



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Consent
December 14, 2010

Honorable Mayor and
Members of the City Council

Title: Agreement: Purchase of X26 Conducted Energy Devices (CEDs)

Location/Council District: Citywide

Recommendation: Adopt a **Resolution:** 1) suspending formal competitive bidding in the best interests of the City for the purchase of Taser Model X26 Conducted Energy Devices; and 2) awarding a commodities agreement to Taser International, Inc.'s designated distributor, ProForce Law Enforcement, for the purchase of Taser Model X26 Conducted Energy Devices during FY2010/11 for an amount not to exceed \$440,000.00.

Contact: Scott LaCosse, Captain, (916) 808-0551

Presenters: Not applicable.

Department: Police

Division: Investigations

Organization No: 11001351

Description/Analysis:

Issue: The Police Department is in need of updated Conducted Energy Devices (CEDs) to replace outdated and unreliable models currently in use.

Policy Considerations: On June 15, 2010, the Sacramento City Council adopted Resolution #2010-346 which provides that, "where practicable and where there is no significant additional cost to the City, the City of Sacramento shall not enter into any new, amended, extended, or supplemental contracts to purchase or procure goods or services from any business or entity that is headquartered in Arizona." With respect to Taser International, Inc. products, there are no other suppliers for Taser Model X26 CEDs outside of the State of

Arizona. Additionally, officers have exclusively carried Taser CEDs since CEDs were originally purchased for the Department in 2000. As a result they are trained in the use of, and are familiar with, Taser International, Inc. CEDs. Because of the malfunction issues that have occurred with the M26 CEDs, the Police Department has already begun to replace the older M26 CEDs with X26 CEDs. Finally, there is no other comparable product on the market.

This recommendation is consistent with Sacramento City Code Section 3.56.230(C), which states that competitive bidding is not required when the City Council determines by means of a 2/3 vote that it is in the best interest of the City to suspend competitive bidding. In addition, Sacramento City Code Section 3.56.090 and AP-4102 require City Council award for agreements where the expenditure equals or is greater than \$100,000.

Environmental Considerations: This activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in Section 15378 of the CEQA Guidelines, and is otherwise exempt pursuant to Sections 15321(b) (law enforcement activities) and 15061(b)(3) (no significant effect on the environment) of the CEQA Guidelines.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: In order to equip officers with reliable, state of the art, less-lethal weaponry, the Police Department needs to procure updated Taser Model X26 CEDs to replace the Taser Model M26 CEDs which, due to age, are unreliable and can no longer be repaired by the manufacturer. As of this year, Taser International, Inc. will no longer provide any training or technical support updates for the outdated M26 CEDs.

Currently, the Police Department has 288 Taser Model X26 CEDs in its inventory. The purchase of an additional 360 Taser Model X26 devices will replace the outdated M26s and equip all sworn officers who carry CEDs. To standardize training and equipment and complete the ongoing transition, it is necessary to purchase the X26 CEDs. ProForce Law Enforcement, the designated distributor for Taser International, Inc. products, is located in California, but is headquartered in Arizona. However, the Taser Model X26 CEDs will be purchased and shipped from the ProForce Law Enforcement distribution center in Brea, California.

Financial Considerations: Available Asset Forfeiture funding (Resolution #2010-093) will be used for this purchase of CEDs and associated accessories. This purchase will not affect the General Fund.

Emerging Small Business Development (ESBD): ProForce Law Enforcement, as well as Taser International, Inc., is not certified as emerging/small businesses with the City of Sacramento.

Respectfully Submitted by: S. LaCose
Scott LaCose, Captain

Approved by: Rick Brazier
Rick Brazier, Chief of Police

Recommendation Approved:

APPROVED AS TO FORM:
M. Young
CITY ATTORNEY

Cassandra H.B. Young

for Gus Vina
Interim City Manager

Ref: COP Ref. #11-11

Table of Contents:
Report

pg. 1-4

Attachments:

- 1 Background
- 2 Resolution

pg. 5-6
pg. 7-8

Exhibit A – Commodities Agreement

pg. 1-27

**Attachment 1****Background**

It is in the best interest of public safety and the City of Sacramento to ensure that officers are equipped with updated and properly functioning Conducted Energy Devices (CEDs). Conducted Energy Devices (CEDs) allow officers to subdue aggressive subjects through less than lethal means. Battery-charged probes induce neuromuscular incapacitation (NMI) which enables officers to handcuff or otherwise control combative subjects. Motor nerve and muscle tissue are temporarily stimulated which results in incapacitation regardless of the size, mental focus, or drug-induced dementia of the attacker. CEDs are issued to sworn peace officers only after the completion of required training.

The Taser Model X26 CED represents a significant improvement over the Taser Model M26 CED. The age of the standard issue Taser Model M26 CEDs has led to reliability issues. Currently, the Police Department has 288 updated X26s that are in operational use. The replacement of the existing Taser Model M26s by the Taser Model X26s will standardize the Police Department's equipment and training and will complete the ongoing transition process.

Taser International, Inc. maintains that the X26 has an incapacitation effect that is 5% greater than the M26 as well as a 94.9% field effectiveness rating. This effectiveness rating is based on reports submitted by law enforcement agencies equipped with the X26. The X26 is also 60% smaller, 60% lighter, and features a longer battery life. The X26 uses a non-rechargeable lithium battery whereas the M26 uses NIMH rechargeable batteries that require constant recharging and present frequent reliability issues. The M26 and X26 are both equipped with a memory chip to download data on firings in order to protect officers from unfounded allegations of excessive force. The download data for the X26 includes information regarding the duration of the electrical discharge of the weapon while the standard issue M26's download data displays the number of trigger pulls but not the duration of the CED application. Also included in this purchase are Taser Model X26 holsters, cartridges, belt clips and other accessories to train and equip 360 officers.

With respect to Taser International, Inc. products, there are no other suppliers for Taser Model X26 CEDs outside of the State of Arizona. Additionally, officers have carried Taser Model M26 CEDs since 2000 and are familiar with Taser International, Inc. CEDs. In addition, officers have received training in the deployment and use of Taser International, Inc. CEDs.

**Attachment 2****RESOLUTION NO.**

Adopted by the Sacramento City Council

PURCHASE OF X26 CONDUCTED ENGERGY DEVICES (CEDs)**BACKGROUND**

- A. Conducted Energy Devices (CEDs) allow officers to subdue aggressive subjects through less than lethal means. Battery-charged probes induce neuro-muscular incapacitation (NMI) which enables officers to handcuff or otherwise control combative subjects. Motor nerve and muscle tissue are temporarily stimulated which results in incapacitation regardless of the size, mental focus, or drug-induced dementia of the attacker. CEDs are issued to sworn peace officers only after the completion of required training.
- B. The Taser Model X26 CED represents a significant improvement over the Taser Model M26 CED. The age of the standard issue Taser Model M26 CEDs has led to reliability issues. The Police Department has 288 updated X26s that are in operational use. The replacement of the existing Taser Model M26s by the Taser Model X26s will standardize the Police Department's equipment and training and will complete the transition process.
- C. Taser International, Inc. maintains that the X26 has an incapacitation effect that is 5% greater than the M26 as well as a 94.9% field effectiveness rating. This effectiveness rating is based on reports submitted by law enforcement agencies equipped with the X26. The X26 is also 60% smaller, 60% lighter, and features a longer battery life. The X26 uses a non-rechargeable lithium battery whereas the M26 uses NIMH rechargeable batteries that require constant recharging and present frequent reliability issues. The M26 and X26 are both equipped with a memory chip to download data on firings in order to protect officers from unfounded allegations of excessive force. The download data for the X26 includes information regarding the duration of the electrical discharge of the weapon while the standard issue M26's download data displays the number of trigger pulls but not the duration of the CED application. Also included in this purchase are Taser Model X26 holsters, cartridges, belt clips and other accessories to train and equip 360 officers.
- D. ProForce Law Enforcement is Taser International Inc.'s designated distributor for the State of California. Taser International, Inc. does not allow its distributors to infringe or underbid outside of their designated geographical area. Taser International, Inc. is offering a \$75.00 trade-in allowance for standard issue M26

models with the purchase of X26 Models. Taser International, Inc. has extended this offer to the Police Department until December 31, 2010. If Taser International, Inc. does not receive a purchase order by December 31, 2010 from the Police Department, this offer will be rescinded. Consequently, the trade-in allowance will lower the total cost of this purchase by \$27,000.00.

- E. It is in the best interest of public safety and the City of Sacramento to ensure that officers are equipped with updated and properly functioning Conducted Energy Devices.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. In the best interests of the City, competitive bidding is hereby suspended for the purchase of Taser Model X26 CEDs from Taser International, Inc. through their designated distributor, ProForce Law Enforcement.
- Section 2. Taser International, Inc.'s designated distributor, ProForce Law Enforcement, is awarded a commodities agreement (attached as Exhibit A and made a part of this Resolution) for the purchase of Taser Model X26 Conducted Energy Devices during FY2010/11 in an amount not to exceed \$440,000.00