

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

October 22, 2024

FROM

SHANNON D. DICUS, Sheriff/Coroner/Public Administrator

SUBJECT

Contracts with Axon Enterprise, Inc. for Taser 10 Certification Program with Virtual Reality and Software Licensing

RECOMMENDATION(S)

1. Approve the following contracts, including a non-standard term, with Axon Enterprise, Inc.:
 - a. Non-financial **Contract No. 24-986** for Evidence.com software licensing, for the period of October 22, 2024 through December 31, 2024.
 - b. **Contract No. 24-987** for the provision of the Taser 10 Certification Program with Virtual Reality, for a total amount not to exceed \$10,328,980, for the period of December 31, 2024 through December 30, 2029.
2. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff to execute change orders to the contract noted in Recommendation No. 1.b., as needed, subject to review by County Counsel, so long as the total aggregate amount of such change orders does not exceed \$516,450, 5% of the total contract amount, and the change orders do not amend the contract term.
3. Direct the Sheriff/Coroner/Public Administrator or Undersheriff to transmit all change orders to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Kelly Welty, Chief Deputy Director, 387-3760)

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 may result in the use of additional Discretionary General Funding (Net County Cost) in future years. The Sheriff/Coroner/Public Administrator (Department) was approved for \$1,575,413 in ongoing Proposition 172 funding for the taser replacement program in the 2023-24 Budget. In addition, the Department received a \$606,650 award from the FY 2024 Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program in support of the taser program, as approved by the Board of Supervisors (Board) on September 24, 2024 (Item No. 76). The Department will also realize ongoing cost savings of \$132,000 annually due to non-renewal of related software licensing costs.

BACKGROUND INFORMATION

Since 2006, Department safety personnel have been issued handheld Conducted Energy Weapons (CEWs), manufactured by Axon (formerly Taser International, Inc.), to provide a less-

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lethal option to subdue combative subjects. On December 6, 2016 (Item No. 70) the Board authorized the Department to upgrade its inventory with the purchase of X2 CEWs through Axon's Taser 60 Program which allowed the Department to receive new CEWs immediately but pay for the devices over a five-year period. These devices are nearing the end of their useful life, require more frequent repairs, and are no longer covered by the manufacturer's warranty.

Approval of Recommendation No. 1.a. will provide the Department with temporary software licensing for Axon's Evidence.com at no cost to Sheriff, for the period of October 22, 2024 through December 31, 2024, to assist in the transition from the current digital evidence platform, while unifying all users on one platform and simplifying data sharing with the County's District Attorney's Office.

With approval of Recommendation No. 1.b., the Department will deploy the Taser 10 platform, Axon's most current model CEW, which includes notable upgraded safety features, such as increased deployment range to create more time and space to de-escalate and resolve conflicts, advancements in accuracy, effectiveness, and reliability. After the X2 CEWs were deployed in 2016, the department's sworn personnel have been issued and trained with Axon's devices, and transitioning to the newest model will only require minimum additional training.

Through Axon's Certification Program with VR, the Department will receive 2,000 Taser 10 CEWs, 66 Taser 10 Spare CEWs, 20 Taser 10 VR simulation devices, unlimited duty cartridges, annual training cartridges, accessories, maintenance, training, and software integration and access to Axon's Evidence.com to manage CEW activity and event logs, for the period of December 31, 2024 through December 30, 2029.

Approval of Recommendation No. 2 will allow the Sheriff/Coroner/Public Administrator or Undersheriff to address changes in CEW equipment, accessories, and/or service needs. Any such change order shall not exceed \$516,450, 5% of the total contract amount of \$10,328,980, nor amend the contract term.

The contracts with Axon contain the following non-standard term that differs from the standard County contract:

1. Axon limits its liability to two times the amount of payments made in the 12-months before the claim is made; the County's liability to Axon is unlimited.
 - (c) The County's standard contract does not include a limitation of liability.
 - (d) Potential Impact: Claims could exceed the liability cap and the contract, leaving the County financially liable for the excess.

While this is a notable exception to the County's standard contract language, the Department recommends approval of the contracts with Axon, including the non-standard term, to continue to provide for the safety, health and social service needs of county residents by providing a less-lethal option to subdue combative subjects. Per County Policy No. 11-05, contracts containing non-standard terms must be approved by the Board. County Counsel and Risk Management have received and provided input on the contracts.

PROCUREMENT

Axon is the manufacturer of the Taser 10 CEW and related Taser 10 Certification Program with VR. The Certification Program with VR and all related equipment, software integration, and access, accessories, training, and maintenance support services provided, are only available for

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purchase through Axon. Although there are other CEW models on the market, those are more for personal use by private citizens, and not designed for law enforcement purposes. The Purchasing Department supports this non-competitive procurement.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Grace B. Parsons, Deputy County Counsel, 387-5455) on September 26, 2024; Purchasing (Jason Cloninger, Lead Buyer, 387-0321) on September 23, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 396-9008) September 23, 2024; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on October 4, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 7, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Jesse Armendarez
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 22, 2024



cc: Sheriff/Coroner - Welty w/agree
Contractor - c/o Sheriff/Coroner w/agree
File - w/agree
MBA 10/22/2024