

**REPORT TO MAYOR AND COUNCIL****TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: May 6, 2014

**SUBJECT: APPROVE THE PURCHASE OF SOLE-SOURCE SPECIALIZED CRIME ANALYSIS SOFTWARE FROM IBM i2 AND PEN-LINK USING EXPIRING COPS GRANT FUNDS****Report in Brief**

On April 23, 2013, the City Council approved the acceptance of COPS grant funding in the amount of \$198,043 for each FY 2013-2014, and 2014-2015, to fund a contract Crime Analyst position, and a part-time Forensic Specialist position at the PD. Since the PD Crime Analyst was hired mid-year 2013, some of the grant monies budgeted for the position in FY 2013-2014 will remain unused. These remaining funds cannot be rolled over to FY 14-15 and must be used by the end of this fiscal year. Staff proposes to use these projected unexpended funds, approximately \$41,383.80, to purchase two crime analysis and intelligence software programs to aid crime and intelligence analysis at the PD. After extensive research into crime and intelligence analysis software, PD staff identified a cell phone record intelligence program, Pen-Link, and a graphical intelligence program, IBM i2 Analyst's Notebook, as analytic tools complementary and necessary for PD crime and intelligence analysis.

The Pen-Link system includes one software license and supporting hardware for an initial cost of \$19,791.56. IBM's i2 Analyst's Notebook includes three concurrent software licenses for an initial cost of \$18,258.00. Together, both programs will cost \$44,169.56.

Both software suites are industry-standard crime and intelligence analysis software applications. Because of the unique technology provided by both Pen-Link and i2 Analyst Notebook, the department is unable to locate additional vendors with comparable technology to secure the required three competitive bids. Current purchasing requirements will allow a sole-source purchase with proper justification and the approval of City Council. PD Staff is recommending the City Council approve the sole-source purchase of this specialized crime and intelligence analysis software, using remaining COPS grant funds previously approved on April 23, 2013, and authorize the City Manager to execute the justification document to complete the purchase.

**Discussion**

The PD Crime Analyst Unit currently has no supporting intelligence analytic software beyond what is available with Basic computer software (MS Office). The increasing trend in all criminal investigations is the use of digital telecommunications devices (smart phones, tablets, computers) by criminals to communicate before, during, and after a crime has been committed. Lawfully-seized communication

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SOFTWARE FROM IBM i2 AND PEN-LINK USING EXPIRING GRANT FUNDS**

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records, and the links between them, continue to provide Detectives with valuable intelligence leads and critical evidence in criminal cases, especially those involving conspiracies and multiple suspects. Specialized intelligence software applications, such as Pen-Link and i2 Analyst's Notebook, offer powerful tools that can be used by a crime and/or intelligence analyst or a Detective in these criminal investigations.

The Pen-Link system includes one software license and supporting hardware which will provide Detectives and Crime Analysts with the ability to collect, sort, organize, and display communication and phone link analysis from criminal investigations. This will aid the Detective or analyst in building a case and linking phone records using digital forensic records from cell phones and communication devices. It is especially useful in cases involving criminal conspiracies (i.e.; gangs, narcotics, AB109). Pen-Link is the only vendor that manufactures and sells a fully integrated telecommunications software and real-time analytic hardware system for law enforcement. It is the predominant (#1), industry-standard analytic software tool for communications analysis used by Federal and State intelligence agencies.

IBM's i2 Analyst's Notebook includes three concurrent software licenses, plus one extra year of pre-paid service/maintenance, providing Detectives and Crime Analysts with a software-based visual intelligence analysis environment. This software utility can quickly collate, analyze and visualize data from multiple sources while reducing the time required to discover key information in complex records data. IBM i2 Analyst's Notebook delivers timely, actionable intelligence to help identify, predict, prevent and disrupt criminal activities. It can also be used to create visual link and association charts for courtroom use. i2 is the only law enforcement visual intelligence software available capable of connecting "live" to the PD's existing graphic information systems (GIS) software, ESRI ArcGIS -- currently used for all crime-mapping.

The specific performance of these proprietary software systems is required for effective and efficient manipulation of criminal intelligence data, to assist the Department with its intelligence-led policing mission. Both systems have evaluated by IT staff and found to be fully compatible with current PD hardware and network environments, as well as existing software.

The City's purchasing requirements state that purchases above \$10,000 require a competitive bid process. However, in those instances when research determines the product can only be obtained from a sole-source, the non-competitive purchase can be approved with justification and approval by the City Council.

The Police Department staff has looked at several other vendors, professional association recommendations, advertisements, and online resources, but we have not found any similar software suites offering the same feature tool sets, functionality, and compatibility with our existing software systems. As a result, staff is requesting that Pen-Link and i2 Analyst Notebook be procured via sole-source (attachments 1 and 2).

**Fiscal Impact**

The source of funding for these two purchases was already been approved by Council on April 23, 2013 (attachment 3). This purchase will use existing leftover COPS grant funds which will otherwise be forfeited at the conclusion of this fiscal year. Any additional initial cost beyond the COPS grant balance will be paid from the regular PD operating budget.

**APPROVE THE PURCHASE OF SOLE-SOURCE SPECIALIZED CRIME ANALYSIS  
SOFTWARE FROM IBM i2 AND PEN-LINK USING EXPIRING GRANT FUNDS**

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Future upgrades for both software programs will be sourced from the existing PD Investigations equipment budget, #0100-70-040-71250. The software, IBM i2, would incur annual maintenance/upgrade service fees of \$3,672, commencing FY 2016-2017, and Pen-Link would incur annual maintenance/upgrade service fees of \$3,200, commencing FY 2015-2016. All maintenance/upgrade plan costs will be paid out of the PD Investigations budget.

Replacement funds will not be established for this specialized software because paid annual service and upgrade plans provide free upgrades for both products, indefinitely. However, if the PD decides to replace one or both products using the current technology of the future, PD staff will secure appropriate funding using grant, asset forfeiture, or regular PD budget sources.

**Public Contact**

The agenda has been properly posted.

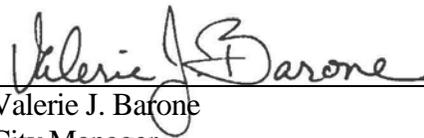
**Recommendation for Action**

Staff is recommending the City Council approve the sole-source purchase of specialized crime and intelligence analysis software, using remaining COPS grant funds authorized on April 23, 2013, and authorize the City Manager to execute the justification document to complete the purchase.

Prepared by: David Hughes  
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Valerie J. Barone  
City Manager

[Valerie.barone@cityofconcord.org](mailto:Valerie.barone@cityofconcord.org)

Enclosures: Attachment 1: Justification for Procurement, Pen-Link  
Attachment 2: Justification for Procurement, i2 Analyst Notebook  
Attachment 3: Resolution No. 13-34, Acceptance and Use of COPS Grant Funds



### JUSTIFICATION FOR PROCUREMENT FORM

DATE:			
ATTENTION:	Purchasing Department		
FROM:	Lt. David Hughes	DEPARTMENT:	Police Investigations Division
PHONE/FAX:	(925) 605-5865 (925) 671-3124	EMAIL:	<a href="mailto:david.hughes@cityofconcord.org">david.hughes@cityofconcord.org</a>
SUBJECT:	Justification for Pen-Link Procurement- Non-Competitive Bids		

**Sole Source vs Single Source:**

*Procurement by a noncompetitive bid means a procurement through either a "sole source," when the City solicits an offer from one source, or a "single source," when the City solicits offers from multiple sources but receives only one or the competition is determined inadequate.*

[Sole Source procurement refers to purchases where there's only one supplier that provides the product. Usually these are unique products that you cannot find anywhere but through one supplier/manufacturer. Single Source purchasing refers to purchases from one selected supplier, even though there are other suppliers that provide similar products. Usually these are products that may be customized or company selected the single source for specific reasons, i.e. replacement parts, cost, compatibility, quality, etc.]

*<\$10,000: Price Reasonableness*

*\$ 10,000 - \$49,999: Competition-3 Quotes*

*≥ \$50,000: Formal Bid Process (>\$5,000 for public works projects)*

**Non-competitive Purchases: Justification**

Procurement by noncompetitive bids may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies: Please check all that applies:

- The item is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- After solicitation of a number of sources, competition is determined inadequate.
- Utilizing a piggyback contract, cooperative agreement, or similar.
- Other \_\_\_\_\_.

Was the price determined reasonable? Please circle: YES OR NO

How was the price determined?

- Market survey
- Commercial Pricelists
- Prior purchase for the same or similar items
- Personal expertise /familiarity with COC process
- Other \_\_\_\_\_.

Please provide a brief statement for the following (*if applicable*):

1. Description of the requirement:

PD Investigators require an integrated software and hardware solution providing Detectives and Crime Analysts with the ability to collect, sort, organize, and display telecommunication and phone link records and analysis for use in criminal investigations. A technical aid is needed for the Detective or Analyst in building a criminal case and linking phone records using digital forensic records from cell phones and communication devices. Visual, analytic utility to manage, link, and establish relationships in criminal conspiracies (i.e.; gangs, narcotics, AB109), as well as other complex investigations. Integrated hardware product capable of providing near real-time communications activity and records for gathering of evidence and apprehension of suspects. Ability to interface with other Intelligence software, such as i2 Analyst Notebook.

2. History of prior purchases and their nature (competitive vs. noncompetitive):

N/A

3. Statement as to the unique circumstances that require award by noncompetitive proposals;

Pen-Link is the only vendor that manufactures and sells a fully integrated, real-time analytic telecommunications software and hardware system for law enforcement (hardware and software package). There are no comparable products which provide a software and hardware interface, which is essential for real-time communications analysis. There are also no comparable stand-alone software products offering the suite of features and analytic tools included with Pen-Link. Pen-Link is the predominant (#1), industry-standard analytic software tool for communications analysis used by Federal and State intelligence agencies. Pen-Link is fully interoperable with other Intelligence network applications, including i2 Analyst Notebook, as well as PD digital forensic evidence hardware systems, such as Cellebrite.

4. Description of the efforts made to find competitive sources, e.g., advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc;

Staff spoke with working crime and intelligence analysts, Investigators, and conducted research to attempt to identify comparable products. Staff made inquiries with the International Association of Crime Analysts (IACA), the International Association of Law Enforcement Intelligence Analysts (IALEIA), and conducted internet research to identify suitable products. Due to the specialized nature of the

Pen-Link software and hardware, staff found no other comparable products compatible with our needs.

- 5. Statement as to efforts that will be taken in the future to promote competition for the requirement; and,

Continued monitoring of emerging technology and software solutions with application for law enforcement criminal investigations.

**REQUIRED SIGNATURES:**

Requisition #:

Vendor Name:

Cost:

Authorized Department Signature:

Print Name:

PO #:

*(For Purchasing Dept)*



JUSTIFICATION FOR PROCUREMENT FORM

Table with 4 columns and 5 rows containing procurement details: DATE, ATTENTION (Purchasing Department), FROM (Lt. David Hughes), DEPARTMENT (Police Investigations Division), PHONE/FAX, EMAIL (david.hughes@cityofconcord.org), and SUBJECT (Justification for i2 Analyst's Notebook Procurement- Non-Competitive Bids).

Sole Source vs Single Source: Procurement by a noncompetitive bid means a procurement through either a "sole source," when the City solicits an offer from one source, or a "single source," when the City solicits offers from multiple sources but receives only one or the competition is determined inadequate. [Sole Source procurement refers to purchases where there's only one supplier that provides the product. Usually these are unique products that you cannot find anywhere but through one supplier/manufacturer. Single Source purchasing refers to purchases from one selected supplier, even though there are other suppliers that provide similar products. Usually these are products that may be customized or company selected the single source for specific reasons, i.e. replacement parts, cost, compatibility, quality, etc.] <\$10,000: Price Reasonableness \$ 10,000 - \$49,999: Competition-3 Quotes ≥ \$50,000: Formal Bid Process (>\$5,000 for public works projects) Non-competitive Purchases: Justification

Procurement by noncompetitive bids may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies: Please check all that applies:

- [X] The item is available only from a single source;
[ ] The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
[ ] After solicitation of a number of sources, competition is determined inadequate.
[ ] Utilizing a piggyback contract, cooperative agreement, or similar.
[ ] Other \_\_\_\_\_.

Was the price determined reasonable? Please circle: YES OR NO
How was the price determined?

- [X] Market survey
[ ] Commercial Pricelists
[ ] Prior purchase for the same or similar items
[ ] Personal expertise /familiarity with COC process
[ ] Other \_\_\_\_\_.

Please provide a brief statement for the following (*if applicable*):

1. Description of the requirement;

PD Investigators need a software solution providing Detectives and Crime Analysts with the ability to collect, sort, organize, display, and map intelligence records and analysis for use in criminal investigations. A technical aid is needed for the Detective and Analysts in building a criminal case and linking individuals, locations, vehicles, and other records together visually to identify and establish relationships in criminal conspiracies (i.e.; gangs, narcotics, AB109). The software must be compatible with the city and PD's GIS software, ESRI ArcGIS. The software must interface with telecommunications analysis software, such as Pen-Link.

2. History of prior purchases and their nature (competitive vs. noncompetitive);

N/A

3. Statement as to the unique circumstances that require award by noncompetitive proposals;

IBM i2 Analyst Notebook is the only vendor that manufactures and sells intelligence software for law enforcement with an open database interface to the city and PD GIS mapping software, ESRI ArcGIS. This enables intelligence analysis results to be geocoded and mapped natively, and displayed in a variety of formats for intelligence sharing and case investigative needs. There are also no comparable stand-alone software products offering the suite of features and analytic tools included with i2 Analyst Notebook, which is the (#1), industry-standard analytic software tool for communications intelligence analysis used by Federal and State intelligence agencies.

4. Description of the efforts made to find competitive sources, e.g., advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc;

Staff spoke with working crime and intelligence analysts, Investigators, and conducted research to attempt to identify comparable products. Staff made inquiries with the International Association of Crime Analysts (IACA), the International Association of Law Enforcement Intelligence Analysts (IALEIA), and conducted internet research to identify suitable products. Due to the specialized nature of the i2 Analyst Notebook software, staff found no other comparable products compatible with our needs.

5. Statement as to efforts that will be taken in the future to promote competition for the requirement; and,

Continued monitoring of emerging technology and software solutions with application for law enforcement criminal investigations.

**REQUIRED SIGNATURES:**

Requisition #:

Vendor Name:

Cost:

Authorized Department Signature:

Print Name:

PO #:

*(For Purchasing Dept)*

ORIGINAL

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

**A Resolution Authorizing the Establishment of a Supplemental Law Enforcement Services Fund (SLESA) to Accept Funds from the Citizen's Options for Public Safety Grant for Fiscal Year 2012/13 and 2013/14; and to Appropriate the Funds to a Full-Time Crime Scene Technician and a .80 Contract Crime Analyst Positions**

Resolution No. 13-34

**WHEREAS**, the California State Legislature initiated funding of a program entitled Citizen's Options for Public Safety (COPS) in 1996; and

**WHEREAS**, the California State Legislature enacted legislation allocating up to \$100,000,000 in State funds for the COPS Program to be used for front line municipal police services; and

**WHEREAS**, the Concord Police Department will receive \$198,043 from the COPS program for Fiscal Year 2012/13 and, with appropriate budget approvals, another \$198,043 in Fiscal Year 2013/14 which will be deposited into an established Supplemental Law Enforcement Services Fund; and

**WHEREAS**, the Concord Police Department will utilize these funds to continue funding one FTE civilian Crime Scene Technician position and one .80 FTE contract Crime Analyst.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:**

**Section 1.** Accepts Citizen's Options for Public Safety (COPS) Grant funds in the amount of \$198,043 annually for Fiscal Years 2012/13 and 2013/14; and appropriates use of the funds for one full-time equivalent (FTE) civilian Crime Scene Technician position and one .80 FTE contract Crime Analyst in the Crime Scene Investigations Unit.

**Section 2.** This resolution shall become effective immediately upon its passage and adoption.

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1           **PASSED AND ADOPTED** by the City Council of the City of Concord on April 23, 2013, by  
2 the following vote:

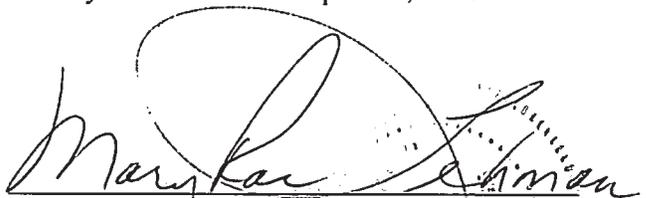
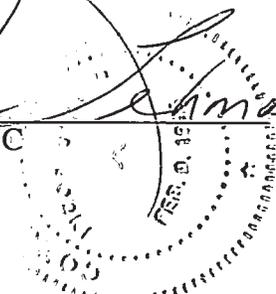
3 **AYES:**           Councilmembers - E. Birsan, T. Grayson, L. Hoffmeister, R. Leone, D. Helix

4 **NOES:**           Councilmembers - None

5 **ABSTAIN:**       Councilmembers - None

6 **ABSENT:**        Councilmembers - None

7           **I HEREBY CERTIFY** that the foregoing Resolution No. 13-34 was duly and regularly  
8 adopted at a regular meeting of the City Council of the City of Concord on April 23, 2013.

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12 Mary Rae Lehman, CMC  
City Clerk  
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13 **APPROVED AS TO FORM:**

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Mark S. Coon  
City Attorney