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COMMISSION

AGENDA MEMORANDUM Item No. 8k

ACTION ITEM Date of Meeting June 13, 2023

DATE: May 15, 2023

TO: Stephen P. Metruck, Executive Director

FROM: Mike Villa, Chief of Police

SUBJECT: Contract 21CP to Validate Policing Assessment Completion Progress

Amount of this request: \$120,000

Total estimated project cost: \$349,350

ACTION REQUESTED

This item is requesting that (1) the Commission determines that a competitive process is not appropriate or cost-effective and exempts the contract from a competitive process consistent with RCW 53.19.020; (2) the Executive Director executes a contract with 21st Century Policing, LLC (21CP) to provide expert services for reviewing and reporting on the progress of implementing policing assessment recommendations for a contract total of not more than \$120,000 over a four-year period.

EXECUTIVE SUMMARY

Request Commission authorization to execute a competition exemption for the purpose of contracting the original Consultant (21st Century Policing, LLC) that developed the Policing and Civil Rights Task Force Facilitation and Assessment to review and report the ongoing implementation progress of their 52 recommendations (issued in September 2021) and validate the completion of recommendations by POSPD.

JUSTIFICATION

Port of Seattle Commission Motion 2020-15 authorized the creation of a Task Force on Port Policing and Civil Rights (Task Force). The consultant, 21CP Solutions (21CP), was contracted in September of 2020 to conduct a comprehensive assessment of the Port of Seattle Police Department (POSPD) for a cost of \$229,350. The Commission authorized this contract under RCW 53.19.020 with a competition waiver. 21CP worked collaboratively with the Task Force and its multiple subcommittees to understand POSPD and determine recommendations for change. The report titled, "Recommendations for the Port of Seattle Task Force on Policing and Civil rights" was published in September 2021. The report does not contain metrics or make it clear how progress on the recommendations will be tracked or who determines when a recommendation is complete.

Template revised January 10, 2019.

[Annotation] Rabbo, Hala

Typically we don't detail it out, we put the concepts . We recommend shortening

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This follow on contract would provide for third party validation of the work being done by POSPD and the Port to comply with the recommendations. Further, it will provide for a report to be completed each year that will make transparent to the organization and community the progress on implementation of the 52 recommendations. The Chief of Police will provide details of the department's implementation progress when providing the police annual report to the Commission. Competing this contract at this time is neither cost effective nor appropriate as 21CP worked with the Port and Task Force to make the original recommendations. 21CP understands the concerns of the Port and the community and is aware of the intent behind each of the recommendations. 21CP as the author of the original report would be expected to support the recommendations as written and not add new intentions to the work being done to comply with the original recommendations. A new consultant may have different ideas on best practices and may not agree with the recommendations or their intent.

Diversity in Contracting

The intention of utilizing the same consultant that developed the original recommendations in 2020 (which was authorized with a competition waiver at that time) precludes the use of another consultant for reasons listed in the memo and does not adversely or positively impact Diversity in Contracting goals.

DETAILS

In September of 2021, 21CP Solutions issued a report titled, "Recommendations for the Port of

Seattle Task Force on Policing and Civil Rights". The report contains 52 recommended changes for the Port of Seattle Police Department (POSPD). The report does not contain metrics or make it clear how progress on the recommendations will be tracked or who determines when a recommendation is complete. This project will provide a mechanism to review on an annual basis the work of the POSPD to implement the recommendations. It will also provide for a report that details findings and makes transparent the progress on implementing the recommendations.

Scope of Work

The work will consist of three main categories:

- Annual review of documents provided by the POSPD that demonstrate the implementation of recommendations.
- Annual in-person compliance audit to review implementation of policy and procedure changes related to the recommendations.
- Annual written report that details the progress on implementing the recommendations

Tasks and Deliverables

1. Review of Documents

The Consultant will review documents provided to them by the POSPD for each of the recommendations that POSPD believes have been implemented. The documents will provide a

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description of the work performed and other documentation that supports the completion of that recommendation. The dates associated with the Tasks and Deliverables outlined below are based on an assumption that POSPD will produce the relevant documentation by July 1, 2023, for the first review and then by February 15, for each subsequent review.

Deliverables

- The Consultant will provide the Port with their initial written findings from the document review and what additional documentation they may need to determine implementation for each recommendation submitted. Due: July 28, 2023, and then 14 days before each scheduled audit date.
- The Consultant will provide the Port with a list of persons or subject matter areas for any interviews they intend to complete during the compliance audit. Due: July 28, 2023, and then 14 days before each scheduled audit date.

2. Compliance Audits (May be a mixture virtual and on-site as needed)

The compliance audit will be used to answer questions that arise from the document review through the use of interviews and additional documentation. It will also allow for the auditing of any records or other information that are kept on site.

Deliverables

- Consultant will schedule virtual and in-person interviews/document reviews as needed to determine compliance with recommendations. Due: August 15, 2023, and then March 31 of 2024, 2025, 2026.

3. Written Report

The written report will provide a brief background to how the recommendations were made and the process by which the Consultant is evaluating the implementation. The report will provide a brief description of the timelines in this agreement and a summary of all 52 recommendations and the history of when each was determined to have been implemented. The Consultant will provide detail of their findings for each recommendation submitted by POSPD in that year. It will specifically detail if the recommendation has been implemented along with a brief description of how it was completed. For those recommendations submitted that the consultant believes have not been implemented, they will provide a description of what was lacking and what specific tasks must be completed to prove implementation.

Deliverables

- An annual written report Due: August 31, 2023, and then April 15 of 2024, 2025, 2026.
- A presentation to the Port of Seattle Commission and/or the Port of Seattle Police Department, if requested.

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Schedule

Anticipated Notice to Proceed (Consultant 2023 Quarter 2 cannot start work until a fully executed SD from the Port is received)

2023 Written Report 2023 Quarter 4

2024 Written Report 2024 Quarter 2

2025 Written Report 2025 Quarter 2

2026 Written Report 2026 Quarter 2

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Alternative 1 – Complete a competitive process for a consultant to review and report on implementation progress for the 52 recommendations.

Pros:

(1) A competitive process open to all consultants

Cons:

(1) Additional cost and time for a new consultant to understand the Port, POSPD, the recommendations and their intent.

(2) A new consultant may not understand the intent of the original recommendations and may have different viewpoints on the recommendations and policing best practices.

This is not the recommended alternative.

Alternative 2 – Have a port employee be responsible for validating and reporting on the implementation of the recommendations.

Pros:

(1) Work may be completed more quickly.

(2) Cost may be absorbed in existing employees' work time.

Cons:

(1) Lack of third-party validation and possible negative public perceptions.

(2) Port employees lack of knowledge and understanding of policing.

This is not the recommended alternative.

Alternative 3 – Do a competitive exemption and allow the original consultant to examine and report on the progress made in the implementation of their recommendations.

Pros:

(1) Provides third part validation of recommendation implementation.

(2) Provides consistency with the original recommendations.

(3) Provides quicker start-up time by original consultant understanding the Port, POSPD, the recommendations and their intent.

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Cons:

(1) Lack of a competitive process to hire a consultant.

This is the recommended alternative.

ATTACHMENTS

None.

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

September 14, 2021 – The Commission was briefed on Final Policing Assessment Report featuring Task Force Recommendations

September 8, 2020 – The Commission authorized 21CP contract under RCW 53.19.020 with a competition waiver

July 14, 2020 – The Commission authorized creation of Policing and Civil Rights Task Force (Motion 2020-15)

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