



Richard C. Pfeiffer, Jr.

CITY ATTORNEY

CITY ATTORNEY'S OFFICE • COLUMBUS OHIO

MEMORANDUM

TO: Andrew J. Ginther, President, City Council
FROM: Richard C. Pfeiffer, Jr., City Attorney *RCP*
DATE: July 1, 2015
RE: Review of contract with Redflex Traffic Systems, Inc.

At your request, the City Attorney's Office has conducted a review of the City's procurement process with respect to the contract between the Department of Public Safety and Redflex Traffic Systems, Inc. and the subsequent modifications of that contract. With the cooperation of the Department of Public Safety, we have put together the attached chronology that sets forth the significant developments in the photo red light enforcement program, including the contracting process. The documents corresponding to that chronology are included in the attached compact disk.

The records reflect that the idea for a photo red light enforcement program originated in the Division of Police, Traffic Bureau, and that the process that resulted in the award of the contract to Redflex was initiated and directed by that agency. In October of 2003, then-Lt. Jeff Blackwell initiated the formation of a committee of City officials from various departments and offices to explore and consider the use of photo red light cameras as a means to reduce the number of traffic accidents at intersections caused by motorists running red lights. This was called the Photo Red Light Committee. Over the course of the next five months, this committee met to discuss the related issues, consulted with other jurisdictions that had already implemented photo red light enforcement programs, and had six potential vendors demonstrate their technologies to the committee before deciding to proceed with soliciting proposals.

In February of 2004, the Photo Red Light Committee determined to proceed with the development of a Request For Proposal (RFP), a process regularly used by City departments for selecting contractors to provide professional services. The RFP process, as provided for in Chapter 329 of the Columbus City Code, can be summarized as follows: 1) the city agency prepares the RFP, which contains a general description of the project, a statement of the agency's needs and requirements, a list of the criteria by which the offeror and proposals will be evaluated, and a notice of any offeror's meeting or conference that will be held; 2) the RFP is advertised in the City Bulletin; 3) an evaluation committee is appointed to evaluate proposals; 4) the evaluation committee evaluates all proposals received and ranks the offerors and may select two or more of the highest qualified offerors with which to hold additional discussions, which may include presentations; 5) the committee submits its ranking, along with a written explanation of the basis for the ranking, to the agency director; 6) if approved by the agency's director, the agency enters into contract negotiations with the highest ranked offeror; 7) after successfully negotiating a contract, the city agency submits legislation to city council requesting approval of the contract.

Civil Division
77 N. Front Street
Columbus, Ohio 43215
614-645-7385
Fax 614-645-6949

Claims Division
77 N. Front Street
Columbus, Ohio 43215
614-645-7385
Fax 614-724-6503

Prosecutor Division
375 S. High Street
Columbus, Ohio 43215
614-645-7483
Fax 614-645-8902

Real Estate Division
77 N. Front Street
Columbus, Ohio 43215
614-645-7712
Fax 614-645-3913

Police Legal Advisor
120 Marconi Blvd.
Columbus, Ohio 43215
614-645-4530
Fax 614-645-4551

As applied to the photo red light enforcement program, the process proceeded as follows: 1) the RFP was developed by personnel from the Division of Police, the Purchasing Office, and the Transportation Division, and advertised in the City Bulletin; 2) an evaluation committee was formed consisting of seven City employees representing four different agencies; 3) after a pre-bid conference had been conducted with potential offerors, six proposals were received and evaluated by the Evaluation Committee; 4) Redflex was the highest ranked offeror by the Evaluation Committee; 5) the Evaluation Committee met with the full Photo Red Light Committee and presented its recommendation, which recommendation was also reviewed and approved by the Division of Police chain of command prior to its submission to Director Brown; 6) the Evaluation Committee conducted another round of presentations by the offerors and made a second recommendation to the Director, again recommending Redflex; 7) the Director approved the recommendation, and negotiations with Redflex were conducted which resulted in a contract that was submitted to City Council for approval.

As reflected in the above-described process and accompanying records, the selection of Redflex as the contractor by the Department of Public Safety was done in conformance with the City Code. Applying the evaluation criteria set forth in the RFP, the Evaluation Committee recommended the selection of Redflex to the Director. No further review of that recommendation was required by the City Code prior to the selection by the Director of an offeror with which to enter into contract negotiations. However, we note that the recommendation of the Evaluation Committee was reviewed and approved by the chain of command at the Division of Police up to the Chief, as well as by the larger Photo Red Light Committee, and also that a second review was conducted by the Evaluation Committee, which made a second recommendation, again recommending Redflex. This additional review was not legally required, and it appeared to add nothing of substance to the process.

As to the subsequent modifications of the contract, all were initiated by the Department of Public Safety. The first modification extended the term of the contract by one year, as provided for in the initial contract, and increased the percentage of revenue per citation being returned to the City. The second modification provided for a three year extension, the addition of 20 new intersections, and another increase in the percentage of revenue per citation being returned to the City. The third modification provided for a four year extension, as well as another increase in the percentage of revenue per citation being returned to the City. Both the second and third modifications included requests from the Department that Council waive the competitive bidding requirements of the City Code, specifically stating in the waiver requests submitted with the ordinances: "It is necessary to waive City Code bid procedure so continuity of the specialized photo red light services is maintained. The original Contract with Redflex resulted in the construction and installation of Photo Red Light Cameras that will be expensive to replace with a new vendor." The records reflect that the Department provided facially valid reasons for each of the three requested modifications as well as the waiver requests.

Andrew J. Ginther, President, City Council

July 1, 2015

Page 3 of 3

In sum, it is my opinion that the process by which the Redflex contract was awarded and subsequently modified was in compliance with the requirements of the City Code.

Attachments: Chronology of City of Columbus Photo Red Light
Compact Disk containing corresponding documents

Civil Division
77 N. Front Street
Columbus, Ohio 43215
614-645-7385
Fax 614-645-6949

Claims Division
77 N. Front Street
Columbus, Ohio 43215
614-645-7385
Fax 614-724-6503

Prosecutor Division
375 S. High Street
Columbus, Ohio 43215
614-645-7483
Fax 614-645-8902

Real Estate Division
77 N. Front Street
Columbus, Ohio 43215
614-645-7712
Fax 614-645-3913

Police Legal Advisor
120 Marconi Blvd.
Columbus, Ohio 43215
614-645-4530
Fax 614-645-4551