

Request for Committee Action

To: Public Safety, Civil Rights & Emergency Management
Date: 2/17/2016
Referral: Ways & Means
From: Information Technology
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Presented by: Otto Doll, Chief Information Officer
File type: Action
Subcategory: Contracts & Agreements

Subject:

Contract with Taser International

Description:

Execute a five-year contract with Taser International for purchase of body worn camera equipment and provide a video storage solution for an amount not to exceed \$4,000,000.

Previous Actions:

August 3, 2015 – Committee recommends authorizing a six-month contract extension with Taser International, Contract C-38695, to provide equipment, service, and video storage for test and evaluation of officer worn body cameras through March 31, 2016, in an amount not-to-exceed \$85,000.

September 19, 2014 – Committee recommends that the proper City officers be authorized to execute the following one-year contracts to provide equipment, service and video storage for test and evaluation of officer worn body cameras through September 30, 2015:

- a) Taser International, for an amount not-to-exceed \$85,000
- b) VIEVU, for a not-to-exceed amount of \$85,000

Ward/Neighborhood/Address:

Not Applicable

Background/Analysis:

The City currently has a contract with Taser International, C-38695, to provide a test and evaluation of officer worn body cameras and a digital video storage solution for the Minneapolis Police Department (MPD). The current contract expires March 30, 2016 and has a total contract value of \$85,000.

The City released a Request for Proposal (RFP) in April 2014 for the test, evaluation, and storage solution. Taser International was one of the vendors chosen for the pilot program to provide the services.

After conducting significant internal and external research into customer needs and the body cameras and digital video storage solution, Information Technology (IT) and the MPD are requesting a contract with Taser International.

Information Technology requests approval of City officials to:

- a) Execute a five-year contract with Taser, for an amount not to exceed \$4,000,000, for the purchase of body cameras and a digital video storage solution through March 14, 2021. Contract will allow purchase of 587 cameras, docking stations, storage, additional data access for investigations, replacement program for 300 conducted electrical weapons, and other support equipment such as clips and brackets.
- b) Customize the liability terms and conditions of the contract. The City's IT Department has reviewed the request with the City Attorney's Office to customize the terms and conditions in the contract as follows:

Taser International, Inc. (Taser) has proposed that both its and the City's liability, with two exceptions, be capped at the dollar amount paid by the City during each twelve month period measured prior to the date of the event or incident that triggered the claim. Generally, the dollar limitation will be approximately \$5,000,000 annually.

Taser's dollar cap on its liability has become a typical request by software suppliers. The software licensor's rationale is that it licenses its product to numerous users or licensees such as the City. If the software licensor had to include a minimum tort liability dollar amount that the City normally requires (1.5 million per occurrence or claim) into its cost structure, it would have to charge a license fee far in excess of the fee to be charged to the City.

It should be noted that Taser's liability cap does not apply to any claims or lawsuits filed against the City arguing that the City's use of the software licensed from Taser infringes upon any copyright, patent or trademark held by a third party such as another software supplier.

Similarly, the City's liability is unlimited should any of its data be found to infringe upon the intellectual property rights or privacy rights of a third party. The data and information that will be entered by the City in its use of the Taser evidence.com software application is data related to crime incident data and could violate privacy rights. Taser points out that the City controls all of the data and information that it uploads and stores on the Taser system. Furthermore, the data and information storage requirements may be subject to statutory changes in the foreseeable future.

Financial Review:

No additional appropriation required, amount included in current budget.