

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON TECHNOLOGY AND
INFORMATION SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 13, 2012
3:25 p.m.

PRESENT:

COUNCILMAN BRIAN J. O'NEILL, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN BILL GREEN
COUNCILMAN MARK SQUILLA

BILL 120392 - An ordinance authorizing the
Chief Innovation Officer to enter into up to
two multi-year contracts for access to online
research services and online legal
publications...

- - -

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2

COUNCILMAN O'NEILL: Good

3

afternoon. I'd like call to order the

4

Committee on Technology and we're here

5

for Bill No. 120392.

6

We've got a quorum. I'd like

7

to state for the record that Councilman

8

Bill Green is here, Councilman Mark

9

Squilla and Councilwoman Cindy Bass, and

10

I'd like to call up the first witness, or

11

maybe the only witness.

12

Mr. Donato, could you state

13

your name for the record. I don't think

14

I've ever had the privilege of calling

15

you Mr. Donato before, Chris.

16

(Witnesses approached witness

17

table.)

18

MR. DONATO: Good afternoon,

19

Councilman. Chris Donato, Chief

20

Financial Officer for the Office of

21

Innovation and Technology.

22

MR. DiFUSCO: Christopher

23

DiFusco with the City of Philadelphia Law

24

Department.

25

MR. LANE: And Christopher

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2 Lane, former Administrator for the City
3 of Philadelphia Law Department.

4 COUNCILMAN O'NEILL: Okay. Go
5 ahead.

6 MR. DONATO: I believe you have
7 our testimony. If you'd like me to read
8 it, I could. If you wanted to jump into
9 questions, we can do that.

10 COUNCILMAN O'NEILL: I think
11 it's pretty straightforward. If you
12 could summarize it, just what the bill is
13 about, not read your testimony, and then
14 we'll have questions.

15 MR. DONATO: Sure.

16 MR. LANE: The City has been
17 doing this kind of long-term contract for
18 a number of years now. We found that by
19 doing this, the vendors give us better
20 prices when they know that we're
21 committed for four years and not just one
22 year at a time. The other factor is, it
23 takes us nine months just to negotiate
24 these contracts. So to do it every year
25 would be very burdensome.

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2 But as a result of the way we
3 handle this, we get at least a 50 percent
4 discount over government prices, which
5 are already deeply discounted, and it
6 makes the firm be very competitive. It
7 also gives us a much fuller package of
8 services that we might get if we didn't
9 go through this competitive process with
10 a multi-year contract.

11 COUNCILMAN O'NEILL: And how
12 long is the contract?

13 MR. LANE: It's a four-year
14 contract, is what we're requesting, and
15 it may be for multiple vendors. We're
16 still going through the process of
17 reviewing bids and determining whether a
18 single vendor or a combination of vendors
19 providing different partitions of
20 services would give the City the best
21 value.

22 COUNCILMAN O'NEILL: Okay.
23 There's one particular issue I know
24 Councilman Green wants to deal with.
25 We've discussed it already, and I agree

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2 with him.

3 COUNCILMAN GREEN: I'd just
4 like to know whether or not the contract
5 has privacy requirements. In other
6 words, can people in the Office of
7 Innovation review the searches of the
8 District Attorney's Office or the Public
9 Defender's Office or City Council
10 research requests, et cetera?

11 MR. DiFUSCO: Councilman, not
12 to the best of my knowledge, no. Each
13 department or sometimes someone will,
14 I'll say, oversee the distribution of
15 passwords and things of that for multiple
16 departments, and to the best of my
17 knowledge, there's no ability for anyone
18 at OIT or for, let's say, the Law
19 Department to Council to review any of
20 those -- to review what's been searched
21 and by who and when, no.

22 COUNCILMAN GREEN: I certainly
23 know that a law firm can call up the
24 provider and find out what searches have
25 been done by whom. I assume anybody can.

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2 And so in particular, having the
3 Administration know which attorney in the
4 DA's Office or which attorney in the
5 Controller's Office or other person in
6 the Controller's Office has which
7 password and what they're looking at
8 seems to me to be very inappropriate, and
9 so I'd like to ask that there be specific
10 provision in any contract that that
11 information cannot be provided by the
12 vendor and there will be consequences to
13 the party whose information is provided
14 if there's a consequence. Is there any
15 objection to that?

16 MR. LANE: No, sir.

17 MR. DiFUSCO: None that I would
18 be aware of, no.

19 COUNCILMAN O'NEILL: We'll need
20 assurance of that. I mean, considering
21 our time -- I assume you guys want a
22 suspension. Considering our timelines,
23 by next week, earlier the better, so we
24 can vote it out. Otherwise it will sit
25 all summer.

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2 MR. DiFUSCO: Okay.

3 (Witness approached witness
4 table.)

5 MR. BULLARD: Phillip Bullard
6 with the Law Department.

7 Among the services that these
8 contracts provide, in addition to the
9 legal research services, are what are
10 deemed non-legal research services. This
11 actually comprises about two-thirds of
12 the use of the contract. The Police
13 Department uses this to track down
14 individuals that they're investigating.
15 Other individuals within the City who
16 have investigative authority also have
17 access to these services.

18 The current provider, Lexis, is
19 regulated with respect to the type of
20 access that they can provide to those
21 services, and in the event that the
22 vendor believes that an individual is
23 using access to these very powerful
24 search services, potential privacy issues
25 and very invasive search services, if

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2 they suspect an individual is using those
3 improperly, they are required to alert
4 the City, and the City is required to
5 respond to that alert.

6 So we can certainly insert
7 language in the contract that says
8 generally one agency cannot request or
9 obtain access to the searches that are
10 performed by individuals in another
11 agency, but we would have to carve out of
12 that some ability to respond to
13 reasonable requests from the vendor that
14 we look into what they might consider as
15 being inappropriate use of their
16 services.

17 COUNCILMAN O'NEILL: I think I
18 understand you, and I just have a little
19 trouble with the word "improper" or
20 "inappropriate," because what's
21 inappropriate to you may be appropriate
22 to me or the person at the company. Not
23 you personally. Illegal we all
24 understand. It's against the law. I
25 believe we could all agree on illegal as

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2 the disclaimer, but as tight as tight
3 gets otherwise for complete privacy
4 purposes, and if we violate the law, we
5 know we are not covered by it.

6 So I think that would do it,
7 and Councilman Green I believe would be
8 in agreement with that as well. But
9 "improper" and "inappropriate" is just
10 too subjective. There's too much wiggle
11 room in it.

12 MR. BULLARD: I think the issue
13 from the vendor's point of view is
14 whether the search is within the scope of
15 the employee's authority. So the other
16 thing that we can do to accommodate your
17 request is that these alerts come from
18 the vendor to the City. This is not a
19 case where the City is asking the vendor
20 for information, which seems to be along
21 the lines of your concerns.

22 COUNCILMAN O'NEILL: Well, let
23 me give you maybe a way of dealing with
24 it. We're really dealing with
25 independent offices here, the Mayor being

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2 one of 18 in this building and DA and
3 whomever else.

4 If, for instance, there were a
5 problem in a Councilmember's office and
6 the vendor thought something was
7 inappropriate, contacting the Councilman
8 would be the appropriate way, not
9 contacting somebody from the
10 Administration. Same thing, contacting
11 the District Attorney. And I think --
12 and we can work all this into the
13 language.

14 While I have the office here --
15 I know I don't have Adel here -- could
16 you get back to us with a separate letter
17 and when we can get our speeds up in City
18 Council on our desktops to at least
19 pre-1990 but post-1960, because I think
20 that's where we are right now. I mean,
21 simple things. The first time the
22 computer is warmed up can take ten
23 minutes. I mean, there's something -- if
24 the problem is we're not paying our bill
25 or that the last Administration in City

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2 Council didn't care or didn't pursue it,
3 we want our speed on our laptops to be as
4 fast as any law firm, accounting firm,
5 agency operating at top efficiency.

6 When people start bringing
7 their own computers and their own
8 wireless cards into work, you know
9 something is wrong and you don't have to
10 go any further than that.

11 So if you can give us that by
12 next Thursday, it would help us gather
13 the votes for this bill.

14 MR. DONATO: So you're talking
15 about both file access and Internet
16 access?

17 COUNCILMAN O'NEILL: Both, yes.

18 MR. DONATO: Okay.

19 COUNCILMAN O'NEILL: It may be
20 the equipment. I'm not judging why, but
21 it's just unacceptable. And it may be
22 our fault, so I don't have a -- we want
23 to correct it, and that's all.

24 MR. DONATO: Sure. Be happy
25 to.

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2 COUNCILMAN O'NEILL: Any other
3 questions?

4 (No response.)

5 COUNCILMAN O'NEILL: I think
6 we've completed our business here, and
7 I'd like to thank you, thank you all. We
8 will ask for the rules suspension today,
9 with the understanding that we have
10 everything together by --

11 MR. DONATO: Yes.

12 COUNCILMAN O'NEILL: And could
13 you -- I know that material will come to
14 me, but for speed purposes, could you
15 copy Councilman Green and the other
16 members of the Committee.

17 MR. DONATO: Sure.

18 COUNCILMAN O'NEILL: Okay. So
19 the public hearing is adjourned.

20 Thank you, gentlemen.

21 I don't get to do this too
22 often. I thought there might be some TV
23 cameras for the -- it's not historic
24 anymore, but it's still rare.

25 We'll go into our public

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2 meeting and do our business.

3 MR. DONATO: Thank you.

4 COUNCILMAN O'NEILL: Thank you.

5 The Chair recognizes Councilman
6 Green for a motion.

7 COUNCILMAN GREEN: I move that
8 Bill No. 120392 be reported from this
9 Committee with a favorable
10 recommendation, that the rules of Council
11 be suspended to permit first reading at
12 our next session of Council.

13 (Duly seconded.)

14 COUNCILMAN GREEN: Does it need
15 to be amended? Okay. Scratch that.

16 I move that Bill No. 120392 be
17 amended with the amendment that has been
18 previously circulated.

19 (Duly seconded.)

20 COUNCILMAN O'NEILL: If I could
21 just take a pause here.

22 If when you all get back to the
23 office and it appears that what we asked
24 for today actually needs an amendment to
25 the bill -- we're going to be here a

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2 little while tomorrow more than likely --

3 we can amend it on first reading

4 tomorrow, but we can't after that. So it

5 should be a fairly straightforward

6 amendment, if that's what is needed. But

7 if it's not, a letter, we understand that

8 it's all in the contract. We want to see

9 that it's going to be in the contract.

10 But if you think it needs an amendment, I

11 just don't want to leave anything loose

12 over here.

13 Back to our vote. All those in

14 favor?

15 (Aye.)

16 COUNCILMAN O'NEILL: Nays?

17 (No response.)

18 COUNCILMAN O'NEILL: The ayes

19 have it and rules of Council will be

20 suspended -- oh, we moved the amendment.

21 I'm sorry.

22 COUNCILMAN GREEN: I move that

23 Bill No. 120392, as amended, be reported

24 from this Committee with a favorable

25 recommendation, that the rules of Council

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2 be suspended to permit first reading at
3 our next session of Council.

4 (Duly seconded.)

5 COUNCILMAN O'NEILL: Moved and
6 seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN O'NEILL: The ayes
10 have it. The bill comes out. It's
11 unanimous.

12 (Committee on Technology and
13 Information Services concluded at 3:40
14 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on June 13, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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