

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY CLERK

2007 JUN 26 PM 3:26  
**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** June 26, 2007

**Re: A Report and Proposed Resolution Authorizing the City Administrator to: 1) Waive the Competitive Bid Process for a Contract to Purchase Automated Citation Software for Seventy-Five Thousand Dollars (\$75,000) for the Police Department; 2) Award a Contract to Berendo Solutions, Inc. in an Amount Not to Exceed Seventy-Five Thousand Dollars (\$75,000) for the Purchase of Automated Citation Software for the Police Department; 3) Waive the Local and Small Local Business Enterprise Program Provisions for Said Software Contract with Berendo Solutions; 4) Enter Into a Contract for Service with a Vendor Yet to Be Selected through the Competitive Bid Process for the Purchase of Hardware to Support the Berendo Solutions, Inc. Software at a Cost Not to Exceed One Hundred and Seventy-Five Thousand Dollars (\$175,000) on Behalf of the Police Department; and 5) Waive the Local and Small Local Business Enterprise Program Provisions for Said Hardware Contract**

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### SUMMARY

A resolution has been prepared authorizing a waiver of the competitive request for proposal/ qualifications process, and waiving the local and small local business enterprise program provisions, and authorizing the City Administrator to enter into a service agreement with Berendo Solutions, Inc. in an amount not to exceed \$75,000 for the purchase of automated citation software on behalf of the Police Department.

The resolution also requests a waiver of the local and small local business enterprise program provisions, and authorizes the City Administrator to enter into a future agreement with a service entity who shall provide hardware to support the Berendo Solutions, Inc. software. The hardware portion of the project will be subject to the City's standardized competitive bidding processes and not exceed \$175,000.

Both the Berendo Solutions, Inc. software agreement, and the hardware service agreement, shall be for a cumulative amount not to exceed \$250,000.

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## FISCAL IMPACT

Approval of the proposed resolution will authorize a Service Agreement with Berendo Solutions, Inc. for the purchase of automated citation software on behalf of the Police Department's Strategic Area Command Division in an amount not to exceed \$75,000. It will also authorize the Police Department to spend up to \$175,000 to purchase computer hardware to support the project. The purchase of the hardware will go through the standard competitive bid process.

Funds are allocated in the General Purpose Fund: 1010; Strategic Area Command Division Org.: 101380; Special Traffic Offender Project (STOP): A128910; Traffic Program: PS14, Minor Computer Software and Hardware Account: 52213, and the State of California Grant Fund: 2999, Strategic Area Command Division Org.: 101310; Patrol Program: PS11, Project Number: G305210, Miscellaneous Contracts Services Account: 54919. Expense allocations are as follows:

Description and Use of Funds	Amount
Special Traffic Offender Program (STOP) (Fund 1010)	151,543
Selective Traffic Enforcement Grant Program (Traffic Citation Writers) (Fund 2999)	98,457
Contract Assessment Fee – City Mandated (STOP Program) (\$250,000 x 3%) (Fund 1010)	7,500
<b>Total</b>	<b>\$257,500</b>

## BACKGROUND

Traffic citations are one of the primary tools used to change driver behavior. Combined with traffic engineering and education, enforcement efforts such as these are seen as effective methods to improve traffic safety. The Police Department is frequently called upon to engage in enforcement efforts in certain areas of Oakland that are plagued by reckless driving, unlicensed vehicle operation, exhibitions of speed, and other serious traffic incidents commonly referred to as the "Sideshow." An automated citation system will facilitate public safety oversight of these traffic safety issues. Furthermore, the proposed technology will allow the rapid recovery of enforcement data for comparison to collision data. Consequently, the software will improve the strategic delivery of police traffic services throughout our communities.

## KEY ISSUES AND IMPACTS

The Police Department has been criticized by the Superior Court for problems with the issuance and handling of traffic citations. The court has encouraged the Department to address these problems and suggested the use of new citation software technology. The problems with the Department's current citation issuance processes that will be eliminated by the use of the proposed technology include the following:

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- Missing Subsections
- Code Sections Cited not Matching the Violation Description
- Illegibility
- Slow Submission of Citations
- Invalid Location Listings

The Department has also had problems achieving compliance with standards as set forth in the Negotiated Settlement Agreement for the reporting, collection, and analysis of data related to the OPD's efforts to prevent racial profiling. The implementation of an automated citation system will increase compliance relative to this matter by increasing the amount of data available for analysis. Finally, the automated citation writer software will eliminate a number of redundant steps involved in the current process, which has been a criticism from Police Officers and a significant contributing factor in the decline in citation activity.

### **Bid Waiver Justification**

#### **Berendo Solutions, Inc.**

Over the last five years, a number of vendors have approached the Police Department in an effort to market their automated citation system software. To date, the OPD has tested and/or viewed software from four vendors:

- Berendo Solutions, Inc.
- Sprint/Nextel
- Advanced Public Safety
- Crossroads Software Inc.

Berendo Solutions, Inc. was the only vendor possessing the requisite qualifications and system capabilities necessary to meet all of the agency's public safety standards.

In years past, the Judicial Council of California was willing to waive some of its standards and requirements for cities using automated citation systems. Issues such as signature capture, citation formatting, and violator information were not standardized. However, as technology has improved and systems have failed, the Judicial Council is now refusing to waive any standards for citations. Essentially, the written citation must look exactly like an automated citation; both for the violator and for the courts. Additionally, a violator's signature must be captured for the court copy of the citation. Of all the vendors assessed, Berendo Solutions, Inc. was the only one demonstrating a capability to meet these citation issuance requirements.

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Overview of Software System Capabilities

The Police Department has a sophisticated Law Records Management System (LRMS) system already in existence. However, the system does not capture any citation data. The Department requires an automated citation system capable of interfacing with the existing LRMS system. Other vendors proposed the use of a separate database for citations. This is unacceptable. Such systems work in smaller law enforcement agencies, but would not afford the level of access the Department requires in an automated citation system.

Berendo Solutions, Inc. software engineers have worked with the City’s Office of Information Technology to ensure that the Berendo G2 eKnowledge Management System will work with the LRMS system, allowing OPD staff to record, track and map our enforcement work for a number of purposes, including:

- Improved deployment models
- Comparison with collision data
- Criminal investigations
- Officer performance evaluations
- Statistical reporting

Use of the Berendo Solutions, Inc. software shall also afford the Police Department the ability to:

- Ensure compliance with citation standards as set forth by the California Judicial Council
- Interface with the Police Department’s LRMS
- Transfer citation data to the California Superior Court system (CASP and SoftFile)
- Capture data related to the Department’s effort to promote cooperative strategies to prevent racial profiling
- Provide a rugged system that can be used by Police Officers assigned to solo motorcycle duty
- Provide a system that can evaluate geographically and be compared to collision data
- Provide a system that can be used to measure Police Officer performance
- Query law enforcement databases for outstanding warrants, registration information, and driver’s license status

The table below summarizes the capabilities of the vendors evaluated:

	Sprint/Nextel	Advance Public Safety	Crossroads	Berendo Solutions
Judicial Council Approval				x
LRMS Interface				x
Superior Court Interface				x

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Racial Profiling within NSA guidelines				x
Provide Enforcement Data	x	x	x	x
Manage productivity		x	x	x
Query databases				x

Lastly, it should also be noted that the \$75,000 purchase price associated with the Berendo Solutions, Inc. software package includes: one year of technical support and upgrades, one year of staff training, and all other implementation service needs.

**Waiver of the Local and Small Local Business Enterprise Program Provisions**

Berendo Solutions, Inc. does not meet the City’s twenty-percent (20%) minimum participation requirement for service contracts of \$50,000 or more associated with the Local and Small Local Business Enterprise Programs provisions. Further, the vendor selected through the forthcoming Request for Proposals process associated with the hardware purchase to complement the Berendo software also may not meet said provisions. To this end, the Department is requesting waivers of the Local and Small Local Business Enterprise Programs provisions for the proposed purchases of citation writer software and hardware in order to implement the new automated citation system as expeditiously as possible.

**SUSTAINABLE OPPORTUNITIES**

**Economic**

Reckless driving, exhibitions of speed, unlicensed operation, DUI, and other traffic problems negatively impact property value and business opportunities. Efforts to address these problems will lead to improvements of these public safety issues

**Environmental**

The toxic fumes produced by vehicles during sideshows and street-racing are a health hazard. Enactment of the proposed agreement and use of the citation writing software will aid in abating these problems and result in an improvement in air quality.

**Social Equity**

The proposed efforts are focused on those who do not obey traffic safety regulations and are more likely to cause or be involved in a traffic accident.

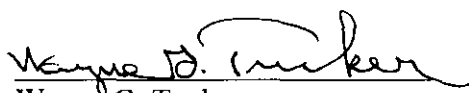
**DISABILITY AND SENIOR CITIZEN ACCESS**

There are no ADA or senior citizen access issues contained in this report.

**RECOMMENDATION**


The Oakland Police Department recommends that the City Council authorize a waiver of the competitive request for proposal/qualifications process and authorize and a waiver of the local and small local business enterprise program provisions, and authorize the City Administrator to enter into a service agreement with Berendo Solutions, Inc. in an amount not to exceed \$75,000 for the purchase of automated citation software. The Department also recommends that the City Council authorize a waiver of the local and small local business enterprise program provisions, and authorize the City Administrator to enter into an agreement for service for the purchase of hardware to support the Berendo software for a cost not to exceed \$175,000, for a total project cost not to exceed \$250,000.

Respectfully submitted,

  
Wayne G. Tucker  
Chief of Police

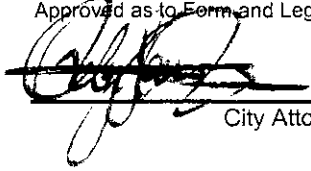
Prepared by: David Kozicki  
Captain of Police  
Strategic Area Command  
And  
Candice Jessie  
Budget and Grants Administrator  
Bureau of Administration

APPROVED AND FORWARDED TO THE  
PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

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# OAKLAND CITY COUNCIL

  
City Attorney

OFFICE OF THE CLERK

RESOLUTION No. \_\_\_\_\_ C.M.S.

2007 JUN 14 10 05 26

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) WAIVE THE COMPETITIVE BID PROCESS FOR A CONTRACT TO PURCHASE AUTOMATED CITATION SOFTWARE FOR SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) FOR THE POLICE DEPARTMENT; 2) AWARD A CONTRACT TO BERENDO SOLUTIONS, INC. IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) FOR THE PURCHASE OF AUTOMATED CITATION SOFTWARE FOR THE POLICE DEPARTMENT; 3) WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM PROVISIONS FOR SAID SOFTWARE CONTRACT WITH BERENDO SOLUTIONS; 4) ENTER INTO A CONTRACT FOR SERVICE WITH A VENDOR YET TO BE SELECTED THROUGH THE COMPETITIVE BID PROCESS FOR THE PURCHASE OF HARDWARE TO SUPPORT THE BERENDO SOLUTIONS, INC. SOFTWARE AT A COST NOT TO EXCEED ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$175,000) ON BEHALF OF THE POLICE DEPARTMENT; AND 5) WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM PROVISIONS FOR SAID HARDWARE CONTRACT**

**WHEREAS**, the Police Department routinely conducts traffic enforcement operations, including the issuance of traffic-related citations, which are designed to offset incidents of reckless driving and exhibitions of speed perpetrated by unlicensed and impaired drivers that plague the City of Oakland and the greater San Francisco Bay Area; and

**WHEREAS**, the use of the proposed citation software is an example of one of the innovative strategies proposed by the Police Department which are designed to reduce the number of persons killed and injured in traffic collisions and other incidents of reckless driving; and

**WHEREAS**, the Police Department requests a waiver of the competitive bid process because of several vendors assessed, Berendo Solutions, Inc. is the only vendor that has demonstrated that it meets the citation format requirements of the Judicial Council for processing of City of Oakland citations; and

**WHEREAS**, the City Council finds that the services provided pursuant to said agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, Berendo Solutions, Inc. does not meet the City of Oakland's twenty-percent (20%) minimum participation requirement for contracts of \$50,000 or more associated with the Local and Small Local Business Enterprise Programs; and

**WHEREAS**, the three percent (3%) City-mandated contract assessment fee associated with the proposed agreements for service for citation writer software and hardware totals \$7,500; and

**WHEREAS**, the major hardware expense associated with this project will be subject to the City of Oakland's standardized competitive bid process, and

**WHEREAS**, the vendor selected through the competitive bid process to provide hardware to support the Berendo Solutions, Inc. software may also not meet the City of Oakland's twenty-percent (20%) minimum participation requirement for contracts of \$50,000 or more associated with the Local and Small Local Business Enterprise Programs; and

**WHEREAS**, the City Council finds that said agreements shall not result in a loss of employment or salary by any person having permanent status in the competitive service, and

**WHEREAS**, these funds will be used to support the Police Department's efforts to enhance the services of the Department's Strategic Area Command Division; now, therefore be it

**RESOLVED:** That pursuant to Oakland Municipal Code section 2.04.050.I.5, the City Council hereby finds and determines that it is in the best interests of the City to waive the competitive bid process on the basis of the findings set forth in the Police Department's report accompanying this resolution with regard to Berendo Solutions, Inc.; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the Police Department to enter into a contract with Berendo Solutions, Inc. for the purchase of automated citation software in an amount not-to-exceed seventy-five thousand dollars (\$75,000); and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes a waiver of the Local and Small Local Business Enterprise Program Provisions in relationship to the contract with Berendo Solutions, Inc.; and be it

**FURTHER RESOLVED:** That the Police Department will enter into a competitive bid process to purchase hardware to support the project software associated with this project in an amount not to exceed one hundred and seventy-five thousand dollars (\$175,000) for a total project cost not to exceed two hundred and fifty thousand dollars (\$250,000); and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes a waiver of the Local and Small Local Business Enterprise Program Provisions, if needed, relative to the vendor selected to provide hardware to support the Berendo Solutions, Inc. software; and be it

**FURTHER RESOLVED:** That funds for said service agreements are currently allocated in the General Purpose Fund: 1010; Strategic Area Command Division Org.: 101380; Special Traffic Offender Project (STOP): A128910, Traffic Program: PS14, Minor Computer Software and Hardware Account: 52213, and the State of California Grant Fund: 2999; Strategic Area Command Division Org.: 101310; Patrol Program Code: PS11; Project Number: G305210, Miscellaneous Contracts Service Account: 54919; and be it



**FURTHER RESOLVED**, that the three-percent (3%) City-mandated contract assessment fee associated with said agreements for service shall be expensed the Police Department's General Purpose Fund: 1010; Strategic Area Command Division Org.: 101380; Special Traffic Offender Project (STOP): A128910; Traffic Program: PS14; and

**FURTHER RESOLVED:** That the City Administrator, or her designee, is further authorized to execute all agreements and other documents necessary in connection with said agreements for software and hardware and complete any negotiations, certifications and documentation required to accept, modify, extend, or amend the agreements provided no additional funds beyond the City Administrator's signing authority, and beyond those referenced herein, will be allocated without prior City Council approval; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve said agreement with Berendo Solutions, Inc. and the agreement developed relative to the future hardware service provider as to form and legality and a copy of said agreements shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California