

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: POLICE

AGENDA DATE: ~~August 14, 2007~~ August 21, 2007

CONTACT PERSON/PHONE: Terrence Freiburg, Purchasing Manager , ext. 4313

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Request the Purchasing Manager be authorized to issue a Purchase Order to AutoVu Technologies, Inc. in the amount of \$50,800.00 for a mobile license plate recognition system.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

AutoVu Technologies is the sole manufacturer and provider of the AutoPatrol Law Enforcement LPR Unit and its associated software. The mobile license plate recognition system enables law enforcement officers to automatically read license plates of both moving and parked vehicles and match each plate to an on-board database of wanted vehicles, as well as providing GPS location information.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Cost is \$50,800.00. Funding is available in 508007-⁰⁵¹⁸~~0598~~-21150002-G210702 (\$30,000.00) ATPA FY2007/Public Safety Equipment and 508010-16371-21150060-P500231 (\$20,800.00) Federal Confiscated Funds

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD/CLIENT DEPT: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

**FINANCIAL SERVICES DEPARTMENT
PROJECT FORM**

DATE: August 10, 2007

TO: Municipal Clerk

THRU: Terrence Freiburg, Purchasing Manager
FINANCIAL SERVICES DEPARTMENT – X4313

FROM: Barbara Crumley
Administrative Analyst – X4315

Please place the following item on the Consent Council Agenda for the Council Meeting of **August 21, 2007**.

Item should read as follows: Request that the Purchasing Manager of Financial Services be authorized to issue Purchase Order(s) to AutoVu Technologies, Inc., in the amount of \$50,800.00 as they are the sole manufacturer and the sole provider of the AutoPatrol Law Enforcement License Plate Recognition Unit and its associated software.

Department: Police

Funds Source: 508007-05918-21150002-G210702 (\$30,000.00) Auto Theft Prevention Authority Grant FY2007
508010-16371-21150060-P500231 (\$20,800.00) Federal Confiscated Funds

Amount: \$50,800.00

District(s): All

Sole Source No: 2007-246

CITY CLERK DEPT.
07 AUG 13 PM 1:25

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

RICHARD D. WILES
CHIEF OF POLICE



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOIGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

POLICE DEPARTMENT

TO: Barbara Crumbley
FROM: Lt. Marc Medina
RE: License Plate Reader by Auto Vu
DATE: August 3, 2007

On March 12, 2007, the Auto Theft Prevention Task Force requested to purchase two Auto Patrol License Plate Reader Units from Auto Vu Technology Inc. The criteria for selection was based upon the unique needs of the Auto Theft Prevention Task Force with respect to cost, quality, reliability, and most of all, the product's state-of-the-art technology, which makes it user-friendly and highly functional.

After preliminary research was conducted, a representative from Auto Vu provided a demonstration of their product. Below is a comprehensive list of the unique features and benefits provided by the product manufactured by Auto Vu:

AutoVu products are designed to meet customer needs in a cost-effective manner. AutoVu's fully featured products incorporate highly sophisticated technologies while remaining uniquely simple to use. Auto Vu's product is designed specifically for auto theft prevention whereas other similar plate readers are not. The Auto Vu system reads plate in the manner that is unique to this product. The Auto Vu plate reader is designed to read plates at high speed and low light. This unique system allows the plates that are being read to be compared against files of stolen vehicles that have been entered in NCIC (National Computer Information Center). Other plate readers are designed to capture and record dates and time, however the Auto Vu product includes an additional unique measure that is designed to notify the operator immediately after detecting a stolen vehicle. The Auto Vu product also provides a detailed record and photograph of where and when a plate was read. This feature is unique and is what differentiates Auto Vu's product from regular plate readers that are not designed specifically for auto theft prevention initiatives.

AutoVu's unique full service support includes installation, training, and post-installation support that is unmatched in the industry. AutoVu's unique team of leading computer vision, hardware and software experts are dedicated to staying ahead of the market. AutoVu has demonstrated its unique product from other similar products on the market in several ways. Some of the unique system features include:



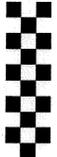
Auto Vu Technology, Inc.

- **Daytime and nighttime operation**
- **Font-independent reading at rates up to 60 frames per second per camera**
- **Reliable scanning of parallel-parked vehicles in typical urban settings even when vehicle spacing is limited**
- **It reads vehicles parked at 45 and 90 degrees**
- **Reading at differential speeds of up to 140 mph**
- **Small image capture units including cameras and illuminators designed for permanent installation or magnetic mounting**
- **Color overview imaging cameras**
- **Rugged high performance 1.8 GHz Pentium-M processor based processing system designed for vehicular use**
- **Integration with existing Mobile Data Computer (MDC); alternately, a robust touch-screen interface is available**
- **Font-independent recognition software for accurate reading of any license plate, whether vehicles are parked or moving at high speeds**
- **Real-time positioning technology that provides accurate location information even where traditional GPS performance is compromised**
- **Wireless transfer capability for on and off loading of data and effective remote maintenance and support**

The Auto Patrol Law Enforcement License Plate Reader Unit comes with a 12-month warranty service that is provided via wireless connections with hardware return policy at no extra cost.

- A. The Auto Vu System utilizes Hi-Resolution Cameras – No other Supplier can provide a system using these types of cameras, which provide the highest level of picture quality and clarity even during poor lighting conditions.**
- B. The “read” rate of the system and responding acknowledgement of the alarm and plate read are two of the most important features of the LPR system. The response time was less than 1/100th of a second while reading multiple data bases simultaneously. This proved to be the most efficient system compared to the rest. This aids in the detection of stolen vehicles, which are a flight risk by design. Also, because the system will be used to monitor both oncoming traffic and traffic flowing in the same direction, the speed of the “read” rate is paramount.**
- C. The Accuracy of the license plate “reads” is a vital feature to eliminate liability issues involving arrest, search and seizure issues of the Fourth Amendment of the Constitution of the United States.**
- D. The Auto Vu system was the only system that provides immediate technical service via EVDO air card to resolve technical issues. All other suppliers require the unit to be returned for repair causing considerable downtime. This is a main concern when purchasing equipment because downtime means loss of productivity in detection and recovery of stolen vehicles.**
- E. The Back-End Evidence Software Package provides easy accessibility for identifying specific vehicles of interest while identifying the wanted vehicle on a rolling map system. This feature is important because the system allows for the storage of files that although**





at the time of the "read" the vehicle (license plate) may not have been reported stolen; upon uploading updated stolen vehicle files (wireless), the system will alert, and recall date, time, and location (through a series of images and GPS location) of where the license plate had been read.

- F. The University of Texas at El Paso has recently purchased a system from Auto Vu for a University System that will allow for common data files to be shared using the Back-End Evidence Software Package included in this product. Other similar systems would not be capable of the interface to that system. This feature is helpful to allow the Task Force conduct follow-up investigations and for the purpose of continuous exchange of information with surrounding law enforcement agencies to detect stolen vehicles or locate suspect vehicles involved in numerous violent crimes. Furthermore, the feature of data sharing enables the City of El Paso to detect vehicles with outstanding parking citations, which would allow the Task Force to call for a uniformed officer to seize the vehicle or impose the owner/driver to post bond at the Municipal Bond Office.
- G. Auto Vu Mobile's proprietary real-time positioning technology provides accurate location information in cases where traditional GPS will fail in such dense urban settings. Combining ALPR with accurate positioning is critical for effective data mining applications built into the Back-End Evidence Software Package. This feature is vital to access the most updated; thus accurate information rather than relying on time-delayed information, which may cause the Task Force to miss the opportunity to seize a stolen vehicle or the timely release a suspected person in possession of a vehicle thought to be stolen.

Unfortunately, the auto theft rate in El Paso continues to elevate, costing taxpayers thousands of dollars everyday. Therefore, it is imperative that we move to purchase the unique product so that we can obtain another tool to combat the auto theft problem. This product has proven to be very effective in other cities and will benefit the El Paso Police Department in its efforts to combat auto thefts or other violent crimes involving motor vehicles. As employees of the City of El Paso, we all have an obligation to the citizens we serve and to continue our efforts in curtailing this dramatic rise in thefts and protecting the overall safety of the public. Finally, grant funds have been available for the purchase since the initial request for purchase was made on March 12, 2007, but these funds will no longer be available after August 31, 2007. Failure to encumber the funds provided by a State-funding agency (Auto Theft Prevention Authority) will jeopardize future funding to the City of El Paso and ultimately demonstrate a disservice to the citizens of this community.

Respectfully,



Marc Medina, Lieutenant
Auto Theft Prevention Task Force





**FINANCIAL SERVICES
PURCHASING DIVISION**

SOLE SOURCE AFFIDAVIT

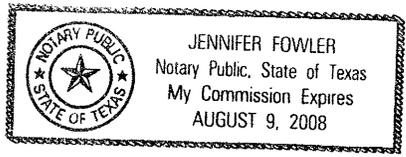
THIS IS AN OFFICIAL PURCHASING DOCUMENT – RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared Jennifer Fowler, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Edward J Gardner. I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.
2. I am an authorized representative of the following company or firm: Autovu Technologies, Inc.
3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):
Mobile - LPR Unit - Auto Patrol Unit
4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
6. **Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.**

Edward J Gardner
Signature

SUBSCRIBED AND SWORN to before me on this 23 day of March, 2007



Jennifer Fowler
NOTARY PUBLIC
Jennifer Fowler
PRINTED NAME
8-9-2008
MY COMMISSION EXPIRES

CITY CLERK DEPT.
07 AUG 13 PM 1:25

COMPANY NAME: Autovu Technologies, Inc
ADDRESS, CITY, STATE & ZIP CODE: 1011 Carsaire Cove, Austin, Tx 78734
PHONE: (512) 608-9444 FAX NUMBER: (512) 608-9706
CONTACT NAME AND TITLE: Edward J Gardner - Dir of Sales



April 1, 2007

Commander David Norman
El Paso Police Department.
911 N. Raynor
El Paso, TX 79903

Subject: Sole Source Justification – AutoPatrol Mobile License Plate Recognition Systems

Dear David:

Concerning your request for additional information from AutoVu Technologies, Inc. with respect to our product exclusivity and uniqueness and specifically why we feel the El Paso Police Department. should sole source this contract, I can provide you with the following information. The El Paso Police Department. wants to source a hot list enforcement system that will be used to read the license plates of moving and parked vehicles, search an on-board database of hot list violators, scofflaws, and identify violators based on a positive match against the database (the “System”) and to enforce violation regulations. The application described above is protected by US patent RE38,626E issued October 19th 2004 (see attached).
For example claim 49 describes:

A system for locating a lost vehicle comprising:

- a camera capturing an image of the lost vehicle;
- a sub-system within a data processing system coupled to the camera, the sub-system extracting an identifier of the lost vehicle from the image;
- a database coupled to the data processing system, the database storing a plurality of data records, each data record including a vehicle identifier; and
- a means for enabling a user to traverse the database to locate a second data record having the identifier of the lost vehicle, to assist in identifying the lost vehicle.

Furthermore as per claim 63, a lost vehicle is described to include a vehicle that is:

- registered to an owner with an unpaid public debt; or
- wanted by a law enforcement or public service agency.

Claims 49 and 63 clearly describe the System that the El Paso Police Department. wants to source with the license plate number being used as the identifier.

As the owner and exclusive assignee of this patent, AutoVu Technologies is the only supplier that can provide the EL Paso Police Department the System that it wants to source. Competing systems cannot be deployed and used without infringing AutoVu Technologies, Inc. patent.

AutoVu's AutoPatrol Mobile License Plate Recognition (MLPR) product has been designed from the ground up as a solution of choice for both parking and law enforcement applications including for example:

- Scofflaw vehicle identification
- Overtime parking enforcement
- Stolen vehicle identification

AutoPatrol is a proven product with over 25 systems deployed in 18 North American locations. Cities such as Chicago, Los Angeles, Sacramento and Houston are using AutoVu Systems to find scofflaws and/or stolen vehicles while enforcing restrictions with impressive results.

Beyond the basic requirements of reading and matching license plates from an on-board database (which is essentially what the competition offers), AutoPatrol for Scofflaw Vehicle Identification incorporates several unique and differentiating features, both technically as well as operationally:

- AutoPatrol Hi-resolution image capture hardware is vehicle mounted so that the system can be operated by a single operator thereby generating substantial operational cost savings compared to a hand held and other mobile systems.
- The system is outfitted with image capture hardware on both sides of the vehicle for ease of enforcement both on street and off-street.
- AutoPatrol can read vehicles two lanes on the left side of the vehicle operator, one lane on the right side and parked parallel, 45 or 90 degrees at normal driving speeds up to 70 MPH.
- AutoVu Mobile's proprietary real time positioning technology provides accurate location information in cases where traditional GPS will fail - such as dense urban settings. Combining ALPR with accurate positioning is critical for effective data mining applications.
- The AutoVu system provides a moving map display inside the vehicle which allows officers to review current position and past locations where target vehicles have been read. The same map display is supported on the AutoVu Mobile back-office server.
- AutoPatrol is equipped with a local wireless data transfer capability for effective uploading and downloading of the hot list, scofflaw list, and enforcement data and system usage data.

- The system comes with a complete back-end management reporting system.
 - High performance 1.8 GHz Pentium-M Dothan processor, 2MB on-chip cache
 - Ruggedized, shock-mounted package
 - Designed for vehicular environment, with 140 degree Max. heat tolerance
 - Optional 12 Channel WAAS-corrected GPS receiver
 - Proprietary Integrated inertial navigation system, odometer/reverse light interface
 - Integrated vehicle startup / shutdown detection and power control
 - Extended range 802.11b wireless networking
 - Extreme temperature rated ruggedized hard disk for long operational lifetime
 - Optional 1xRTT/EVDO cellular wireless networking
 - 3 x USB ports

The information outlined above will serve to demonstrate to you that AutoVu Technologies, Inc. has an exclusive and unique product that is *proprietary* and *patented* and not available from other suppliers.

To date, all of the AutoVu municipal customers have procured AutoVu Systems on a sole source contract award basis. More specifically, I can also advise you that the following cities have procured our technology through the awarding of a sole source contract after confirming that this technology application is patented and as such no other supplier could meet their requirements for a mobile LPR system. These cities are:

- ◆ The City of Salt Lake, UT
- ◆ The City of Monterey, CA
- ◆ The City of San Diego, CA
- ◆ The City of Sacramento, CA
- ◆ The City of Napa, CA
- ◆ The City of Petaluma, CA
- ◆ The City of Los Angeles, CA
- ◆ The City of Ft. Collins, CO
- ◆ The City of Tampa, FL
- ◆ The City of Chicago, IL
- ◆ The City of North Vancouver, BC

It is our position that the System currently being sought by the El Paso Police Department., for a license plate recognition system to identify "Hot List Vehicles" clearly falls within the protection

of AutoVu's US patent RE38,626E and therefore a sole source contract for procurement of this technology should be awarded to AutoVu Technologies Inc. on these grounds.

I trust this information is satisfactory to you. Should you require additional information or clarification please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Joe Gardner". The signature is written in a cursive style with a large initial "J" and "G".

Joe Gardner
Dir. of Southeast Sales
AutoVu Technologies Inc.

Attachment – AutoVu Patent – RE38,626E