one thousand one hundred eighty-six dollars (\$601,186) and 2) waive the competitive request for proposal/ qualifications (RFP/Q) process, the advertising and bidding requirements, and local and small local business (L/SLB) enterprise program provisions for the contracts with ShotSpotter, Inc.; and be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to enter into a Professional services agreement with ShotSpotter, Inc., for gunshot location detection service coverage for OPD ShotSpotter Area Phase IV, from July 1, 2021 to June 30, 2023, for an amount not to exceed one hundred ninety-five thousand, three hundred dollars (\$195,300) per year for a total of three hundred ninety thousand, six hundred dollars (\$390,600) with an optional third year, from July 1, 2023 to June 30, 2024, for an amount not to exceed one hundred ninety-five thousand, three hundred dollars (\$195,300) and 3) waive the competitive request for proposal/ qualifications (RFP/Q) process, the advertising and bidding requirements, and local and small local business (L/SLB) enterprise program provisions for the contracts with ShotSpotter, Inc.; and be it; and be it

FURTHER RESOLVED: That funding will be through the General Purpose Fund (1010), Information Technology Unit Org. (106410), Contract Services Account (54919), ShotSpotter and Department Admin Projects (1000752, 1000789 and 1000008), Agency-wide Administration Program (PS01); and be it

FURTHER RESOLVED: that this contract with ShotSpotter, Inc. shall be subject to the availability of funds and approval by the city council of the funds in OPD's Fiscal Year (FY) 2021-23 bi-annual budget and (FY) 2023-24 mid-cycle budget; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code sections 2.04.051.B and for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the City's best interests to waive the advertising and bidding requirements and the RFP/Q process for the products and services to be purchased under this proposed contract and so waives such requirements; and be it

FURTHER RESOLVED: That Council hereby waives the Local and Small Local Business Enterprise Program (L/SLB) Provisions for the proposed contract with SST, Inc.; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed agreement with ShotSpotter, Inc.; and be it

FURTHER RESOLVED: That the City Administrator has determined, through information provided by staff, that any services agreement authorized by this Resolution is of a professional, technical, or scientific and temporary nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve said proposed Professional Services Agreement with ShotSpotter Inc., as to form and legality and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 15 2021


PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, TAYLOR, THAO, REID, AND PRESIDENT FORTUNATO-BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California