

City of Los Angeles
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December 9, 2010

REF: EXE-422-10

Mr. David W. Beach
Sr. Principal Contract Administrator
CSC
7459A Candlewood Road
Hanover, MD 21076

Subject: **NOTICE OF DEFICIENCIES – CSC CONTRACT NO. C-116359**

Dear Mr. Beach:

On November 20, 2009, the City of Los Angeles (City) and CSC entered into a contract, (Contract No. C-116359) whereby CSC agreed to implement the Google Apps Premier Edition (since renamed Google Apps for Government) for the City of Los Angeles Google Enterprise Email & Collaboration System (LA GEECS) project. Two significant requirements of this contract are that: (1) the system meet City/Los Angeles Police Department (LAPD) security requirements (See Contract Sections 1.1.10 and 11, and Addendum to Contract); and (2) a functional migration/integration of the electronic subpoena (eSubpoena) system to the delivered Google system (See Contract Section 1.1.8.2). The City has worked with CSC and its subcontractor, Google, over more than one year to ensure a complete understanding of how to properly achieve both requirements referenced above, and to seek both California DOJ and FBI approval of the related security requirements ("CLETS", and/or "CJIS" requirements) pertaining to requirement one above. The following details CSC/Google's failure to meet these requirements, the resulting impact to the City, and the City's requirements for a Contract Amendment as a result.

In an August 17, 2010 meeting, the FBI notified CSC and Google that in addition to implementing all requisite technical/physical security, certain CSC and Google employees would be required to sign the "Security Addendum" to the US DOJ CJIS Policy.

On September 2, 2010, CSC requested permission to proceed with migration efforts for the LAPD, with the understanding that all CSC and Google employees required to sign the Security Addendum would do so by October 15, 2010. The LAPD contacted the FBI and the California DOJ, and received permission to proceed with the LAPD migration to Google Apps for Government pursuant to this understanding.



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On October 7, 2010, the City was notified by Google, a CSC subcontractor, that Google would not be able to meet the October 15, 2010 deadline, and cited its inability to meet several CJIS security requirements for the handling of criminal information. As such, the LAPD was forced to postpone its migration of approximately 4,000 additional users, scheduled for October 11, 2010.

On October 8, 2010, CSC indicated that CSC and Google needed additional time to draft a plan, which would detail the tasks and timeframes necessary for Google to comply with all CJIS security requirements, and indicated that a plan would be delivered to the City on October 20, 2010.

To date, no such plan has been received. Rather, CSC has indicated it will need an additional 12 to 18 months to meet all security requirements, and that it will be necessary to, among other things, convince the DOJ and FBI to amend or reinterpret the current CJIS policy. CSC has also indicated that it expects the "LAPD to make policy and operational changes", and to "sponsor" CSC and Google in conversations with the FBI. These new demands made by CSC and Google are unacceptable.

In addition to the security concerns described above, the functionality for the eSubpoena system has not been delivered in a production-ready state. The system continues to experience significant errors in the handling of subpoena flow and data tracking. These errors could result in officers not receiving a subpoena to appear in court, which could have significant public safety ramifications, including but not limited to failed criminal prosecutions and warrants being issued for officers who fail to appear in court.

These failures are wholly unacceptable to the City of Los Angeles. CSC and Google have repeatedly committed to meet particular deliverables on specific dates, only to reveal, at the last minute, that the set deliverables/dates will not be met. CSC and Google's behavior goes beyond a mere failure to communicate in a timely manner, and instead, on several occasions, has risen to the level of misrepresentation.

Both the failure to meet all security requirements and to deliver a functional eSubpoena system necessitated the cancellation of further migrations of the LAPD to Google Apps for Government.

As the LAPD currently has approximately 1,900 users on the Google email system, the LAPD requires CSC/Google to assist in its migration back to Novell Groupwise by December 10, 2010. Failure to do so may result in the LAPD's access to criminal information being revoked by the state or federal government, which will prevent the LAPD from performing essential job functions, effectively bringing public safety operations in Los Angeles to a halt.

The failure to meet all security requirements also negatively impacted the productivity of several other City departments (e.g., City Attorney, Fire – Arson Investigation, General Services – Office of Public Safety, Department of Transportation – Parking Enforcement, Bureau of Street Services – Investigations, and Recreation & Parks, as well as any other City entities that access criminal history data) that also utilize criminal history data in the performance of their daily duties. As these City departments were migrated by CSC to Google Apps for Government prior to CSC/Google's admission that all security requirements were not met, the City also reserves the right to require CSC/Google to assist in the migration back to Novell Groupwise of those other City departments affected by these security failures.

Further, the City will require CSC to sign a Contract Amendment to include the following:

- A commitment to meet by a date certain all security requirements in the CJIS 5.0 policy, and any future versions of the CJIS policy published by the FBI/DOJ. (Note: Such a commitment shall not rely upon amendments or reinterpretations of FBI/DOJ security requirements, or changes to LAPD policies or operational practices.)
- A detailed timeline, detailing when each of the CJIS 5.0 security requirements will be delivered/met by CSC/Google, to include monetary penalties to be paid by CSC/Google for failure to meet each milestone in the timeline.
- A credit to the City for any dollars charged for all Google licenses for the LAPD.
- A credit to the City for any dollars charged for Google licenses for any other City Departments/users that migrate back to Novell Groupwise, (e.g., City Attorney, Fire – Arson Investigation, General Services – Office of Public Safety, Department of Transportation – Parking Enforcement, Bureau of Street Services – SS Investigations, and Recreation & Parks, as well as any other City entities that access criminal history data).
- An agreement by CSC/Google to pay all additional costs incurred by the City, through December 31, 2012 as a result of the delays described above. (e.g., all Novell Groupwise license costs, costs for services to support and maintain Novell Groupwise, additional hardware required to maintain Groupwise).
- Credit to the City for any costs associated with Google's eDiscovery solution, which cannot be used by the City/LAPD given existing security concerns.
- An agreement that CSC/Google will continue to charge the City according to Payment Schedule E. 1-1 (pricing for 30,000 users), regardless of the number of City users.
- An agreement that the City will not return the \$250,000 advanced renewal discount credit received (See Contract Section 8.1.3)

Mr. David W. Beach
December 9, 2010
Page 4

For additional information, feel free to contact me at (213) 978-3311, or Deputy City Attorney Edward Jordan at (213) 978-8184.

Sincerely,



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General Manager

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