

**SUPPLEMENTAL
AGENDA MATERIAL
for Supplemental Packet 2**

Meeting Date: May 7, 2026

Item Number: #1a

Item Description: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority

From: Paul Buddenhagen, City Manager

Submitted by: Jen Louis, Chief of Police, Henry Oyekanmi, Director of Finance

This supplemental clarifies that Item 1a is being procured through Region 4 ESC Contract No. R250203 (OMNIA Partners), awarded April 1, 2025, and revises resolution paragraphs 5–8 to authorize a new contract under that cooperative agreement rather than an amendment or extension of Contract #32400088.

RECOMMENDATION

This supplemental report clarifies the procurement vehicle the City is using for the proposed public safety technology contract with Flock Safety, confirms that each component of the proposed technology package falls within the scope of that cooperative agreement, and revises the operative language of the resolution to clearly authorize the City Manager to enter into a new contract rather than amend or extend Contract #32400088.

The supplemental further clarifies that the Master Services Agreement (MSA) negotiated between the City of Berkeley and Flock Safety will govern the contractual relationship between the parties, and that the terms of the City's MSA control and supersede any conflicting terms contained in the Region 4 ESC cooperative agreement, OMNIA Partners purchasing documents, Flock Safety's standard terms and conditions, or any other ancillary contract or purchasing documents.

FINANCIAL IMPLICATIONS

None. The proposed amendments do not alter the contract price.

CURRENT SITUATION AND ITS EFFECTS

The City is proposing to satisfy the City of Berkeley Purchasing Manual's procurement requirements by piggybacking off a cooperative purchasing agreement, as authorized by Sections I.3 and III.10 of the Manual (rev. November 2025). The cooperative agreement is Region 4 Education Service Center (Region 4 ESC) Contract No. R250203, titled "Weapons and Threat Detection Equipment, Services, and Other Solutions," issued under Region 4 ESC RFP 25-02 (October 10, 2024) and competitively awarded to Flock Group Inc. d/b/a Flock Safety, with a contract effective date of April 1, 2025. The Master Agreement is made nationally available through OMNIA Partners, Public Sector. Initial term: April 1, 2025 through March 31, 2028, with two (2) one-year renewal options through March 31, 2030.

The City is leveraging the pricing competitively established under this Master Agreement and will execute its own Master Services Agreement directly with Flock Safety to comply with Berkeley-specific terms. Each component of the proposed technology package is on the Region 4 ESC R250203 pricing sheet, as documented in the table below.

BACKGROUND

Scope of Work Alignment

The cooperative agreement includes an extensive list of items. The department seeks to procure a subset of products that are available on that list and therefore falls within the bid scope of work.

Each component of the proposed technology package- automated license plate readers (Falcon series), fixed PTZ surveillance cameras (Condor), drone-as-first-responder hardware and software (Aerodome, including the Alpha and Matrice M4DT platforms), the Flock Community Program for community video stream integration, and associated

implementation and professional services- is listed on the current Region 4 ESC R250203 cooperative pricing sheet (Contract Update 3, dated August 27, 2025), published by OMNIA Partners.

The R250203 pricing sheet also expressly provides that "Flock's full catalog is available for purchase on the Region 4 ESC Contract. Any product not explicitly listed is eligible for a 4.3% discount off MSRP." The competitively established scope of the cooperative agreement therefore covers Flock's catalog as a whole at a defined discount, not only the specific SKUs enumerated on the price list as of any given date.

Source documents: OMNIA Partners - Flock Safety, Region 4 ESC Contract No. R250203, Contract Documents page (Master Agreement Documents Combined, April 1, 2025; CU3 Pricing, August 27, 2025), available at: <https://www.omniapartners.com/suppliers/flock-safety/public-sector/contract-documents>.

Revised Resolution Language

To clearly distinguish this procurement from the December 2023 contract executed under Resolution 71,013-N.S. (Contract #32400088, piggybacked on OMNIA Partners contract 23-6692-03), staff recommends that Council adopt the resolution with the following revisions in paragraphs 5 through 8:

Strike (in paragraphs 5 through 8):

~~"... amend the existing Contract #32400088 ..."~~

Insert in place of the struck language:

"...enter into a new contract and any amendment by utilizing the cooperative purchasing agreement established under Region 4 Education Service Center Contract No. R250203 (OMNIA Partners), titled Weapons and Threat Detection Equipment, Services, and Other Solutions, awarded April 1, 2025..."

Adopting this revision (1) eliminates any ambiguity about whether the action constitutes a new contract or a modification of the prior contract, (2) places the cooperative procurement vehicle on the face of the resolution, and (3) preserves the City's authority to execute necessary amendments within the not-to-exceed amount Council approves.

CONTACT

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Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.

**APPROVING SURVEILLANCE TECHNOLOGY AND POLICE EQUIPMENT
ORDINANCE REQUIREMENTS, UPDATED USE POLICIES, AND AUTHORIZING
CONTRACTS WITH FLOCK SAFETY FOR PUBLIC SAFETY TECHNOLOGY**

WHEREAS, the City of Berkeley has adopted BMC 2.99, the Surveillance Technology Ordinance, which requires City Council approval of a Surveillance Acquisition Report and Surveillance Use Policy prior to the acquisition or use of new surveillance technology; and

WHEREAS, the City of Berkeley has adopted BMC 2.100, the Police Equipment Ordinance, which requires City Council approval of a Police Equipment Impact Statement and Police Equipment Use Policy for controlled military equipment, consistent with AB 481; and

WHEREAS, the Drone as First Responder (DFR) portion of the Unmanned Aerial Systems program constitutes both a new surveillance technology under BMC 2.99 and controlled military equipment under BMC 2.100, and the Police Department has prepared and published the required Surveillance Acquisition Report, Surveillance Use Policy, Impact Statement, and Police Equipment Use Policy for Council review; and

WHEREAS, Community Video Streams constitute a new surveillance technology under BMC 2.99, and the Police Department has prepared and published the required Surveillance Acquisition Report and Surveillance Use Policy for Council review; and

WHEREAS, fixed video cameras were previously approved by Council, and updated Surveillance Use Policies reflecting Council-directed revisions are presented for approval; and WHEREAS, the Police Department held a community information session on January 15, 2026, to present and gather feedback on the full suite of public safety technologies, and the Police Accountability Board has had an opportunity to review and provide input on each technology through multiple public meetings; and

WHEREAS, the City Council accepted the Byrne State Crisis Intervention Program (SCIP) grant award of \$1,000,000 on July 29, 2025, which identified investigative software as an eligible expenditure, and Flock Nova falls within that allocation; and

WHEREAS, the City's existing Flock Safety ALPR contract expires in July 2026, and renewal authority is required to maintain continuity of service; and

WHEREAS, the City has negotiated a Master Services Agreement with Flock Safety that includes protections for City data ownership, restrictions on federal access consistent with the City's sanctuary policies, financial penalties for unauthorized disclosures, security incident notification requirements, and post-termination data protections, and Flock Safety has accepted every revision proposed by the City Attorney's Office; and

WHEREAS, funding for the technology suite will come from eliminating up to 6 sworn officer positions, as supported by the Berkeley Police Association, resulting in a net savings to the General Fund; funding for fixed cameras is available in the General Fund

allocation designated for surveillance cameras; funding for Flock Nova is available from the BSCC SCIP grant with no General Fund impact; and

WHEREAS, all prices meet or are below those listed for the same products on the Omnia Partners No. R250203 cooperative purchasing agreement, satisfying the City's competitive procurement requirements; and

WHEREAS, Flock Safety has offered a 10% discount on new product lines if contracts are executed by the end of ~~March 2026~~the current contract in July 2026, representing over \$100,000 in savings.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Surveillance Technology Ordinance Approvals

1. The City Council hereby accepts the Surveillance Acquisition Report and approves the Surveillance Use Policy for the Unmanned Aerial Systems program.
2. The City Council hereby accepts the Surveillance Acquisition Report and approves the Surveillance Use Policy for Community Video Streams.
3. The City Council hereby approves the updated Surveillance Use Policies for fixed video cameras.

Police Equipment Ordinance Approvals

4. The City Council hereby accepts the Police Equipment Impact Statement and approves the Police Equipment Use Policy for unmanned aerial systems.

Contract Authority

5. The City Manager is authorized to ~~amend the existing Contract #32400088 enter into a new contract and any amendment by utilizing the cooperative purchasing agreement established under Region 4 Education Service Center Contract No. R250203 (OMNIA Partners), titled Weapons and Threat Detection Equipment, Services, and Other Solutions, awarded April 1, 2025~~ with Flock Group, Inc. (Flock Safety) to ~~add procure~~ Drone as First Responder hardware, software, and services for an initial three-year term, in an amount not to exceed \$750,000.

6. The City Manager is authorized to ~~amend the existing Contract #32400088 enter into a new contract and any amendment by utilizing the cooperative purchasing agreement established under Region 4 Education Service Center Contract No. R250203 (OMNIA Partners), titled Weapons and Threat Detection Equipment, Services, and Other Solutions, awarded April 1, 2025~~ with Flock Group, Inc. (Flock Safety) to ~~add procure~~ fixed surveillance cameras for an initial four year term, in an amount not to exceed \$310,000, with an option to extend for one additional three-year term, for a total amount not to exceed \$600,000.

7. The City Manager is authorized to ~~amend the existing Contract #32400088 enter into a new contract and any amendment by utilizing the cooperative purchasing agreement established under Region 4 Education Service Center Contract No. R250203 (OMNIA Partners), titled Weapons and Threat Detection Equipment, Services, and Other~~

Solutions, awarded April 1, 2025 with Flock Group, Inc. (Flock Safety) to ~~add~~ procure Nova investigative software for a one-year term, in an amount not to exceed \$75,000, funded by the Byrne State Crisis Intervention Program (SCIP) grant.

8. The City Manager is authorized to ~~amend the existing Contract #32400088 enter into a new contract and any amendment utilizing the cooperative purchasing agreement established under Region 4 Education Service Center Contract No. R250203 (OMNIA Partners), titled Weapons and Threat Detection Equipment, Services, and Other Solutions, awarded April 1, 2025~~ with Flock Group, Inc. (Flock Safety) to ~~renew~~ procure Automated License Plate Readers (ALPRs) for a two-year term, in an amount not to exceed \$330,000, with an option to extend for an additional two-year term, for a total amount not to exceed \$660,000.

BE IT FURTHER RESOLVED that the total aggregate amount authorized under items 5 through 8 of this Resolution shall not exceed \$1,465,000 for the initial contract terms, and shall not exceed \$2,085,000 in the event all optional extension terms are exercised, with no individual contract term extending beyond seven years from the date of execution.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute any amendments to the above contracts and the Master Services Agreement with Flock Safety, provided that any amendments do not increase the total amounts authorized herein and are consistent with the approved Use Policies and Impact Statements.

BE IT FURTHER RESOLVED that the authorized sworn officer strength of the Berkeley Police Department is hereby reduced by 3 full-time equivalent positions, effective July 1, 2026, with the resulting salary and benefit savings to fund the ongoing technology subscription costs authorized herein, the Senior Crime Analyst conversion, and the permanent funding of the Crime Analyst position that is currently grant-funded.

BE IT FURTHER RESOLVED that grant funds received under the SCIP grant and used for the Flock Nova contract shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the City's utilization of the Omnia Partners No. R250203 cooperative purchasing agreement is intended only to piggyback off that agreement's price terms for purposes of competitive procurement and shall not be construed as the City's agreement to other terms of the Omnia Partners contract.

BE IT FURTHER RESOLVED that the City Manager is directed to ensure that the Master Services Agreement between the City of Berkeley and Flock Group, Inc. (Flock Safety) provides that it constitutes the governing contract document for all purchases authorized under paragraphs 5 through 8 of this Resolution, and that its terms control and supersede any conflicting terms in the Region 4 ESC Contract No. R250203, the OMNIA Partners Master Agreement, Flock Safety's standard terms and conditions, click-through or online agreements, purchase orders, or other ancillary documents.