

MEMORANDUM

TO: The Honorable James R. Kennedy, Chair and Members of City Council
FROM: Louis Moore, Director, Purchasing and Materials Management *Louis Moore*
DATE: Meeting of April 21, 2011
SUBJECT: An Intersection Public Safety Program

Objective

To outsource the installation, operation and maintenance of an Intersection Public Safety Program, also known as a traffic infraction detector program, utilizing the contract between the City of Miami ("Miami") and American Traffic Solutions, Inc. (ATS).

Background

HB 325, which was passed by the Florida State Legislature and later signed into law in May 2010, authorizes public entities to implement the use of traffic infraction detectors, subject to rules and procedures established by, or to be established by, the Florida Department of Transportation.

On June 11, 2010, the City of Miami issued a request for proposals (RFP) to furnish, install, operate and maintain a traffic infraction detector program. The objective is to reduce the number of fatalities and injuries resulting from traffic accidents at critical intersections and to improve motorist and pedestrian safety. The RFP required that proposers submit a total fee for all costs required to furnish, install, operate and maintain a traffic infraction detector program. Additionally, Miami would only accept responses that guaranteed cost neutrality. The RFP stated that Miami would not pay any fees that exceeded revenue received by Miami.

Furthermore, any proposer who submitted a response to the RFP expressly warranted and agreed that it was responsible, at its own cost, to ensure that the traffic infraction detector program was in full compliance with HB325/Chapter2010-80 (Mark Wandall Traffic Safety Program), as amended, and with all rules, procedures and regulations adopted in furtherance of HB325/Chapter 2010-80. Miami selected American Traffic Solutions, Inc. (ATS) and the parties executed a contract on September 21, 2010.

St. Petersburg City Code section 2-234(e) authorizes the Mayor or his designated representative to "piggy-back" off a contract of other governmental entities, provided that such a contract was awarded after a competitive process and to do so is in the best interest of the City of St. Petersburg ("City").

Administration has determined that "piggy-backing" off the Miami contract with ATS is in the best interest of the City for several reasons. Among them is the fact that the contract includes provisions that are required by the Mark Wandall Traffic Safety Program. Additionally, the Miami's contract establishes the following:

- The contract may be terminated by written notice to ATS for convenience after the first year following the initial installation of the cameras.

E-1 (b)

- The contract is guaranteed cost-neutral, with no additional fees or charges for processing or certified mail and no unpaid balance will be carried over month to month.
- The contract provides that if ATS executes a more favorable contract price with another public agency, the City would be given the same benefits.
- The contract also provides for a comprehensive public education program throughout its term, at no cost to the City, that will be on-going and help to reduce red-light running violations.
- The contract is flexible in the number of cameras included, with the ability to add, relocate or remove any installations as deemed necessary without charge or penalty.
- The contract is also beneficial to the City because ATS has experience in processing violations in the Pinellas County court system.

Additionally, over 60 municipalities across the State of Florida have red-light camera programs. Many were competitively bid, including Miami's program. The advantage of "piggybacking" with the Miami contract is that the City does not have to duplicate the time and resources needed to perform a competitive bidding solicitation for a service similar in scope to the one needed.

"Piggy-backing" off the Miami contract means that the City will be able to have ATS implement the same program and provide the same services it is already providing to Miami.

Staff members from the Transportation and Parking Management, ICS, Purchasing and Materials Management, Police, and the Legal departments have reviewed the Miami contract documents (as defined in the Miami contract with ATS). Those documents include the contract between Miami and ATS, Miami's RFP, ATS's response and all negotiated revisions to ATS's response agreed to in writing by both parties and the change orders. Clarification questions for interpretive purposes only were submitted to ATS on January 28, 2011, and February 15, 2011.

Recommendation

Administration recommends that the City outsource the installation, operation and maintenance of an intersection public safety program utilizing the Miami contract with ATS. ATS will furnish, install, operate and maintain traffic infraction detector devices, including photographic, digital, computer equipment, software and hardware as described in the Miami contract documents and in compliance with applicable laws.

The initial program will consist of 19 traffic infraction detectors that will be installed at intersections determined to be most unsafe. Additional traffic infraction detectors may be added by the City over the term of the contract without minimum or maximum quantity or limitation on installation schedule. In addition, existing detectors can be relocated with 30 days prior written notice as driving habits improve at a particular site.

The administration recommends for award, utilizing the City of Miami Contract No. R-10-0387, dated Sept. 21, 2010:

American Traffic Solutions, Inc (est. annual cost).....\$1,083,000

19 Cameras @ \$4,750/camera/month

ATS was founded in Paradise Valley, Arizona, in 1987. It is the largest provider of technology and business solutions for road safety camera and electronic toll enforcement programs worldwide. Its president and CEO, James Tuton, pioneered the road safety camera industry in the United States, including the first Speed Safety Camera program and Intersection Safety Camera.

ATS has contracts in over 20 Florida counties and over 60 municipalities including Gulfport, Kenneth City and South Pasadena in Pinellas County and Temple Terrace in Hillsborough County. They also provide road safety programs in New York City and Nassau County, New York; Philadelphia, Pennsylvania; Washington, D.C.; St. Louis and Kansas City, Missouri; San Diego, California; Seattle, Washington; Fort Worth, Irving and Arlington, Texas; New Orleans and Baton Rouge, Louisiana; Memphis, Tennessee; Fort Lauderdale, Florida; and Tucson, Mesa, Glendale and Scottsdale, Arizona. The company has approximately 230 customers with more than 2,100 installed (3,000 contracted) camera systems throughout the United States and Canada.

Base Agreement

Miami attached a base agreement to its RFP and required ATS to execute its base agreement. Some non-scope and non-program changes to the Miami contract documents are needed to ensure that the contract between the City and ATS is legally consistent with other contracts executed by the city. These changes will be made by an agreement between the City and ATS. Changes include, but are not limited to: (1) changing definitions such as City means the City of St. Petersburg, Florida; (2) changing venue to Pinellas County; and (3) changing where and to whom notices are sent.

A provision will also be added to the City's agreement with ATS stating that in the event that HB 325/Chapter 2010-80 (Mark Wandall Traffic Safety Program) is repealed, that the agreement with ATS and the City shall immediately terminate with no notice required and that neither party shall be liable to the other party for any costs or expenses incurred up to the date of termination.

The initial term of the agreement between the City and ATS will be four years and five months. The City reserves the option to renew its agreement for up to two, two (2) year terms. The City may terminate its agreement with ATS for convenience after the first year following the initial installation of the cameras by written notice to ATS. The monthly per camera fee, as set forth above, includes the total compensation for furnishing, installing, operating and maintaining a traffic infraction detector program inclusive of any/all direct and indirect expenses (including cost of regular and certified mail associated with issuance of warnings, citations and/or violations).

In the event of a conflict between the City and ATS, the parties agree to non-binding mediation and if mediation is unsuccessful and in an effort to expedite litigation, the parties agree to waive their right to a jury trial. Finally, the City is required to conduct at least a forty-five (45) day public awareness campaign prior to "go-live" with its cameras.

The contract documents are voluminous, therefore, a copy is not being attached. A copy has been placed in the City Council office.

Action Plan

Upon City Council's approval of the attached resolution, an agreement will be executed and will be binding only for actual quantities of cameras installed. The agreement will require ATS to provide assistance to the city in implementing and promoting its safety program. Deliverables will include a public awareness toolkit, with a collection of press releases, website content, radio and TV public service announcements and posted signs in accordance with the Mark Wandall Traffic Safety Program.

Cost Funding/Assessment Information

Program revenue will be received and appropriated in the General Fund (0001). Supplemental appropriations from the unappropriated balance of the General Fund (0001) in the amount of \$99,000 to the Transportation and Parking Management Department, Local Transportation Planning (281-1801) and \$63,000 to the Police Department, Traffic & Marine (140-1477) are required for FY11. FY12 revenues and expenditures will be part of the FY12 Operating Budget.

LM:kd

Attachment - Resolution

A RESOLUTION APPROVING THE AWARD OF AN AGREEMENT TO AMERICAN TRAFFIC SOLUTIONS, INC. ("ATS") FOR ATS TO FURNISH, INSTALL, OPERATE AND MAINTAIN AN INTERSECTION PUBLIC SAFETY PROGRAM, ALSO KNOWN AS A TRAFFIC INFRACTION DETECTOR PROGRAM, UTILIZING THE CITY OF MIAMI CONTRACT (NO. R10-0387) WITH ATS DATED SEPTEMBER 21, 2010; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING SUPPLEMENTAL APPROPRIATIONS FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$99,000 TO THE TRANSPORTATION AND PARKING MANAGEMENT DEPARTMENT, LOCAL TRANSPORTATION PLANNING AND IN THE AMOUNT OF \$63,000 TO THE POLICE DEPARTMENT, TRAFFIC AND MARINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg, Florida ("City") desires to have an intersection public safety program with the objective of its program to reduce the number of fatalities and injuries resulting from traffic accidents at critical intersections and to improve motorist and pedestrian safety; and

WHEREAS, American Traffic Solutions, Inc. ("ATS") has the experience and resources to furnish, install, operate and maintain an intersection public safety program for the City; and

WHEREAS, pursuant to Section 2-234(e) of the St. Petersburg City Code, the City is permitted to utilize competitively bid contracts of other governmental entities when it is in the best interest of the City; and

WHEREAS, the City has determined that utilizing the City of Miami contract with ATS dated September 21, 2010, for ATS to furnish, install, operate and maintain an intersection public safety program to be in its best interest; and

WHEREAS, ATS has met the specifications, terms and conditions of the City of Miami contract (No. R10-0387); and

WHEREAS, the Purchasing Department, in cooperation with the Police Department and the Transportation and Parking Management Department, recommends approval of this award; and

WHEREAS, supplemental appropriations to the Transportation and Parking Management Department and the Police Department are needed to cover FY11 expenses related to the intersection public safety program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the award of an agreement to American Traffic Solutions, Inc. ("ATS") for ATS to furnish, install, operate and maintain an intersection public safety program, also known as a traffic infraction detector program, at a total cost not to exceed \$1,083,000 annually utilizing the City of Miami contract (No. R10-0387) with ATS dated September 21, 2010 is hereby approved.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute all documents necessary to effectuate this transaction.

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the General Fund (0001), the following supplemental appropriations for FY11:

General Fund (0001):

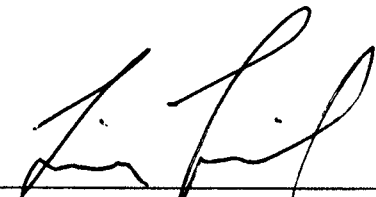
Transportation and Parking Management Department, Local	
Transportation Planning (281-1801)	\$99,000
Police Department, Traffic and Marine (140-1477)	\$63,000

This Resolution shall become effective immediately upon its adoption.

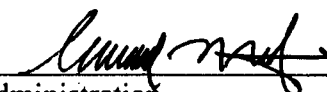
Approvals:



City Attorney (designee)



Budget



Administration