

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

March 15, 2022

**FROM**

**JASON ANDERSON, District Attorney**

**SUBJECT**

Amendment to Contract with Visual Labs, Inc. for Access to Law Enforcement's Electronic Evidence

**RECOMMENDATION(S)**

1. Approve **Amendment No. 1** to **Contract No. 19-196** with Visual Labs, Inc. for a software subscription to access electronic evidence provided by law enforcement agencies for the investigation and prosecution of crimes, increasing the contract by \$35,000, from \$55,000 to \$90,000, and extending the term for two years, for a total contract term of April 2, 2019 through March 31, 2024.
2. Authorize the Purchasing Agent to approve amendments for future cost increases provided the total annual contract amount remains within the Purchasing Agent's contract authority of \$200,000 annually, pursuant to County Policy 11-04.A.ii, and non-financial/non-material changes to the Agreement, subject to County Counsel review.
3. Direct the District Attorney to transmit all documents related to this agreement, including any authorized amendments, to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in additional Discretionary General Funding (Net County Cost). The District Attorney (Department) requests to increase the contract by \$35,000, for a total of \$90,000, which includes the annual cost of the software subscription of \$17,500 for up to 70 end users. Sufficient appropriation is included in the Department's 2021-22 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

Various law enforcement agencies within San Bernardino County utilize camera systems to record events such as traffic stops, 911 response calls, criminal investigations, and interviews with victims, witnesses, and suspects. The Department routinely requests electronic copies of video and audio files from law enforcement agencies when investigating and prosecuting cases. Video and audio files can be crucial to the successful prosecution of cases when there are discrepancies between victim, witness, and defendant accounts surrounding the alleged crime.

**Amendment to Contract with Visual Labs, Inc. for Access to Law Enforcement's Electronic Evidence  
March 15, 2022**

When the Department requests electronic copies of video and audio from law enforcement agencies, the agencies create copies of requested files on DVD's and CD's. Requested files are then hand delivered to Department. This process is time consuming and can take weeks to complete, which can delay prosecution of cases.

Visual Labs, Inc. offers a camera system, hosted solution and storage that allows law enforcement agencies to efficiently upload video footage for review and use. In July 2017, the City of Fontana's Police Department (Fontana) contracted with Visual Labs, Inc. to implement a body-worn camera system, including storage of the resulting files. Once the files have been stored and made accessible by the City of Fontana, the Department can access the files for cases under review through a portal developed by Visual Labs, Inc. The portal provides the ability for the Department to comply with discovery obligations under Penal Code Section 1054 et. seq. more efficiently.

On April 2, 2019 (Item No. 12), the Board of Supervisors (Board) approved Contract No. 19-196 with Visual Labs, Inc. for a software subscription in the amount \$55,000 for the period of April 2, 2019 through March 31, 2022. The contract contained the option to extend for two additional one-year periods upon mutual agreement of Visual Labs and the County.

The Department requests approval of Amendment No. 1 to Contract No. 19-196 with Visual Labs, Inc. to extend the contract term by two years for an end date of March 31, 2024, with an increase of \$35,000, for a total contact cost of \$90,000. The vendor has agreed to the two-year contract extension at the same annual subscription cost. Approval of Amendment No. 1 will allow the Department to continue access to electronic evidence provided by the City of Fontana Police Department for investigation and prosecution of cases.

**PROCUREMENT**

This software subscription was not competitively bid because the Department became aware of Visual Labs' services after its contract had already been implemented in the City of Fontana Police Department. The Department, along with County Counsel and Risk Management, negotiated the pricing and terms of the contract to follow County procurement policies and standard contract language as closely as possible. The Department now requests approval to extend the contract by exercising the option to extend set forth in Section D of the original contract. Purchasing concurs with the non-competitive justification of maintaining an existing agreement up to the maximum term limit of five years allowed by County Policy 11-05.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on February 10, 2022; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on February 14, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on February 28, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on February 28, 2022.

**Amendment to Contract with Visual Labs, Inc. for Access to Law Enforcement's Electronic Evidence  
March 15, 2022**

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Janice Rutherford Seconded: Joe Baca, Jr.  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: March 15, 2022



cc: DA- Walker w/agree  
Contractor- C/O DA w/agree  
File- w/agree w/attach  
LA 03/21/2022