



Board Report

File #: 2019-0079, File Type: Contract

Agenda Number: 24.

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE MARCH 21, 2019

SUBJECT: LEXRAY SOFTWARE MAINTENANCE SERVICE CONTRACT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. RATIFY AND EXECUTE Contract No. PS126167000-30896 with MobilPrise, Inc. dba LexRay (LexRay) for software maintenance services for costs incurred from January 1, 2015 through March 31, 2019 in the amount of \$1,226,863;
- B. EXECUTE Contract Modification No. 1 to Contract No. PS126167000-30896 with LexRay for software maintenance services for the term April 1, 2019 ending December 31, 2020, increasing the total authorized amount by \$531,136 for a revised total contract amount of \$1,757,999; and

ISSUE

In February 2013, Metro entered into a sole source procurement with LexRay to begin the development of a mobile data platform by purchasing proprietary software licenses. This allowed Metro to migrate closed-circuit television feeds from Metro's rail stations onto a mobile platform for viewing on smart phones. This migration resulted in enhancements of situational awareness for Metro staff and law enforcement during an incident or emergency. At that time, Metro had knowledge that these services were only available from LexRay due to their patent on this software technology.

DISCUSSION

The software provided by LexRay to Metro was originally purchased in 2013. This software is used by Metro's System Security and Law Enforcement Department to facilitate viewing closed circuit television cameras (CCTV) on mobile devices like smartphones and tablets. This ability to view CCTV images on mobile devices gives Metro and law enforcement immediate situational awareness.

Following the 2013 procurement, staff at the project level failed to adhere to contracting protocols, and, among other irregularities, obligated the Agency to pay software maintenance fees for calendar years 2015 through 2018. In late 2018, LexRay advised Metro that there were invoices in the amount of \$1,138,432 for maintenance services from 2015, 2016, 2017 and 2018 that were unpaid. In addition, maintenance services for January, February and March 2019 total \$88,431. Executive staff

in Security and Vendor Contract Management consulted with the Office of the Inspector General and County Counsel as to the best way to resolve this matter. Staff negotiated a resolution with LexRay and their legal counsel. Staff concurs that the amount due LexRay is accurate. Staff is requesting the Board ratify the contract for these maintenance services.

Going forward and as part of lessons learned, Metro is seeking to acquire one video management system with a mobile viewing inclusion. Therefore, a separate mobile viewing provider will no longer be necessary.

DETERMINATION OF SAFETY IMPACT

The LexRay Mobile Operations Platform has enhanced situational awareness at rail stations and other critical Metro locations, and increased incident and emergency response time of Metro staff and law enforcement officers.

FINANCIAL IMPACT

There will be no impact to the FY19 Budget, the amount due LexRay will be paid with FY19 cost savings from security contracts.

IMPACT TO BUDGET

The source of funds for this action will be a mix of operations eligible funds including fares, sales tax and federal/state grants as it supports the safe operation of the rail system.

ALTERNATIVES CONSIDERED

Withhold payment for the software maintenance services provided to Metro. This is not recommended because LexRay performed in good faith and provided Metro ongoing software maintenance.

NEXT STEPS

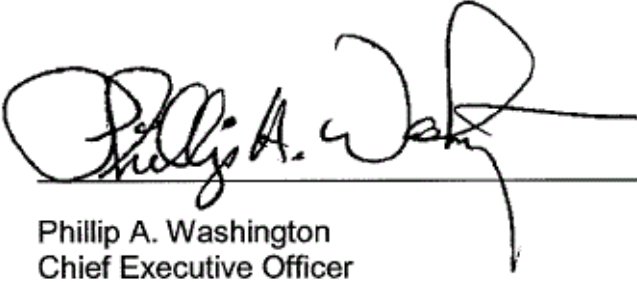
Upon Board approval of the requested recommendations, staff will execute a Contract and Contract Modification No 1. with LexRay for software maintenance services through December 31, 2020 and pay all outstanding invoices.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

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