



City of Austin

Purchasing Office, Financial Services Department

P.O. Box 1088, Austin, TX 78767

June 8, 2016

Delivered by Email: rsm@utility.com
and U. S. Postal Service

Utility Associates, Inc.
Robert S. McKeeman, Chief Executive Officer
250 East Ponce de Leon Avenue
Decatur, GA 30030

Subject: Protest Decision – RFP EAD0124 – Body Worn Cameras for Austin Police Department

Dear Mr. McKeeman:

The City of Austin Purchasing Office has reviewed your protest dated May 27, 2016. Based on the reasons set forth below, the City finds the Protest contains no factual grounds to substantiate the claims raised. The grounds for your protest are insufficient to proceed and your protest is denied.

Background

- On December 7, 2015 the City of Austin's Purchasing Office (Purchasing) published solicitation RFP EAD0124, for Body Worn Cameras for the Austin Police Department.
- On January 15, 2016, Purchasing received and opened proposals in response to the solicitation, one of which was from Utility Associates, Inc.
- On March 8, 2016 Purchasing notified all offerors that Taser International (Taser) was the apparent successful offeror and that Taser's proposed solution would be subject to testing to confirm compliance with the Solicitation's requirements.
- On April 11, 2016 Purchasing notified offerors that Taser was the apparent successful offeror and that Taser's proposed solution would be subject to testing to confirm compliance with the Solicitation's requirements.
- On May 13, 2016 the agenda for the May 19, 2016 City Council meeting was released. Included in this agenda was item no. 30 to authorize a contract with Taser for the purchase of body cameras and associated products and services, and item no. 31 to authorize the purchase of mobile phone services from AT&T available through the State of Texas's Department of Information Resources.
- On May 19, 2016 City Council meeting, Purchasing and Austin Police Department representatives responded to questions on items no. 30 and 31 from the Mayor and various council members. To allow more time to respond to questions from the Council Members, items no. 30 and 31 were continued to the June 9, 2016 City Council meeting.
- On May 22, 2016, Utility Associates, Inc. (Utility) submitted a notice of their intent to protest, based on information included in a May 19, 2016 press report.

- On May 27, 2016 Purchasing received a timely protest from Utility.

The following is a listing of each claim set forth in the protest, along with a corresponding response from the City.

Utility Associates, Inc. Claim – 1

Utility claimed, “A recent news story reports the Taser bid amount for this RFP was \$12.2 million. Now it is revealed that an additional \$5M contract for iPhones to be paired with Taser body-worn cameras has been proposed -after the RFP EAD0124 contract award was announced. Which means the new combined total bid for Taser's body-worn cameras plus iPhones is \$17.2 million.”

City's Response – 1

Item no. 30 to authorize a contract with Taser for the purchase of body-worn cameras for an amount not to exceed \$12,201,226. Item no. 31 was to authorize a contract with AT&T for mobile phone services for an amount not to exceed \$5,029,200. While these items are related to the extent that the body cameras are compatible with the mobile phones, the specific mobile phones under item no. 31 are unrelated to Taser's proposal. Solicitation RFP EAD0124 did not include a requirement for mobile phones or services. The purchase from AT&T is a separate contract which could be used to enhance the functionality of the body cameras, along with multiple other applications which will be used by Austin Police Department. The contract with AT&T is not necessary to meet the requirements laid out in the solicitation.

Utility Associates, Inc. Claim – 2

Utility claimed, “We are not aware of any public information about how Austin evaluated mandatory Technical Requirement 1.8. However, we challenge any analysis that judges simplistic full screen smearing as equivalent to our Smart Redaction. Manual video redaction annual cost could well exceed the cost of the body-worn camera system. The quality, cost, and production time of redacting video will be critical for protecting Austin Citizen and Police Officer Privacy, while also providing Police Accountability and Transparency.”

City's Response – 2

Offerors were evaluated and scored based on how they responded to each of the 72 mandatory and desired requirements. Requirement 1.8 stated:

“1.8 System shall be capable of redacting video for external viewing or public release. Please describe how your system would accomplish this capability and include any required third-party software.”

The response from Taser was determined to have met this requirement. During the pilot, Taser's equipment and solution were further tested for compliance with this requirement and it was determined to be satisfactory as well.

Utility Associates, Inc. Claim – 3

Utility claimed, “As a general comment not addressed by RFP EAD0124 Technical Requirements, any solution that depends upon two devices - for example pairing an iPhone with a body-worn camera - will inherently be less reliable than a single device. Two devices have to be configured, tracked, successfully paired via a Blue Tooth connection, and two batteries have to be kept charged. This of course means the Police Officer has two devices to keep up with, to start up, and to verify periodically are still working and paired together via Blue Tooth, in addition to the other 10-25 pounds of gear and accessories they are already carrying and tasks they are performing. Important functionality is lost when one device's battery is dead, or the Blue Tooth connection between devices fails for any reason. It is common sense that one device that provides all functionality is going to be more reliable than two devices. Two devices are inherently going to be more distracting, which is a Police Officer safety issue. This issue of keeping up with two devices could not have been evaluated by the RFP EAD0124 bid evaluation team, because apparently two devices were not proposed by Taser International in the scope of their bid. If the Taser bid had included a supplemental iPhone in the scope and cost of their bid, there would be no need for Austin PD to now propose an additional \$5M iPhone contract to the Austin City Council. It may be that Austin PD always intended to propose a supplemental \$5M contract for iPhones to the Austin City Council only after the EAD0124 contract was awarded to Taser International. If that was the plan all along, then the EAD0124 RFP was flawed and misleading, and inherently deceitful to other vendors such as Utility who responded on a good faith basis to RFP EAD0124 as it was published.”

City’s Response – 3

As mentioned earlier, Taser’s proposal did not include mobile phones and was determined to be fully compliant with the Solicitation’s mandatory requirements. When conducting the pilot, Austin Police Department officers who were field-testing the body-worn cameras discovered the enhanced features of the mobile phones. Recognizing the additional value of streamlining the process, Austin Police Department made the strategic decision to contract for cell phones. This decision was based on many factors, including the enhancements to the body worn cameras and the use of other applications including Google Translate or iTranslate, Google Maps, Email, Calendars, Text Messaging, Digital Camera, OmniLink (monitor GPS ankle monitors for high risk offenders), Mobile PD (Austin Police Department Mobile App), and Inform CAD (Mobile Access to CAD).

Utility Associates, Inc. Claim – 4

Utility claimed, “Since Austin PD is now requesting a supplemental \$5M purchase of iPhones to be paired with Taser Camera Devices to view video, provide GPS metadata to the Taser Camera device, and to provide other functionality provided by the iPhone when paired with the Taser Camera device, then clearly the Taser proposed solution as described in their response to RFP EAD01 24 does not include everything needed to operate the video system. The iPhone is peripheral hardware that will be used as the mobile viewing device, will provide GPS and other metadata, and provide other solution functionality, but is being provided outside the scope of the Taser EAD01 24 contract award via a separate \$5M contract. Therefore, the Taser body-worn camera proposal fails Mandatory Technical Requirement 1 1.”

City’s Response – 4

Solicitation RFP EAD0124 did not include a requirement for a mobile phones or service. The proposal response from Taser was evaluated based on the specific requirements included in the solicitation. The evaluation committee for this Solicitation found Taser’s proposal complied with all mandatory requirements and rated it highest overall. Taser’s proposal, as-is and without the use of mobile phones,

was fully compliant during the evaluation period and determined to be the best overall proposal received.

Utility Associates, Inc. Claim – 5

Utility claimed, “A solution that requires both a body-worn camera and an iPhone will not be able to manage all hardware and software components through a single management console. There are various ways to manage iPhones, but we challenge any claim that both Taser body-worn cameras and iPhone hardware and software components can be managed through a single management console. Therefore the Taser body-worn camera and iPhone combined solution fails Mandatory Technical Requirement 1.9.”

City’s Response – 5

Taser’s proposal did not require the use of mobile phones. See City’s Response – 4.

Utility Associates, Inc. Claim – 6

Utility claimed, “Our understanding is the Taser device is only associated with a User when connected through a management console to a configuration function included in Evidence.com. The camera itself has no way to know which Officer is wearing the camera. There is no screen or user input capability on the Taser device itself for an officer to check to see if the camera is assigned to him or her. There is no NFC chipset reader or other electronic means to associate a camera with an officer's garment. Since there is no user interface on the Taser body-worn camera, there is no way for a Police Officer to log into the Taser body-worn camera to assign the camera to him or herself. A Police Officer grabbing a Taser device out of a docking station has no way to know whether the device in his or her possession has actually been assigned to them. There will inevitably be situations where Officer A is wearing a Taser device that is actually assigned and registered to Officer B. Therefore any Officer metadata captured in the video file may not be the Officer who actually recorded the video. There will be times when video meta data will indicate the video was recorded by Officer A, when in fact the video was recorded by Officer B. Therefore the Taser system fails Mandatory Technical Requirement 2.2.”

City’s Response – 6

Taser’s proposal did not require the use of mobile phones. See City’s Response – 4.

Utility Associates, Inc. Claim – 7

Utility claimed, “If an iPhone is paired with a Taser device to view video, it may also be possible for users to edit or delete video using their iPhone device. Since the RFP EAD0124 bid evaluation apparently did not include iPhone devices being provided with access to view and possibly edit or delete video files, this legal evidence chain of custody security risk was never evaluated. It is also not clear if video files viewed through an iPhone in the field are included in Chain of Custody audit control logs. It is unknown if iPhone access to video in the field provides video access Chain of Custody records to Evidence.com. It may be that iPhones can edit or delete video files before they are uploaded to Evidence.com with no audit trail record included in Chain of Custody reporting. If so, then Taser fails Mandatory Technical Requirement 2.5. This Taser body camera and iPhone integration. Pairing functionality may not have been tested by Austin, because apparently iPhones paired to Taser cameras was not included in the Taser RFP response. This award protest does recognize that it is possible that the functionality of iPhones paired to Taser cameras was included in the Taser RFP response,

and was tested by Austin PD, but then the \$5M cost for the iPhones was not included in the \$12.2M Taser bid.”

City’s Response – 7

Taser’s proposal did not require the use of mobile phones. See City’s Response – 4.

Utility Associates, Inc. Claim – 8

Utility claimed, “If a supplemental iPhone device can view video stored on the Taser camera, then the video files on the Taser camera must not be encrypted or otherwise secured. If the video on the Taser device was secured, it would not be viewable by an iPhone application unless the iPhone was able to decrypt and play the video. So either the video files are not encrypted on the Taser camera, or else the iPhone application is able to decrypt and then play the video. If the video can be played on the iPhone, it can also then be stored on the iPhone in an unencrypted state. This means the video is not secured on the Taser camera, and therefore the Taser camera device fails Mandatory Technical Requirement 2.19 as well as Mandatory Technical Requirement 2.5. Depending upon how video is played and secured on a supplemental iPhone device, it may be possible for someone to use a separate video recording device (such as a personal cell phone) to record a video of the video being played on the iPhone device paired with the Taser body-worn camera. This video might then be posted to YouTube, TMZ, or other social media sights from the personal recording device. Therefore, playback of video on a supplemental iPhone device could also represent a video security breach method where video would not be secured on the Taser camera device. Therefore the Taser camera device paired with an iPhone device would fail Mandatory Technical Requirement 2.19. If video is encrypted on the Taser camera device, the method of encryption becomes relevant. Anything less than AES-256 encryption is potentially subject to being decrypted and exposed if someone obtains physical possession of the Taser camera, cracks open the case, and removes the storage media. Simply removing a file entry in a file control table does not secure the file. Any hacker with modest programming skills could find video files on the Taser camera device, copy the file to a new media, and then play the video.”

City’s Response – 8

Technical Requirement 2.19 states that the device memory shall not be removable, i.e. if there is a memory card it cannot be removed from the device. Taser’s response to Technical Requirement 2.19 was evaluated and found to be compliant. Compliance with this requirement was also tested and confirmed during the pilot.

Utility Associates, Inc. Claim – 9

Utility claimed, “Our understanding is the Taser camera device has a proprietary connector that is used to recharge the Taser battery and also upload video when the Taser camera device is placed in a proprietary Taser central office docking station. If there is an in-vehicle charger connection for the Taser camera device, this connector may also provide a pathway to obtain access to video before the video is uploaded and secured at Evidence.com. If so, this in-vehicle charger device may cause the Taser Camera Device to fail Mandatory Technical Requirement 2.19. This Mandatory requirement also raises a question about why camera run time minimum hours are specified to be a full shift if the Taser Camera device can be charged in a vehicle during a shift. Does this mean a Taser device may not be able to meet the published run times? Why would a vehicle charger for the camera be a Mandatory requirement?”

City's Response – 9

Taser's responses to Technical Requirements 2.19 and 2.26 were evaluated and both found to be compliant. Their equipment's compliance with this requirement was also tested and confirmed during the pilot.

Utility Associates, Inc. Claim – 10

Utility claimed, "Since a Taser camera device does not have a display screen or input capability, it is not possible to classify recordings on the device. Either a supplemental iPhone must be used to classify video, or else video cannot be classified until hours or days later after video has been uploaded. Hours or days of delay before video is classified necessarily means classification errors will increase. Memories about event specifics typically decreases as time passes. Classification errors directly lead to errors in retaining video. Classification accuracy will increase if Officers can classify videos immediately on the scene after an Incident has concluded. Video should be classified immediately even if Policy restricts Officers from reviewing video before they prepare an Incident Report. In any case, it is clear that video cannot be classified on the Taser camera device immediately on the scene at the conclusion of the Incident. So therefore the Taser camera device fails Mandatory Technical Requirement 3.10."

City's Response – 10

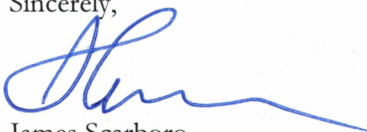
Technical requirement 3.10 does not require that the video be classified immediately, but that it is possible to classify recordings, and classification shall be able to set retention. Taser's response to Technical Requirement 3.10 was evaluated and found to be compliant. Their equipment's compliance with this requirement was also tested and confirmed during the pilot.

Determination

The City has reviewed your protests and each of the claims set forth therein and finds there to be no legal or factual grounds to sustain any of the protest's claims. For these reasons, the protest is denied. This decision is final.

If you have any questions in this regard, please contact me by phone at 512-974-2050 or by e-mail at james.scarboro@austintexas.gov. Thank you for your interest in doing business with the City of Austin.

Sincerely,



James Scarboro
Purchasing Officer
Financial Services Department

Attachments:

Protest of Body-worn Camera Award, Response to Solicitation: # RFP EAD0124, May 27, 2016

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Notice of Intent to Protest Award, Response to Solicitation: # RFP EAD0124, May 22, 2016

cc: Robin Harris, Assistant City Attorney
Erin D'Vincent, Senior Buyer Specialist
Shawn Willett, Deputy Purchasing Officer