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November 14, 2023

RE: Protest \$1 Million Sole-Source Contract with New York University (RCA-2023-01150)

Dear Ms. Bremer,

My company is a registered vendor with the City of Minneapolis' eSupplier system. I am writing to protest the \$1 million sole-source contract with New York University's Policing Project that is currently being considered by the City Council: [Contract with New York University through the NYU School of Law's Reimagining Public Safety Policing Project for implementation of the Safe and Thriving Communities Report \(2023-01108\)](#)

The City Council's [Policy & Government Oversight Committee approved the contract on November 13, 2023](#), and I believe that the full City Council will be voting on the contract this week.

The proposed \$1 million sole-source contract with NYU violates state public procurement laws¹ as well as City policies and procedures.² In addition, this proposed contract would violate City ethics rules³ and involves several conflicts of interest.⁴ If the City rejects my protest and proceeds with the \$1 million sole-source contract, then I intend to file a complaint with the Office of the State Auditor.⁵

This contract is not being awarded through [Minnesota's Cooperative Purchasing Venture \(CPV\)](#) which would allow the City to contract with a vendor without going through the normal public procurement process. NYU is not registered with the CPV. Since the contract is worth more than \$175,000, state law

¹ [2023 Minnesota Statutes - 471.345 UNIFORM MUNICIPAL CONTRACTING LAW](#)


² [Minneapolis Code of Ordinances - Title 2 - CHAPTER 18. – PURCHASING - 18.60. - Advertisement and bids required - 18.120. - Competitive bids required.](#)

³ [Minneapolis Code of Ordinances – Chapter 15 – Ethics in Government](#)

⁴ See [INFORMATION MEMO - Competitive Bidding Requirements in Cities](#) – League of Minnesota Cities

⁵ [Statement of Position – City Bidding and Contract Requirements](#) – State of Minnesota – Office of the State Auditor

requires that the City conduct a competitive procurement process and open the bidding to all qualified bidders. The only way to avoid a competitive procurement process is to present justification for a sole-source contract. The State of Minnesota Department of Administration uses a Single/Sole Source Justification form:

 DEPARTMENT OF ADMINISTRATION OFFICE OF GRANTS MANAGEMENT	
Grant Single/Sole Source Justification Form	
<input type="checkbox"/>	
State Agency:	Division/Department:
Grantee:	Grant Period:
SWIFT Grant Contract/Purchase Order Number: (To be completed after grant is awarded)	Grant Amount:
<input type="checkbox"/>	
<p>1. State the Purpose of the Grant:</p>	
<p>2. Description of the work the Grantee is expected to perform (Provide an overview of the deliverables. You may also attach a copy of the grant duties to this form):</p>	
<p>3. Describe the Grantee and provide justification for utilizing a Single/Sole Source Grant: (Reference the Grantee's geographic location, specialized knowledge and/or relationships, specialized equipment, and all other factors that contribute to the decision to administer a single/sole source grant. A single/sole source grant may <u>not</u> be based solely on agency convenience and/or prior relationships with a potential grantee.)</p>	
<p>4. Explanation of how the grant amount was determined:</p>	

Grant Single/Sole Source Justification Form

5. Description of the search conducted to locate potential grantees:

SPECIAL CIRCUMSTANCES RELEVANT TO THIS GRANT. (Check all that apply).

- Geographic location*
- Specialized knowledge/Subject matter expert/Community relationships*
- Specialized Equipment Required*
- Funder Designated Sub-Recipient*

Other _____ *(see full description in item 2 of this form)*

I certify that:

- 1) I recognize that state policy requires the use of competitive grant award processes unless only one entity is reasonably able to meet the grant's intended purpose and objectives;*
- 2) The grant award amount is fair, reasonable, and provides the best value to the State of Minnesota; and*
- 3) This single source grant award is not the result of inadequate advance planning or for purposes of securing the services of a preferred provider.*

I assume that the City of Minneapolis would have to follow the same or a similar process for awarding a sole-source contract. However, based on the statements presented to the City Council, there is no factual or legal basis to justify a sole-source contract and this contract has obvious conflicts of interest.

Here are excerpts from the Background Analysis to support the sole-source contract that was provided to the City Council:

- “The agreement is being requested to implement the initial phase of the Safe and Thriving Communities Report (“Report”), which provides a blueprint for a new public safety model. Urgent circumstances during 2020 prompted the work of developing the Report to be awarded without an RFP process. This proposed agreement would continue the collaboration with a co-author of the report, who the Department states is a single source for the implementation work. The new contract will be for two(2) years, from December 1, 2023 to November 30, 2025.”

Comment: A consultant, who was hired by the City without an RFP process, wrote a report in which he recommended a second implementation phase. Now the City wants to hire that same consultant under a sole-source contract to implement the recommendations that he made in his report. This is an obvious conflict of interest. The consultant should not be able to write a \$1 million contract for himself.

- “Staff has received approval from PRC to enter into a single source contract to begin the implementation of the Safe and Thriving Communities Report and seek Council approval to enter into a contract with New York University School of Law’s Reimagining Public Safety Policing Project.”

Comment: Apparently the City’s Procurement Division has approved a sole-source contract with NYU. However, no documentation was provided that would show how PRC reached its decision, and no justification of the sole-source contract was provided.

- “Knowing the significant time and energy both the Policing Project and Dr. Oftelie’s team put into evaluating public safety systems generally and Minneapolis’ specifically, they were immediately identified as likely the only organizations that could work with the City on this topic without months of additional background work.”

Comment: This is a deceptive and misleading statement. NYU had no involvement with the [Minneapolis Safe and Thriving Communities Report](#).⁶ According to the Report: “The Safe and Thriving Communities Initiative and report was led by Dr. Antonio M. Oftelie, Executive Director of Leadership for a Networked World and Fellow at the Technology and Entrepreneurship Center at Harvard University, and a proud Minneapolis resident.” Neither NYU nor the Policing Project were ever mentioned in the Report and yet NYU is now receiving a \$1 million sole-source contract from the City courtesy of Dr. Oftelie. It is unclear what Dr. Oftelie’s relationship is with NYU since he is not listed on the [Policing Project website](#) or the [Reimagining Public Safety website](#).

- “Informational meetings were completed to understand the readiness of The Policing Project and alignment with the City’s approach. In discussing the City’s direction with the Policing Project and Dr. Oftelie, the conclusion was reached that the Policing Project, with support from Dr. Oftelie, was well-positioned to move the City’s Community Safety design and implementation work forward, using the Minneapolis Safe and Thriving Communities Report as its foundation.”

Comment: Rather than conduct a competitive bidding process for this \$1 million project as required by state law and City regulations, the Mayor and Dr. Oftelie held secret meetings to select NYU’s Policing Project as their vendor for the sole-source contract.

- “From that discussion, City leaders determined that the Policing Project (supported by Dr. Oftelie) was the only option that would not require significantly more time and funding to continue implementing the work identified by the City and the Minneapolis Safe and Thriving Communities Report. No alternatives were deemed acceptable because The Policing Project has constructed a team and a community of thought leaders and practitioners nationwide, coming together to collaboratively solve problems and share information about reimagining public safety. The Policing Project is uniquely positioned to support the realignment of public safety services in Minneapolis to address underlying community needs and reduce reliance on police for a range of issues that do not require or necessarily benefit from a law enforcement response in Minneapolis.”

⁶ It appears that NYU’s Policing Project was planning on getting this \$1 million contract. On [December 6, 2022 the Policing Project issued a press release](#) claiming that it was working with five cities, including Minneapolis, to “conduct in-depth research about community safety concerns, and it is producing a framework for alternative response that better addresses the reasons community members call 911.”⁶ However, only four cities are listed on the [Policing Project’s Reimagining Public Safety website](#) and Minneapolis is not one of them.

Comment: This paragraph contains false and misleading statements. NYU is not the “only option” for the City. The Policing Project is less than 10 years old, and it has never completed a project like this. Its skills and capabilities are largely untested. Criminal justice reform is a multibillion-dollar industry and there are many non-profit organizations, for-profit companies and academic institutions that have been doing this work for decades. If Minneapolis opened this project up for competitive bidding, there would be dozens of bidders with better qualifications and more experience than the NYU Policing Project. Also, the “City leaders” who made the decision to award NYU the \$1 million were not identified. Apparently, no one from the City is willing to be held accountable for the statements made to justify the sole-source contract.

- “The Policing Project has been conducting in-depth, on-the-ground research on alternative response across the country, working with community members and municipal stakeholders— police officers and leadership, alternative responders, 911 operators, City Hall staff, and others. Going issue-by-issue, they have been producing guidance for cities that seek to redesign their first response systems. And, they have stood up a community of practice with practitioners across the country to share information and foster cross-jurisdictional collaboration. The Policing Project is designed to support strong, healthy, and safe communities, and end an overreliance on police. They are engaged in an expansive effort to learn about and support jurisdictions redesigning public safety systems. They have been learning across several cities – Denver, San Francisco, Tucson, and Chicago – and leading a national effort to design new systems.”

Comment: According to the Policing Project they have been doing this type of work for less than a year. NYU claimed to be working with Minneapolis nearly a year before their contract was presented to the City Council for approval. The Policing Project is new, untried and untested. It has no visible track record of success and has produced little tangible results.

- “The Policing Project has constructed a team and a community of thought leaders and practitioners nationwide, and their work in Minneapolis will include the engagement of the Safe and Thriving Communities report co-author Dr. Oftelie to come together to collaboratively solve problems and share information about reimagining public safety. The Policing Project is uniquely positioned to support the realignment of public safety services in Minneapolis to address underlying community needs and reduce reliance on police for a range of issues that do not require or necessarily benefit from a law enforcement response.”

Comment: The Policing Project team is made up of many people who have affiliations with the US Department of Justice and their consent decrees. They include current and former consent decree monitors, police chiefs who have worked under consent decrees, former DOJ officials and US Attorneys and a plethora of consultants who also have their own for-profit businesses. It appears that the Policing Project is nothing more than a shell company designed to provide additional work for high-priced consultants.

- According to the sole-source justification statement, the Policing Project will “engage Dr. Antonio Oftelie” to work on the \$1 million project.

Comment: This is essentially a kick back. In exchange for Dr. Oftelie choosing NYU for the sole-source contract, NYU will hire Dr. Oftelie to work on the project with an unspecified level of compensation.

- According to the sole-source justification statement, the Policing Project will “serve as a Subject Matter Expert and Advisor to the City in the area of alternative (non-police) response data analysis, outcomes measurement, and visualization, as the City pursues its public safety data analytics and information systems workstreams. This would include advising on the build-out of

comprehensive performance metrics including a public-facing dashboard to promote accountability and transparency, as well as internal performance management metrics.”

Comment: It does not appear that the Policing Project has any expertise in this area, and they are certainly not qualified to serve as a “subject matter expert.” This is an area where my company is a national leader and we have been recognized as such by the National Institute of Justice, the Bureau of Justice Statistics and the US Chief Data Scientist. We have worked with more than 100 law enforcement agencies across the country to design and build data analytic systems and dashboards. I could find no relevant qualifications, experience or dashboard examples on the Policing Project website.

Additional Problems with \$1 Million NYU Sole-Source Contract

- 1) The Mayor’s Office did not provide a detailed scope of work or an itemized budget for this \$1 million project. No justification was provided for the \$1 million price tag. The project has no timeline and no deliverables. We do not know who will be working on this project, how much they will be paid, what their qualifications are, etc. This is simply a blank check for Dr. Oftelie and NYU.
- 2) It appears that Mayor Frey has a personal relationship with Dr. Oftelie who is a “proud Minneapolis resident.” According to a [press release issued by the Mayor’s Office on July 11, 2023](#): “In 2020, Mayor Frey connected with Dr. Antonio Oftelie to start the process of forecasting a vision for safety beyond policing and a forward-looking plan for a comprehensive community safety system for Minneapolis – all leading to this final report which will be presented to the City Council’s Public Health and Safety Committee.”⁷ Dr. Oftelie’s “connection” with Mayor Frey led to a no-bid contract to write the report which forms the basis of the sole-source justification for the \$1 million implementation project. Dr. Oftelie was given a blank check by the Mayor and now he is trying to cash it.
- 3) Given the general scope of work outlined in the sole source justification, the \$1 million project budget is grossly inflated, and the two-year timeline is twice as long as it should be. This project could easily be completed in less than a year for a cost of less than \$500,000.
- 4) There are many potential vendors who have better qualifications and more experience than NYU’s Policing Project. If the City put out a Request for Proposals for this project, here are a few of the companies and organizations that would be likely to apply:
 - a) Police Strategies LLC - <http://policestrategies.com/>
 - b) The Center for Policing Equity - <https://policingequity.org/>
 - c) National Policing Institute - <https://www.policinginstitute.org/>
 - d) Benchmark Analytics - <https://www.benchmarkanalytics.com/>
 - e) CNA - <https://www.cna.org/centers-and-divisions/ipr/jri>
 - f) OIR Group - <https://www.oirgroup.com/>
 - g) The Bowman Group - <https://www.tbowmangroup.com/>
 - h) 21CP Solutions - <https://www.21cpsolutions.com/>
 - i) Police Executive Research Forum - <https://www.policeforum.org/>
 - j) IntegrAssure - <https://www.auroramonitor.org/>
 - k) Seattle University – Crime & Justice Research Center - <https://www.seattleu.edu/artsci/departments/criminal/crime-and-justice-research-center/>
 - l) University of Cincinnati – Center for Criminal Justice Research - <https://cech.uc.edu/about/centers/ccjr.html>

⁷ [New report outlines recommendations for safety beyond policing](#) – Minneapolis Mayor’s Office Press Release – July 11, 2023.

m) International Association of Chiefs of Police – Center for Police Research -

<https://www.theiacp.org/research>

- 5) This is not the first time the City of Minneapolis has had a problem with a sole-source contract for a public safety vendor. In 2020 the Minneapolis Police Department attempted to hire Benchmark Analytics to provide them with an Early Warning System using funding provided by the Minneapolis Foundation. However, after it was uncovered that the CEO of the Foundation was a founding board member of Benchmark Analytics, the Foundation dropped its support.⁸ Later the City secured funding for the Early Warning System from another private source, and I inquired whether there would be a competitive bidding process for the project. I received an email from the City's CIO, Paul Cameron, who said there would be a competitive process for the contract and that he would notify me when the RFP was issued. (See emails below). I was never notified, and I do not know the status of the project.

From: Cameron, Paul J. <Paul.Cameron@minneapolismn.gov>
Sent: Wednesday, October 20, 2021 12:35 PM
To: bob@policestrategies.com;
Subject: RE: [EXTERNAL] Grant for Police Early Warning System

Bob,

There will be a competitive process and I will make sure your company is notified when the RFP is published.

Paul Cameron
Chief Information Officer
City of Minneapolis – Information Technology
Public Service Building 505 4th Ave S
Minneapolis, MN 55415
www.minneapolismn.gov
Paul.Cameron@minneapolismn.gov

From: bob@policestrategies.com <bob@policestrategies.com>
Sent: Wednesday, October 20, 2021 12:54 PM
To: medaria.arrandondo@ci.minneapolis.mn.us; medaria.arrandondo@minneapolismn.gov
Cc: Palmisano, Linea <Linea.Palmisano@minneapolismn.gov>; Johnson, Andrew <Andrew.Johnson@minneapolismn.gov>; Schroeder, Jeremy <jeremy.schroeder@minneapolismn.gov>; Bender, Lisa <Lisa.Bender@minneapolismn.gov>; Cano, Alondra (External) <Alondra.Cano@minneapolismn.gov>; Jenkins, Andrea <andrea.jenkins@minneapolismn.gov>; Ellison, Jeremiah <jeremiah.ellison@minneapolismn.gov>; Fletcher, Steve <steve.fletcher@minneapolismn.gov>; Gordon, Cam A. <Cam.Gordon@minneapolismn.gov>; Reich, Kevin A. <Kevin.Reich@minneapolismn.gov>; michael.kjos@ci.minneapolis.mn.us; Waite, Kathy <Kathy.Waite@minneapolismn.gov>; art.knight@ci.minneapolis.mn.us; Fors, Erick <Erick.Fors@minneapolismn.gov>; Halvorson, Henry <Henry.Halvorson@minneapolismn.gov>; Police <Police.Police@minneapolismn.gov>; Frey, Jacob <Jacob.Frey@minneapolismn.gov>; darwin.forsyth@ci.minneapolis.mn.us; shauen.pearce@ci.minneapolis.mn.us; gia.vitali@ci.minneapolis.mn.us; White, Jennifer B <Jennifer.White@minneapolismn.gov>; Johnston, Heather <heather.johnston@minneapolismn.gov>; Cameron, Paul J. <Paul.Cameron@minneapolismn.gov>; Frey, Jacob <Jacob.Frey@minneapolismn.gov>
Subject: [EXTERNAL] Grant for Police Early Warning System

Dear Chief Arrandondo,

I am writing about the recent [\\$500,000 grant obtained by Minneapolis for a police Early Warning System](#).

Will there be a competitive bidding process for this project? If so, would you please add us to your vendor notification list for the RFP.

We have recently developed an innovative Early Warning System that combines qualitative supervisor feedback in addition to the normal quantitative measures collected by other Early Warning Systems.

Sincerely,

Bob Scales
Police Strategies LLC
13197 Madison Ave NE
Bainbridge Island, WA 98110
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bob@policestrategies.com
www.policestrategies.com

⁸ [Funding for key Minneapolis police initiative falls through](#) – KARE 11 – June 25, 2020

As a registered vendor with the City of Minneapolis who has extensive experience in the public safety arena, I am asking the City to follow its own public procurement procedures and state law and issue an RFP for this \$1 million project. Given the high-profile nature of the project and the importance of the final product, it is critical that the City hires the best qualified and most experienced vendor possible. That can only happen through an open and fair competitive bidding process. The City should not be allowed to make these decisions behind closed doors with vendors who have a financial interest in the outcome and clear conflicts of interest.

I would appreciate receiving a response to my protest so I will know what additional steps may need to be taken.

Sincerely,

/s/ Bob Scales