



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2024-792, **Version:** 2

A resolution approving Amendment Number 3 to a sole source contract between the Metropolitan Government of Nashville and Davidson County and Fusus, LLC. to increase the value, extend the term, and utilize the full scope of work including surveillance technology, excluding facial recognition and artificial intelligence tools.

WHEREAS, The Metropolitan Government of Nashville and Davidson County ("Metro") previously entered into Contract 6518701, with Fusus, LLC., for community safety video integration services, the value of which was less than \$250,000; and,

WHEREAS, pursuant to Metropolitan Code of Laws § 13.08.080(C)(2), entering into an agreement with a private entity to acquire, share, or otherwise use surveillance technology or the information it provides, if such agreement includes the exchange of any monetary or any other form of consideration from any source, requires prior metropolitan council approval by a resolution adopted after a public hearing; and,

WHEREAS, the parties desire to enter into Amendment Number ~~3~~ 4 to this contract to increase the value of the contract, extend the term of the contract, and utilize the full scope of work for the contract, excluding facial recognition and artificial intelligence tools that includes integration of surveillance technology from community members who register their privately owned cameras; and,

WHEREAS, the Metropolitan Nashville Police Department has created and publicly posted a policy for the acquisition and use of video through this program; and

WHEREAS, approval of the contract amendment attached hereto and incorporated herein with Fusus, LLC. will benefit the citizens of the Metropolitan Government of Nashville and Davidson County.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Amendment Number ~~3~~ 4 to a contract between The Metropolitan Government of Nashville and Davidson County and Fusus, LLC. (contract number 6518701), to increase the value, extend the term, and utilize the full scope of work including surveillance technology, excluding facial recognition and artificial intelligence tools, a copy of which is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. Notwithstanding language in the contract amendment attached hereto and incorporated herein, this resolution does not provide authorization under Section 13.08.080 of the Metropolitan Code for the use of any surveillance technology besides:

- a) the integration of videos from cameras owned by public and private entities, with the assent of the owner of such cameras, for use by the Metropolitan Nashville Police Department; and,
- b) the use of such video; and,
- c) the storage of such video.

Section 3. That this Resolution shall take effect from and after its adoption, the welfare of The Metropolitan

Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves the third amendment to a sole source contract between the Metropolitan Government and Fusus, LLC to increase the value, extend the term, and utilize the full scope of work under the contract including surveillance technology.

Section 4.12.060 of Metropolitan Code of Laws requires the Metropolitan Council to approve sole source contracts with values of more than \$250,000. The Metropolitan Council did not approve the original agreement with Fusus (contract number 6518701) pursuant to Section 4.12.060 because the contract value was only \$175,000. However, the contract should have been subject to Council approval pursuant to Metropolitan Code of Laws Section 13.08.080.C, which requires contracts for surveillance technology meeting certain conditions to be approved by the Council after a public hearing.

The original contract began on September 15, 2022. RS2023-2380, which sought approval of the first amendment, was withdrawn on August 15, 2023, and the contract was amended administratively to extend the term from 12 months to 24 months. Because the length of the contract remained under 60 months Council approval was not required. RS2024-158, which sought approval of the second amendment, was withdrawn on February 6, 2024, and the contract was amended administratively increasing the contract value by \$74,900 for a total contract value of \$249,900. Because the sole source contract remained under \$250,000 Council approval was not required. The second amendment also limited the scope of work for Year 2 of the contract to temporarily deactivate the private real-time video sharing service and the video live streaming from existing Metro-owned cameras.

The third amendment under consideration in the current resolution would extend the total contract term to 60 months with a contract expiration on September 26, 2027. The amendment would increase the value of the contract by \$525,000 for a total contract value of \$774,900.

The resolution under consideration would also expand the contract usage by authorizing the utilization of the surveillance technology provisions which had previously been limited during Year 2, but only to include:

1. The video integration service from cameras owned by both private and public entities,
 - a. Note that the prior to receiving these videos, the camera owners must agree to provide the access to the video footage for use by the MNPd.
2. The use of the videos, and
3. The storage of the videos.

Because this resolution expressly approves the utilization of surveillance technology, among other things, and pursuant to Metropolitan Code of Laws Section 13.08.080.C, a public hearing was held at the October 15, 2024, Council meeting. An additional public hearing was held on November 19, 2024, pursuant to a motion by the Council.

Fiscal Note: This amendment increases the estimated contract value of the contract 6518701 with Fusus, LLC by \$525,000 for a revised contract amount of \$774,900 to be paid from Fund 10101, Business Unit 31160110. However, actual expenses may be paid from various department's fund and business units when purchased

orders are issued.