


CITY COUNCIL ACTION REQUEST

Department(s): Finance	CEQA: Not a Project, File No. PP17-003, Agreements/Contracts	Coordination: City Attorney's Office, City Manager's Budget Office, and Police Department	Dept. Approval: /s/ Rick Bruneau
Council District(s): Citywide	(New or Amended) resulting in no physical changes to the environment.		CMO Approval:  10/11/23

SUBJECT: ACTIONS RELATED TO PURCHASE ORDERS WITH CARAHSOFT TECHNOLOGY CORPORATION AND MSAB, INC. FOR POLICE DEPARTMENT DIGITAL FORENSIC TOOLS

RECOMMENDATION:

Adopt a resolution authorizing the City Manager or designee to:

- a) Negotiate and execute purchase orders with Carahsoft Technology Corporation (Reston, VA) for various Police Department digital forensic tools and related professional services for a combined maximum compensation not to exceed \$500,000 for one-year terms beginning in alignment with each tool's respective next renewal period, subject to the appropriation of funds;
- b) Negotiate and execute a purchase order with MSAB, Inc. (Arlington, VA) for XRY Mobile Device Extraction Software and related professional services for a maximum compensation not to exceed \$50,000 for the initial term beginning April 1, 2024 and ending March 31, 2025, subject to the appropriation of funds;
- c) Amend the purchase orders with Carahsoft Technology Corporation and MSAB, Inc. as required, including increasing funds or moving funds between them, to address unanticipated changes during the initial terms for a total combined contingency not to exceed \$250,000, subject to the appropriation of funds; and
- d) Exercise up to six one-year options to extend the terms of the purchase orders in alignment with each tool's respective software renewal period, subject to the appropriation of funds.

Desired Outcome: Authorizing the City Manager or designee to take this action provides the Police Department with digital forensic tools to collect and analyze crime data used as evidence in the prosecution of criminal cases.

BASIS FOR RECOMMENDATION:

The Police Department's Internet Crimes Against Children Task Force utilizes a variety of forensic tools to collect and analyze digital evidence stored on devices such as computers, tablets, and cellphones. This information is used to investigate and prosecute criminal cases.

Request for Proposal

In February 2023, the Finance Department released a Request for Proposal (RFP) on behalf of the Police Department for nine different digital forensic tools through the City's e-procurement system, Biddingo. The RFP provisioned for up to seven years. Over 10,000 vendors were notified of the bid opportunity by Biddingo through its daily bid noticing and 19 companies viewed the RFP. Two vendors (Carahsoft Technology Corporation and MSAB, Inc.) submitted responsive proposals (each for one of the nine tools) prior to the submittal deadline. The proposals were reviewed and confirmed to meet the Police Department's requirements for the two applicable tools. Neither vendor requested the local or small business enterprise preference and no protests were received.

After completion of the RFP, staff conducted vendor outreach to understand why the response level was low. The information gathered from this exercise informed staff's decision to conduct another competitive solicitation for the seven tools which did not receive any bids.

Request for Bid

In May 2023, the Finance Department released a Request for Bid (RFB) for the seven digital forensic tools for which no bids were received in the RFP. The RFB provisioned for up to seven years. Over 7,600 vendors were notified of the bid opportunity by Biddingo through its daily bid noticing based on its notification settings, and 12 companies viewed the RFB. One responsive bid for five of the seven tools was received from Carahsoft Technology Corporation prior to the submittal deadline. The vendor did not request the local or small business enterprise preferences and no protests were received.

Recommendations of Award

Based on the results of these two solicitations, staff recommends awards to Carahsoft Technology Corporation and MSAB, Inc. as the sole responsive and responsible bidders for their respective proposals and bids as summarized below:

Basis of Award	Forensic Tools	Recommendation of Award
RFP	XRY Mobile Device Extraction Software	MSAB, Inc.
RFP	Magnet Axion Digital Forensic Software	Carahsoft Technology Corporation
RFB	Cellebrite Premium Subscription	Carahsoft Technology Corporation
RFB	Cellebrite Physical Analyzer	Carahsoft Technology Corporation
RFB	Cellebrite Universal Forensic Extraction Device Ultimate Subscription	Carahsoft Technology Corporation
RFB	Cellebrite Pathfinder Subscription	Carahsoft Technology Corporation
RFB	Cellebrite Digital Collector Subscription	Carahsoft Technology Corporation

For the remaining two tools for which no bids were received, staff is assessing alternative options available under San José Municipal Code.

Approval of this recommendation provides the Police Department with necessary forensic tools to collect and analyze data from a wide variety of digital devices to use in the investigation and prosecution of criminal cases in and around the Bay Area.

Commission Recommendation/Input: There is no commission recommendation or input associated with this action.

COST AND FUNDING SOURCE:

Fund #	Appn #	Appn. Name	Total Appn.	Amt. for Recommendation*	2023-2024 Operating Budget Page**	Last Budget Action (Date, Ord. No)
001	214H	Internet Crimes Against Children Task Force Invited Awards - Police 2020	\$361,741	\$300,000	810	6/20/2023, Ord. No. 30933
001	226F	Internet Crimes Against Children State Grant 2022-2023	\$562,925	\$500,000	810	6/20/2023, Ord. No. 30933

*Includes \$250,000 contingency.

** The 2023-2024 Adopted Operating Budget was approved on June 13, 2023 and adopted on June 20, 2023 by City Council.

FOR QUESTIONS CONTACT: For procurement- and contract-related questions, please contact Albie Udom, Deputy Director of Finance – Purchasing and Risk Management, at albie.udom@sanjoseca.gov. For program-related questions, please contact Jaime Jimenez, Deputy Chief of Police, at jaime.jimenez@sanjoseca.gov.