



## Legislation Details (With Text)

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**Title:** RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH VIGILANT SOLUTIONS FOR AUTOMATED LICENSE PLATE RECOGNITION SOFTWARE TO ENFORCE PARKING REGULATIONS AND SOFTWARE AS A SERVICE IMPLEMENTATION AND SUBSCRIPTION. AGREEMENT NOT TO EXCEED \$85,775 FOR TWO YEARS WITH THREE ONE-YEAR OPTIONS TO RENEW AND A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$177,275. FY2021 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

### Sponsors:

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**Attachments:** 1. 3. 2020-0093 Attachment A, 2. 3. 2020-0093 Attachment B, 3. 3. 2020-0093 Draft Resolution

Date	Ver.	Action By	Action	Result
6/23/2020	1	Board of Port Commissioners	adopted	

**DATE:** June 23, 2020

### SUBJECT:

**RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH VIGILANT SOLUTIONS FOR AUTOMATED LICENSE PLATE RECOGNITION SOFTWARE TO ENFORCE PARKING REGULATIONS AND SOFTWARE AS A SERVICE IMPLEMENTATION AND SUBSCRIPTION. AGREEMENT NOT TO EXCEED \$85,775 FOR TWO YEARS WITH THREE ONE-YEAR OPTIONS TO RENEW AND A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$177,275. FY2021 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.**

### EXECUTIVE SUMMARY:

District staff, inclusive of Port As A Service (PAAS) Parking, Harbor Police Department (HPD), and Information Technology (IT) have been researching industry trends and technology as it concerns the enforcement of parking regulations. As a result of the research, an emerging technology known as Automated License Plate Recognition (ALPR) has been identified. District staff believes that implementation of ALPR at the District will result in the following benefits:

- 1) Increased effectiveness of parking enforcement
- 2) Increased efficiency of parking enforcement

- 3) Improved customer experience
- 4) Increased employee safety

ALPR is equipment that is placed on/within a vehicle, which uses optical character recognition technology to automatically read license plate characters. ALPR is not a facial recognition platform and the proposed solution does not include any facial recognition technology.

Staff researched potential providers of ALPR and discovered that while there are multiple providers of ALPR, there is only one provider, Vigilant Solutions, LLC that offered the following:

- 1) Proposed Subscription Based Service
- 2) Unique Access to Commercially Collected Data

Additionally, in February of 2020, the Office of The Port Auditor (OPA) completed an operational audit of the District's current enforcement practices. OPA recommended the District implement ALPR to increase the efficiency of enforcement. Therefore, staff is recommending a sole source service agreement per Board Policy No. 110, Section II.H, with Vigilant Solutions, LLC for two years not to exceed \$85,775, with a five-year total cost of ownership of \$177,275. The \$85,775 for the first two years includes a up-front hardware and configuration fee. Upon termination of the agreement, the District would return all hardware to Vigilant. Each year of subscription software services is \$30,500. Justification for the sole source service agreement is described in greater detail on the attached justification memorandum (Attachment A).

If approved by the Board of Port Commissioners (Board), ALPR systems comprised of two cameras will be mounted on five (5) parking enforcement vehicles. Associated software, to be obtained via subscription, will allow continuous and seamless operation of the ALPR hardware systems and associated databases.

### **RECOMMENDATION:**

Adopt a Resolution authorizing a sole source service agreement with Vigilant Solutions, LLC for Automated License Plate Recognition software to enforce parking regulations and Software as a Service implementation and subscription. Agreement not to exceed \$85,775 for two years with three one-year options to renew and a five-year total cost of ownership of \$177,275. FY 2021 expenditures are budgeted. Funds required for future fiscal years will be budgeted in the appropriate fiscal year subject to board approval upon adoption of each fiscal year's budget.

### **FISCAL IMPACT:**

Funds for the first year of the expenditure for Software as a Service solution implementation are budgeted in the preliminary FY 2021 Harbor Police Department non-personnel and expense budget. Funds for the first year of the expenditure for Software as a Service solution subscription are budgeted in the Port As A Service non-personnel and expense budget. Funds required for future services will be requested per policy by Port As A Service, and future fiscal years will be budgeted for in the appropriate fiscal year and cost account subject to Board approval upon adoption of each fiscal year's budget.

<b>Cash Requirement Forecast</b>	<b>FY 20/21</b>	<b>FY 21/22</b>
Software as a Service	\$30,500	\$30,500
Services - Professional & Other	\$24,775	
Total by Fiscal Year	\$ 55,275	30,500
	<b>\$ 85,775</b>	<b>Total Cash Requirement</b>

Vigilant Solutions, LLC ALPR Software as a Service subscription is subject to a five-year total cost of ownership (TCO) forecast, per Board Policy No. 110, Section II.U. The table below forecasts both professional services for the solution implementation and the Software as a Service annual subscription costs. All projected and estimated costs, as depicted, are subject to Board approval upon adoption of each fiscal year's budget.

<b>Five Year TCO Forecast</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY 22/23</b>	<b>FY 23/24</b>	<b>FY 24/25</b>
Software as a Service	\$30,500	\$30,500	\$30,500	\$30,500	\$30,500
Services - Professional & Other	\$24,775				
Total by Fiscal Year	\$ 55,275	30,500	30,500	30,500	30,500
	<b>\$ 177,275</b>	<b>Total Cost of Ownership</b>			

### **COMPASS STRATEGIC GOALS:**

The implementation of ALPR aligns with the goals of the District by enhancing the technology to best manage parking assets, improves safety for Community Service Officers, enhances public access by enforcing turnover, and modernizes the equipment utilized to accurately and efficiently enforce parking regulations.

This agenda item supports the following Strategic Goal(s):

- A Port that the public understands and trusts.
- A thriving and modern maritime seaport.
- A Port that is a safe place to visit, work and play.
- A Port with an innovative and motivated workforce.

### **DISCUSSION:**

The Community Service Officers (CSOs) within HPD are responsible for enforcing the District's parking Ordinances contained within San Diego Unified Port District (SDUPD) Code Sections 8.09 - 8.21.

The District currently has approximately 2,500 free non-metered parking spaces and approximately 1,200 metered parking spaces, which are regulated by posted time limits. District parking time limits zones within Tidelands vary from two (2) hours up to 72-hours. SDUPD Code Section 8.13, Parking In Excess Of Posted Time Prohibited, and SDUPD Code Section 8.16(a)/(e), Parking Restrictions, are the code sections utilized by the CSOs to enforce time limits throughout District's Tidelands. Enforcement of these time limits, especially in free non-metered areas, is critical to ensure turnover and public access.

Enforcement of the free parking areas includes the current practice of CSOs physically chalking a vehicle's tires (marking a tire with a piece of chalk), taking note of the time the tire was chalked and then revisiting the parking lot at a later time (after the time limit has expired) to see if that vehicle has moved. Tire chalking is a common practice across the county. This enforcement practice is well known and isn't always reliable due to tampering. CSOs encounter this kind of tampering frequently on Tidelands, making it difficult to enforce parking time limits.

Additionally, the U.S. Sixth Circuit Court of Appeals ruled last spring that chalking tires for parking enforcement constitutes a search under U.S. Supreme Court precedent and the Fourth Amendment due to the physical invasion on a person's car. The Sixth Circuit ultimately declined to decide the constitutionality of chalking, which may be legal under applicable search exceptions. Nevertheless, this decision, and any subsequent decision on constitutionality, has the potential to result in wide-reaching implications in the parking and mobility industry and could have major repercussions for cities across the United States. ALPR has the potential to eliminate this issue since the vehicle is not physically chalked, but only electronically marked when a photo of the license plate is taken.

Parking time limits and their enforcement are a vital element of urban planning. It is essential to keep parking spaces turning over throughout the day. The more quickly and conveniently drivers can park, the faster they can get to the shops, restaurants, and other businesses they intend to patronize.

### **ALPR Effectiveness**

ALPR offers a much more effective way of enforcing posted time limits. An ALPR camera is mounted within each CSO vehicle. As the CSO vehicle drives through a parking area the camera automatically takes a high-speed image of the vehicle including the license plate. The image also includes a time stamp and location, thereby replacing the need for a physical chalk mark on the vehicle's tire.

As an example, at 1:00 pm a CSO vehicle drives through a parking lot with a 3-hour Posted Time Limit. The ALPR equipment takes an image with a time stamp of each vehicle parked. A CSO vehicle returns at 4:15 pm, repeats the process and the ALPR notifies the CSO of any vehicle that has exceeded the posted time limit. It is important to note that it does not have to be the same CSO vehicle that was in the parking lot at 1:00 pm, as the system integrates data collected from all equipment in the field into one database.

With this technology there is no opportunity for an individual to circumvent the parking regulations by erasing physical chalk marks. Overall this increases the enforcement effectiveness and has the potential of leading to fewer posted time limit violations. Therefore, greater public access and turnover of public parking spaces may be created.

### **ALPR Efficiency**

ALPR offers a much more efficient method of enforcing posted time limits. Instead of manually chalking tires for each vehicle in each parking area, which can be very time consuming, the CSO is simply required to drive through a parking area. This will increase the CSO's ability to cover more parking areas in a more frequent manner. And, as noted above, the same CSO is not required to return to the lot after the time limit expires, as the system is fully integrated and any CSO with ALPR on the vehicle can enforce any area previously monitored by the ALPR.

Increasing the frequency of enforcing parking areas also has the potential of eventually leading to fewer posted time violations. Therefore, greater public access and turnover of public parking spaces may be created. Some of our parks could be improved by ALPR, as vehicles park beyond the posted time limits, which creates accessibility challenges for those wishing to utilize these parks.

Additionally, in February 2020, the Office of The Port Auditor (OPA) completed in an operational audit of the current enforcement practices. The OPA recommended the District implement ALPR to increase the efficiency of enforcement.

### **Improved Customer Experience**

ALPR is a key component of an opportunity to improve customer experience in parking areas that utilize multi-space pay stations. Also, it is a key component for the use of contactless payment (pay by mobile application) which has the benefit of increasing public safety and reducing exposure to viruses such as Covid19. As an example, the parking lot at Embarcadero Marina Park South, as part of the new San Diego Symphony project, will utilize four multi-space pay stations instead of 121 single space parking meters.

The multi-space pay stations will result in:

- Lower operating costs (savings of approximately \$9k/ year)
- Aesthetically more pleasing view (i.e. less parking meter poles)
- Improved customer experience as visitors will not need to display a paid parking receipt on the dashboard

The pay stations will incorporate two payment approaches for the customer:

- 1) Pay by license plate. The customer approaches the pay station and enters the license plate of their vehicle into the pay station via a touchscreen. Additionally, the customer would enter some form of payment; either a credit/debit card or coins. Upon payment, data would be sent automatically to the ALPR system with a time stamp indicating that the vehicle with the associated license plate has paid for a parking session. There would not be a “pay and display” receipt required to be placed upon the customer’s dashboard. These “pay and display” receipts typically can curl up from the sun or fade and make enforcement difficult.

With ALPR, because the payment and time has been transmitted electronically from the pay station into the ALPR system, the CSO does not have to interpret a physical paper receipt on a dashboard and is not required to even leave the safety of their vehicle. The CSO simply drives through the parking area and if a vehicle is in the area that has not paid or their paid time has expired, then the ALPR system will notify the CSO of this violation.

- 2) Pay by mobile application (app). In this scenario, the customer does not have to approach the pay station, but can simply pay by license plate via a mobile app, while still in their vehicle. The mobile app will send data via an electronic message to the ALPR system with a time stamp, thereby providing the necessary information for the CSO to see that the vehicle has paid. The enforcement would work as described in paragraph 1) above. This additional payment option eliminates the need for a customer to come in contact with parking equipment and protects the safety of both the District’s employees and public by reducing physical interactions with the District’s parking equipment.

To be clear, for the District to offer the improved customer experience of utilizing multi-space pay stations with either pay by license plate or pay by mobile app, ALPR is required for effective and efficient enforcement.

The following California cities, agencies and parking operator are utilizing Vigilant's ALPR system for parking enforcement:

- ACE Parking - Palm Springs
- Downtown San Francisco - SP Plus
- Carlsbad
- El Centro
- Escondido
- Fullerton
- Glendale
- Hayward
- Hermosa Beach
- Los Angeles Airport
- Manhattan Beach
- Napa
- National City
- Paso Robles
- Petaluma

## **Conclusion**

Staff believes the implementation of ALPR at the District will be more effective and efficient than current practices which are time intensive and susceptible to tampering. Staff also believes ALPR could improve the customer experience on Tidelands. Additionally, the implementation of ALPR is a recommendation by OPA. As such, staff recommends that the Board authorize a sole source service agreement per Board Policy 110, Section II.H, with Vigilant Solutions, LLC for a Mobile Parking Regulation Enforcement Automated License Plate Recognition Software as a Service implementation and subscription.

## **General Counsel's Comments:**

The General Counsel's Office has reviewed the agenda sheet and attachments, as presented to it, and approves them as to form and legality.

## **Environmental Review:**

The Board direction or action, including without limitation, a resolution authorizing a sole source service agreement for mobile parking regulation software, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the Board action is consistent with the Public Trust Doctrine.

Finally, the Board direction or action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

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**Attachment(s):**

Attachment A: Sole Source Justification Memorandum for a Mobile Parking Regulation Enforcement Automated License Plate Recognition Software as a service implementation and subscription with Vigilant Solutions, LLC per BPC Policy No. 110 Section II.H

Attachment B: Enterprise Service Agreement (ESA) with Vigilant Solutions, LLC