

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: JOHN CREGAN, POLICE CHIEF  
POLICE DEPARTMENT  
SUBJECT: WAIVER OF COMPETITIVE BID AND APPROVAL OF  
NONSTANDARD MASTER SERVICES AGREEMENT WITH  
FLOCK GROUP INC.

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Police Department that the Council, by resolution: 1) waive competitive bidding pursuant to Section 3.08.100(D) of the Santa Rosa City Code; and 2) approve and authorize the City Manager or designee to execute a non-standard Master Services Agreement and all documents necessary to effect the purchase for Automatic License Plate Recognition (ALPR) technology from Flock Group Inc., Atlanta, Georgia in an amount not to exceed \$421,650.00 for an initial three-year term for software and hardware with an optional two year renewal.

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EXECUTIVE SUMMARY

The approval of this resolution will allow the Police Department to lease Automatic License Plate Recognition (ALPR) technology from Flock Group Inc. ALPRs will be leased and installed at strategic intersections to help prevent and combat organized retail theft.

BACKGROUND

The Santa Rosa Police Department is constantly looking for new opportunities and cutting-edge technology to support our public safety measures. On September 14, 2023, the Board of State and Community Corrections (BSCC), awarded a grant for Organized Retail Theft (ORT) Prevention Program to the Santa Rosa Police Department for the purpose of preventing and combatting ORT. The funding will allow the Department to lease ALPR technology to prevent and investigate ORT. The ALPR data platform will allow for the integration of ALPR data with existing camera systems, providing comprehensive coverage of the target area. The Flock safety lease will install 34 ALPR products. The Santa Rosa Police Department has a dedicated ALPR policy

which restricts access to the ALPR data and limits sharing of the data. (SRPD Policy #426).

On September 12, 2023, the Sonoma County Auto Theft Task Force (SONCATT), a consortium involving the Sonoma County Sheriff's Office, the District Attorney's Office, the California Highway Patrol, the Santa Rosa Police Department, and the Sonoma County Law Enforcement Chief's Association, entered into an agreement with Flock Group Inc. to acquire ALPR technology. To facilitate this purchase, the Sonoma County Purchasing Department granted a waiver for a sole source procurement. As a result of this procurement, the Santa Rosa Police Department sought approval from the Board and State Community Corrections to justify a sole source arrangement with Flock Group Inc. for ALPR technology and was granted approval on November 8, 2023. This decision is rooted in the necessity of maintaining consistency by utilizing the same ALPR technology vendor to ensure seamless integration, standardized protocols, and optimal collaboration among the consortium members. Additionally, unique to Flock Safety is its seamless compatibility with the departments existing mobile ALPR system, "Fleet 3," enabling a unified intelligence network. With an established presence in Sonoma County and the larger Bay Area, Flock Safety facilitates real-time alerts and rapid inter-agency coordination, offering an unparalleled, integrated surveillance solution.

#### PRIOR CITY COUNCIL REVIEW

Not applicable.

#### ANALYSIS

The incorporation of fixed Automatic License Plate Recognition (ALPR) cameras presents the city with a highly cost-effective force amplification tool. This technology significantly aids law enforcement by efficiently guiding officers to areas experiencing criminal activities, while also furnishing crucial investigative leads subsequent to an incident. Widely adopted by numerous local police agencies, fixed ALPR technology has proven instrumental in resolving crimes and tracing stolen vehicles involved in various criminal activities.

Section 3-08.100(D) of the City Code provides that purchases of supplies, material, equipment, and services may be made without recourse to competitive bidding requirements where the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, or other valid reasons for waiving competition appears.

Under Section 3-08.100(D), the approval of the waiver of competitive bidding must be approved at the same level of authority as set forth in Section 3-08.110 of the City Code. Council is the award authority for a purchase with a not-to-exceed amount over \$100,000 and must approve the waiver of competitive bidding.

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Waiver of competitive bidding is in the best interests of the City and there are valid reasons for a waiver for the recommended contract with Flock Group Inc. This decision is rooted in the necessity of maintaining consistency by utilizing the same ALPR technology vendor as the county of Sonoma is using to ensure seamless integration, standardized protocols, and optimal collaboration among the Public Safety Consortium members. Additionally, unique to Flock Safety is its seamless compatibility with the departments existing mobile ALPR system, "Fleet 3," enabling a unified intelligence network, this contract meets the requirements for waiver of competitive bidding.

The Master Agreement that the Flock Group requires the City to execute includes unfavorable provisions and lacks many of the standard terms, conditions and protections the City typically insists upon in the City's standard contracts to best protect the City's interests. Among other issues, the Master Agreement limits the vendor's liability to the amounts paid in the prior 12 months under the agreement, the City is not indemnified by the vendor, the vendor provides minimal warranties of performance, and the City's has limited ability to terminate the agreement during the term. City staff are familiar with similar terms in other City agreements, including those for software, and therefore believe that the benefits associated with the Master Agreement outweigh the legal risks.

#### FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

Funds for this purchase were awarded by the BSCC grant program and will be coming from project JL Key 95956.

#### ENVIRONMENTAL IMPACT

This action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action would have significant effects on the environment, and no further environmental review is required.

#### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

#### NOTIFICATION

Not applicable.

#### ATTACHMENTS

- Resolution / Exhibit A – Master Services Agreement and quote for lease of Flock Safety ALPRs

PRESENTER

- John Cregan, Police Chief