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Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88172 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: 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); AND 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); FOR A TOTAL AMOUNT NOT TO EXCEED FIVE HUNDRED NINETY TWO THOUSAND, TEN DOLLARS (\$592,010) 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, 2021; 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 No. 80075 C.M.S., 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 ShotSpotter, Inc., which expired 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 ShotSpotter, Inc. to expand

Shot Spotter system (phase II), and for Shot Spotter System maintenance which expired 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 to contract with ShotSpotter, Inc. for gunshot detection services from April 19, 2016 to April 18, 2017; and

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

WHEREAS, the City and ShotSpotter, 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 ShotSpotter, 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 1) enter into a Professional services agreement with ShotSpotter, Inc., for gunshot location detection service coverage, for OPD ShotSpotter geographic area Phase I for April 19, 2020 through June 30, 2020 for nineteen thousand, four hundred forty-eight dollars (\$19,448); 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); for a total amount for the contracts contemplated in this Resolution not to exceed five hundred ninety two thousand, ten dollars (\$592,010), 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, 2021; 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 OPD shall return to the Privacy Advisory Committee pursuant to the City's Acquisition and Use of Surveillance Technology Ordinance; 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 ShotSpotter, 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 23 2021

PASSED BY THE FOLLOWING VOTE:

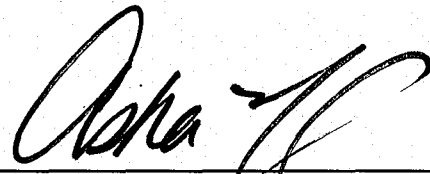
AYES - ~~Fortunato-Bas~~, ~~Thao~~, FORTUNATO-BAS, GIBSON MCELHANEY, KALB, TAYLOR, AND PRESIDENT KAPLAN -6

NOES - Gallo, Reid - 2

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

Acting City Clerk and Acting Clerk of
the Council of the City of Oakland,
California