



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Scott P. Johnson

SUBJECT: SEE BELOW

DATE: September 7, 2010

Approved

Date 9/10/10

SUBJECT: SECOND AMENDMENT TO THE AGREEMENT FOR MOBILE IDENTIFICATION INTERFACE SERVICES WITH MOBIZENT, LLC

RECOMMENDATION

Adoption of a resolution authorizing the Director of Finance to:

1. Execute the Second Amendment to the existing Mobile Identification Interface Services Agreement ("Agreement") with Mobizent LLC (Edison, NJ) to expand the scope of remote real-time finger print identification services to Santa Clara County public safety agencies, including software licenses and three years of maintenance and support, and increase the total compensation by \$480,677 to a revised not to exceed annual amount of \$1,091,544; and
2. Execute change orders not-to-exceed contingency amount of \$164,123 to add or delete equipment or services as may be required for the Santa Clara County Mobile ID expansion project, subject to appropriation of funds; and
3. Execute options to renew software maintenance and support for the Santa Clara County Mobile ID Expansion project after the initial three year term, subject to the annual appropriation of funds; and
4. Execute purchase orders for the purchase of additional handheld devices and accessories as required for the San José Police Department ("SJPD") and other public agencies participating in the Santa Clara County Mobile ID Expansion project, subject to the annual appropriation of funds.

OUTCOME

To enable public safety officers in the field, countywide, to conduct efficient and real time fingerprint identification; provide additional mobile identification functionality including using fingerprints to return mugshots; and searching fingerprints beyond the local Automated Fingerprint

Identification System (AFIS)¹ to include the California Law Enforcement Telecommunications System (CLETS) and the State AFIS for a greater level of identification.

BACKGROUND

On August 29, 2006, the City Council authorized the execution of an agreement with 3i Infotech (now Mobizent) for the purchase of an Electronic Citation System (eCite) to provide electronic citation capability to police officers in the field and automating the entire citation process to improve efficiencies for citation writing, reporting, processing, storage, retrieval and transmittal to the court system. This system has been in use in the field by the San José Police Department since July 30, 2007.

The eCite system consists of handheld citation devices, printers, barcode readers, fingerprint capture devices, and magnetic strip readers used in the field by police officers. The eCite system provided much of the hardware required to add a mobile fingerprint identification feature. The fingerprint capture functionality included in the eCite system stores the fingerprint image on the eCite server for later use if the identity of a person issued a citation is questioned in Court.

The progression of this technology includes the transmission of fingerprint images in real-time across a secure broadband network, and having the fingerprint checked against the local AFIS database when the identity of an individual is in question. In October 2008, following a competitive procurement process, the City Council approved an agreement with Mobizent for the purchase of Mobile Identification Interface Services to build upon the existing eCite system by sending fingerprints to the SJPD to be checked against the local AFIS. This real-time field identification functionality has been in use since May 2009 which has provided the SJPD with the following benefits:

- Reduction of false arrests related to wrong identification;
- Increased efficiency in identifying subjects in the field rather than having to transport them to the police station;
- Officer safety enhancements as officers can readily and quickly identify a potentially dangerous subject;
- Enhanced public safety as subjects are correctly identified and taken into custody when appropriate.

In October 2009, the Mobile Identification project was expanded to match a fingerprint with a mugshot (Phase 2) for visual identification of the individual being questioned.

The proposed second amendment has been requested by the Santa Clara County Cal-ID RAN Board on behalf of local Cal-ID public safety agencies and funded by SB 720² funds. The Board has

¹ The local AFIS contains over one million fingerprint records from bookings throughout Santa Clara County.

² Senate Bill (SB) 720 provides funds for fingerprint identification services based on fees received from State motor vehicle licenses. The SB 720 funds are restricted by law for use to enhance the capacity of local law enforcement to



September 7, 2010

Subject: Second Amendment to Agreement for Mobile Identification Interface Services

Page 3

approved a five year technology plan that includes expanding the San José Mobile ID program to all countywide Cal-ID participants. On June 29, 2010 (Item 3.3), the City Council approved the transfer and appropriation of County SB 720 funds to the City of San José ("City") for the countywide expansion of the Mobile Identification project. SB 720 funds in the amount of \$644,800 have been transferred to the City and will be used to pay for the proposed second amendment.

ANALYSIS

AFIS was acquired over twenty years ago through a Joint Powers Agreement entitled "Agreement to Provide Local Law Enforcement Agency Access to the California Identification System" referred to as the Cal-ID Program³. As a result, the local Cal-ID Remote Access Network (RAN) Board⁴ was established to represent the various jurisdictions within Santa Clara County. The Cal-ID RAN Policy Board shares fiscal responsibility for all overhead, maintenance, operating costs and future upgrades to the AFIS and Cal-ID System under an existing Memorandum of Understanding (MOU) between the County, City of San José and other Incorporated Cities. This MOU sets forth the respective obligations to the operation and maintenance of the Cal-ID Program. All costs are allocated based on a percentage share of the three-year average use by each agency. The San José Police Department administers the Cal-ID Program through the Police Department's Central Identification Unit. AFIS is used by 40 county, State, and city law enforcement agencies.

Key benefits of countywide implementation are summarized below:

1. Provides the police/sheriff officers of participating agencies in the field with the ability to identify persons contacted on the street in real-time utilizing a digital thumb print.
2. Provides officers in the field with photo identification.
3. Provide mobile identification of suspects that cross City limits within Santa Clara County.
4. Supports the future need to conduct field bookings.

The proposed second amendment will include a separate scope of work for the countywide deployment including all professional services, required components, software, hardware and installation, a detailed statement of work defining all deliverables and a compensation schedule with payments contingent upon successful completion of key project milestones, and maintenance and support of the expansion for three years. As part of the amendment, eighty-five (85) hand-held devices will be purchased from Mobizent and distributed to the participating agencies in accordance with their respective percentage average usage of the Cal-ID program during the previous three years. The equipment will be owned by each participating agency under the Cal-ID Program and

provide automated mobile and fixed location fingerprint and photographic identification. The Cal-ID RAN Board has oversight responsibilities of these funds.

³ The CAL-ID Program Agreement was executed by all cities within the County of Santa Clara, including the County and its unincorporated cities.

⁴ The CAL-ID RAN Board consists of the District Attorney, Sheriff, a member from the County Board of Supervisors, Chief of the largest law enforcement agency within the County (San José), a representative of the County Chiefs, a representative of the Mayors within the County, and a member at large (currently the City Manager of Los Altos Hills).

each participating agency is responsible for their own inventory control, assumes all risks associated with losses, damages, and repair and replacement of the devices beyond what is covered by the maintenance provision of the proposed second amendment. The existing MOU is in the process of being amended to formalize the understanding of the respective parties as to how the County-wide Mobile ID project will operate, and the City will not distribute the devices until the amended MOU is executed by all parties and device allocations are defined. The City will continue to be responsible for initial customer support and software and hardware oversight under the Agreement for the County-wide Mobile ID project as long as the Cal-ID Program continues to pay for maintenance and support of the program.

This purchase is consistent with San Jose Municipal Code Section 4.12.240.B2, "required for proper operation or function to match other products with respect to the repair or expansion or completion of a system or program already in use by the City, including, but not limited to, technology purchases required to achieve interoperability with existing hardware, software, systems or programs."

Pricing for this system expansion is equal to or lower than the original competitive award pricing where Mobizent submitted the lowest price. In addition, staff has negotiated a cooperative clause that allows other public agencies to take advantage of pricing, and terms and conditions of the City's Agreement. Mobizent has agreed to reimburse San Jose 1% of the aggregate contract value of all participating agencies that utilize the City's Agreement.

Recommendation: Staff recommends amending the current Agreement with Mobizent to expand the Mobile Identification project to county agencies as it will enable public safety agencies throughout the county to identify suspects in the field on a real-time basis.

EVALUATION AND FOLLOW-UP

The original Agreement as previously approved by Council includes optional Phases 3 and 4 for SJPDP, subject to appropriation of funds. There are no plans to initiate those phases countywide at this time. However, the County may desire to pursue these phases in the future depending on the outcome of SJPDP's efforts. In the event the County wishes to pursue Phases 3 and 4, Staff will return to Council for approval.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**



Criterion 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

While this item does not meet any of the criteria above, this memorandum will be posted on the City's website for the September 28, 2010 Council Agenda.

COORDINATION

This memorandum has been coordinated with the Police Department, Information Technology Department, the City Manager's Budget Office, the City Attorney's Office, the Cal ID RAN Board and the Santa Clara County Information Services Department (ISD).

FISCAL/POLICY ALIGNMENT

This action is consistent with the following General Budget Principles "We must focus on protecting our vital core City services for both the short- and long-term" and "We must continue to streamline, innovate, and simplify our operations so that we can deliver services at a higher quality level, with better flexibility, at a lower cost" and the Strategic Initiative "Make San José a Tech-Savvy City; lead the way in using technology to improve daily life."

COST SUMMARY/IMPLICATIONS

	<u>City of San Jose</u>	<u>CAL-ID</u>
	<u>Paid</u>	<u>Future</u>
		<u>County</u>
1. AMOUNT OF RECOMMENDATION: (Amendment #2)*		\$480,677
Contingency		\$164,123
2. COST ELEMENTS OF CONTRACT:		
- Original Agreement (Remote Fingerprint Identification)	\$360,867	
- Phase 2: Search Mugshot database	\$250,000	
- First Amendment (revise escrow agreement)	\$0	
FUTURE PHASES**		
- Phase 3: Search verified identify through CLETS		\$109,100
- Phase 4: Submit all Phase 1 "no hits" to State AFIS		\$241,110
TOTALS	\$610,867	\$350,210
3. SOURCE OF FUNDING: State of California SB 720 funds		\$644,800



September 7, 2010

Subject: Second Amendment to Agreement for Mobile Identification Interface Services

Page 6

4. FISCAL IMPACT: Funds were provided by the State of California to Santa Clara County, who in turn has provided funding to the City for this second amendment. \$480,677

The remaining amount will be used as a contingency for the purchase of other items needed for the implementation of Mobile Identification. \$164,123

* The Amendment #2 amount of \$480,677 includes \$88,970 for three years of maintenance and support. After the initial three years, the County will continue to provide CAL-ID funds for continued maintenance and support unless the RAN Board requires the agencies to absorb their own on-going maintenance costs.

**The implementation of future phases will be based on negotiations with the County for shared costs and/or other grant funding with minimal impact to the General Fund.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the agreement recommended as part of this memorandum.

Fund #	Appn #	Appn. Name	Total Appn	Amt. of Agreement	2010-2011 Adopted Operating Budget (Page)*	Last Budget Action (Date, Ord. No.)
001	3691	Mobile ID Implementation	\$644,800	\$480,677	N/A	6/29/2010 Ord. No. 28765
Amount of Recommendation Costs				\$480,677		
Contingency Costs				\$164,123		

* The 2010-2011 Proposed Operating Budget was adopted by the City Council on June 29, 2010.

CEQA

Not a Project, File No. PP10-066(a) Agreements and Contracts.

/s/

SCOTT P. JOHNSON
Director, Finance

For questions please contact Mark Giovannetti, Purchasing Officer, at (408) 535-7052.

