



## Legislation Details (With Text)

**File #:** 21-361      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Agenda Ready

**File created:** 4/1/2021      **In control:** City Commission

**On agenda:** 6/8/2021      **Final action:**

**Title:** APPROVAL OF RESOLUTION NO. 77-21 TO TERMINATE THE EXISTING MASTER SERVICES AND PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC. AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH AXON ENTERPRISE INC. FOR BODY WORN CAMERAS, TASERS, INTERVIEW ROOM CAMERAS, IN-CAR VIDEO, BATTERIES, CARTRIDGES, RELATED EQUIPMENT AND ACCESSORIES, LICENSING, MAINTENANCE, AND WARRANTY - \$2,770,752

**Sponsors:** Police Department, Purchasing Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Axon Agreement Final verbiage 6-3-2021, 3. RESOLUTION NO. 77-21 - Axon Agreement 5-12-2021, 4. Sole Source\_Axon Camera\_ENG.PDF 2021, 5. Q-294644-44307.066BF.pdf Final without Sourcewell Terms, 6. Original Axon Agreement 2016, 7. Current 2018 Axon Agreement and Resolution, 8. Legal Review Checklist\_LW\_5.26.21 - Axon

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Chief Javaro Sims, Police Department  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** June 8, 2021

APPROVAL OF RESOLUTION NO. 77-21 TO TERMINATE THE EXISTING MASTER SERVICES AND PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC. AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH AXON ENTERPRISE INC. FOR BODY WORN CAMERAS, TASERS, INTERVIEW ROOM CAMERAS, IN-CAR VIDEO, BATTERIES, CARTRIDGES, RELATED EQUIPMENT AND ACCESSORIES, LICENSING, MAINTENANCE, AND WARRANTY - \$2,770,752

### **Recommended Action:**

Motion to approve Resolution No. 77-21 to terminate the existing the existing Master Services and Purchasing Agreement with Axon Enterprise, Inc. and approve the new agreement with Axon Enterprise, Inc. for body worn cameras, Tasers, interview room cameras, in-car video, batteries, cartridges, related equipment and accessories, licensing, maintenance and warranty in the total estimated amount of \$2,770,752 over the next five (5) years.

### **Background:**

On April 19, 2016, the City Commission approved the implementation of the first phase of the Police Department body-worn camera program. The first phase included the purchase of 20 body-worn cameras and TASERS. On November 15, 2016, the City Commission approved the purchase of the remainder of the body-worn cameras and Tasers to outfit the Police Department personnel in a phased deployment. This Agreement was for five (5) years and was terminated and replaced with a

new five (5) year Agreement upon City Commission approval on September 6, 2018. This was done to include additional body worn cameras and Tasers in order to accommodate increase in personnel that will be utilizing body worn cameras, as well as to include additional equipment, specifically interview room cameras for the Investigations Division, as well as in-car video cameras, which would replace Panasonic Arbitrator cameras in a phased deployment. The current Agreement ends in fiscal year 2022/2023 and is valued at \$2,504,790.20. The Police Department is again asking to terminate the existing Agreement and enter into a new five (5) year agreement with Axon to allow for continuation of the body worn cameras and Tasers for the next five (5) years. The new Agreement will allow for continuation of the body worn camera program into the fiscal year 2025/2026. The value of the new Agreement is estimated to be approximately \$2,770,752.

Due to the initial phase of deployment in April and November of 2016, a number of Tasers are reaching their end-of-life and need to be replaced. The Police Department is trying to replace the existing Tasers with the T7 Tasers which are current offerings from Axon and are different than our existing X26P Tasers. In order to provide continuity of the body-worn program and replace expiring TASERs, all Tasers should be switched to T7's due to concerns with operating on two different Taser platforms and with different end-of-life dates and warranties for the existing equipment. The difference in cost between two five-year contracts is just under \$266,000. The existing X26P Tasers are 2011 single-shot technology that Axon will be phasing out. T7 Tasers are more advanced two-shot technology which allows for continued de-escalation. Training is different for the two models and the new contract provides additional empathy-based training with additional training cartridges to ensure effectiveness of de-escalation. Due to a change from one Taser technology to another, with a comprehensive training package being added, it is more practical to enter into a new contract than amend the existing contract.

The new agreement would continue to provide secondary body-worn camera as backup for all users, unlimited Evidence.com storage, and unlimited cartridges and batteries for Tasers. In addition, it will include Axon Air for our existing drones plus a replacement of one broken drone with camera. Axon Air for the drones will replace program we currently utilize to operate the drones with added benefit of direct upload and unlimited storage within Evidence.com. The currently utilized program for operating drones costs just under \$10,000 per year.

Law enforcement agencies across the country and worldwide are using body-worn cameras to provide a visual and audio record of law enforcement interactions with the public. Given the issues facing police work nationally, cameras have received attention as a means to provide clarity in police issues especially where a fatality may occur. The body camera program is helpful in prosecution when presenting evidence to court, in deflecting fraudulent complaints and potential lawsuits, and for completing reports accurately. It helps strengthen accountability and transparency, and can assist in deescalating conflicts, resulting in more constructive encounters between the police and members of the community. It is believed that use of body-worn cameras will become a national standard. The new Agreement will allow the Police Department to continue the body worn camera program into fiscal year 2025/2026, as well as replace all existing Tasers with new T7 Tasers, in an effort to streamline and lock into current pricing and provide for efficient and comprehensive approach to video and audio recording of law enforcement interactions with the public.

The breakdown of estimated expenditures per fiscal year is as follows:

Estimated Five (5) Year Contract Value / Expenditures per Fiscal Year		
	Upon full execution - Sept.	\$23,300

	Oct. 1, 2021 thru Sept. 30,	\$435,811.82
	Oct. 1, 2022 thru Sept. 30,	\$629,599.84
	Oct. 1, 2023 thru Sept. 30,	\$686,199.84
	Oct. 1, 2024 thru Sept. 30,	\$497,920.00
	Oct. 1, 2025 thru Sept. 30,	\$497,920.00
Total Estimated Five (5) Year Contract Value:		\$2,770,751.40

Attachments:

Agreement between the City of Delray Beach and Axon Enterprise, Inc.

Resolution 77-21

Legal review checklist

Quote

Original Master Services and Purchasing Agreement between the City of Delray Beach and Axon Enterprise, Inc.

Current Master Services and Purchasing Agreement between the City of Delray Beach and Axon Enterprise, Inc.

Axon Sole Source Letter

**City Attorney Review:**

City Attorney approved as to form and sufficiency.

**Funding Source/Financial Impact:**

The breakdown of the cost by fiscal year is as follows:

FY 2020/2021 \$23,300

FY 2021/2022 \$435,811.82

FY 2022/2023 \$629,599.84

FY 2023/2024 \$686,199.84

FY 2024/2025 \$497,920

FY 2025/2026 \$497,920

The accounts that would be utilized are 001-21-110-521.34-90 (Special Services - Other Contractual Services), 001-21-110-521.46-15 (Special Services - Equipment Maintenance), 001-21-150-521.34-90 (Field Operations - Other Contractual Services), and 01-21-150-521.46-15 (Field Operations - Equipment Maintenance) pending the approval of each fiscal year budget and appropriation of funds.

**Timing of Request:**

This is time sensitive due to expiration of number of existing Tasers which is a liability.