

Approved as to Form and Legality



City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO 1) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SHOTSPOTTER, INC. FOR GUNSHOT LOCATION DETECTION SERVICE COVERAGE, SUBJECT TO THE AVAILABILITY OF FUNDS AND APPROVAL BY THE CITY COUNCIL OF THE FUNDS IN THE OAKLAND POLICE DEPARTMENT'S BASELINE BUDGET PROPOSAL, FOR:**

- A. OAKLAND POLICE DEPARTMENT (OPD) SHOTSPOTTER GEOGRAPHIC AREA "PHASE I" FOR APRIL 19, 2020 THROUGH JUNE 30, 2020 FOR NINETEEN THOUSAND, FOUR HUNDRED FORTY-EIGHT DOLLARS (\$19,448);**
- B. OPD SHOTSPOTTER AREAS PHASES I, II, AND III, FROM JULY 1, 2020 TO JUNE 30, 2021, FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED SEVENTY-TWO THOUSAND, FIVE HUNDRED SIXTY-TWO DOLLARS (\$572,562);**
- C. OPD SHOTSPOTTER AREAS PHASES I, II, AND III, FROM JULY 1, 2021 TO JUNE 30, 2022, FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED ONE THOUSAND, ONE HUNDRED NINETY DOLLARS (\$601,190);**
- D. OPD SHOTSPOTTER AREAS PHASES I, II, AND III, FROM JULY 1, 2022 TO JUNE 30, 2023, FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED THIRTY-ONE THOUSAND, TWO HUNDRED FORTY-EIGHT DOLLARS (\$631,248);**

**FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED TWENTY-FOUR THOUSAND, FOUR HUNDRED FORTY-EIGHT DOLLARS (\$1,824,448) FOR OPD SHOTSPOTTER AREA PHASE I FOR APRIL 19, 2020 TO JUNE 30, 2020 AND ALL THREE OPD SHOTSPOTTER PHASES FOR JULY 1, 2020 TO JUNE 30, 2023; 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**, on July 18, 2006, the City Council, by Resolution Nos. 80075 C.M.S. respectively, authorized OPD to enter into an agreement with ShotSpotter, Inc., 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 to shorten Phase III coverage from September 27, 2018 to June 30, 2018; and

**WHEREAS**, the City and SST, Inc. signed Amendment No. 3 for ShotSpotter service to extend 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 for ShotSpotter service to extend 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**, SST, 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 other City staff have determined that SST, 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 enter into a Professional services agreement with ShotSpotter, Inc., for gunshot location detection service coverage, for:

- A. OPD ShotSpotter geographic area "Phase I" for April 19, 2020 through June 30, 2020 for nineteen thousand, four hundred forty-eight dollars (\$19,448);
- B. OPD ShotSpotter areas phases I, II, and III, from July 1, 2020 to June 30, 2021, for an amount not to exceed five hundred seventy-two thousand, five hundred sixty-two dollars (\$572,562);
- C. OPD ShotSpotter areas phase I, II, and III, from July 1, 2021 to June 30, 2022, for an amount not to exceed six hundred one thousand, one hundred ninety dollars (\$601,190);
- D. OPD ShotSpotter areas phase I, II, and III, from July 1, 2022 to June 30, 2023, for an amount not to exceed six hundred thirty-one thousand, two hundred forty-eight dollars (\$631,248);

for a total amount for the contracts contemplated in this Resolution not to exceed One Million Eight Hundred Twenty-Four Thousand, Four Hundred Forty-Eight Dollars (\$1,824,448) for OPD ShotSpotter area Phase I for April 19, 2020 to June 30, 2020 and all three OPD ShotSpotter Phases for July 1, 2020 to June 30, 2023; 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

**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) 2020-21 mid-cycle budget and (FY) 2021-23 bi-annual 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 request for 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, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, TAYLOR, THAO, REID, AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

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