

Bend Surveillance Procurement and Contracting Framework

Companion Memo

To: Bend City Council, City Manager, City Attorney, Procurement Staff

From: Jonathan Westmoreland

Re: Proposed Surveillance Procurement and Contracting Framework for the City of Bend

Date: [Insert date]

Introduction

I am submitting this proposed Surveillance Procurement and Contracting Framework as a companion to the broader surveillance-governance materials already provided to the City, including the draft ordinance and summary handout.

The purpose of this package is straightforward: to help ensure that Bend's surveillance-related policy goals are reflected not only in public law and departmental policy, but also in the vendor contracts and procurement processes that govern these systems in practice.

That matters because surveillance governance does not live in one place. It lives in ordinances, internal policies, vendor agreements, hosting arrangements, renewal terms, software settings, feature-activation decisions, and support-access pathways. If the City's safeguards are not built into procurement documents and contracts, then even strong policy language can be weakened by default vendor terms, hosted architecture, software updates, or renewal pressure.

This framework is intended to help close that gap.

Why procurement language matters

Modern surveillance systems are rarely static products. They are often cloud-hosted, subscription-based, remotely updated, modular, and capable of expanding over time through analytics, integrations, optional features, AI-enabled tools, or broader data-sharing pathways.

In that environment, the City's practical level of control is often determined less by marketing materials and more by the contract.

Procurement language determines, among other things:

- who owns the data,

Bend Surveillance Procurement Package

- who controls encryption keys,
- whether a vendor can access plaintext data,
- whether retention is governed by City policy or vendor default,
- whether optional features can be activated without City approval,
- whether audit logs are available,
- whether the vendor can use City data for analytics or product development,
- whether a noncompliant contract can still be renewed, and
- whether the City can realistically exit the platform later.

Those are governance questions, even when they appear inside a contract rather than inside an ordinance.

Why Bend would benefit from a procurement framework

Bend already appears to have some important safeguards in place through administrative policies, department-level rules, and program-specific materials. The issue is not that the City has done nothing. The issue is that current safeguards appear fragmented and do not yet provide a single consistent procurement framework that applies across surveillance technologies and vendor relationships.

A procurement framework would benefit Bend in several ways.

First, it would improve consistency. Instead of negotiating each surveillance-related contract from scratch, the City would have a baseline set of terms, review standards, and escalation triggers.

Second, it would improve leverage. If Bend adopts clear requirements for retention, deletion, key control, vendor access, auditability, and renewal, those become City expectations rather than optional bargaining points.

Third, it would reduce risk. A standardized review process helps identify problems before contract execution, renewal, feature activation, or integration.

Fourth, it would improve accountability. The City would be better positioned to explain what it bought, what it approved, what the vendor may or may not do, and what happens when a system is renewed or expanded.

In short, this is not only a privacy tool. It is also a procurement tool, a risk-management tool, and a public-trust tool.

How this framework relates to the ordinance

This proposed framework is designed to complement the draft ordinance, not replace it.

The ordinance establishes the public-law structure: approval rules, high-level use restrictions, stronger protections for high-risk technologies, renewal conditions, transition requirements, and citywide accountability rules. It also includes the City's stronger posture on issues like material change, vendor restrictions, transition to compliance, and exclusive agency control of decryption for covered stored data.

The procurement framework translates those principles into contract language and operational review procedures.

In practical terms, the ordinance asks:

- What should the City require as a matter of law and public policy?

The procurement framework asks:

- How do we make sure those requirements actually appear in contracts, renewals, feature controls, hosting terms, and vendor obligations?

The two documents are strongest when used together.

What this framework contains

The proposed framework includes:

- core procurement principles,
- mandatory baseline contract terms,
- stronger terms for high-risk technologies,
- technology-specific addenda,
- review triggers for renewals, extensions, and material changes,
- vendor compliance-certification requirements,
- City compliance-review procedures,
- a legacy-contract transition framework, and
- implementation tools such as checklists, worksheets, and review forms.

This means the package is not just a statement of values. It is designed as a practical working framework that could help the City evaluate both future procurements and current vendor relationships.

Why this is especially important for surveillance technology

Surveillance technologies create unusual governance risk because the operational reality of the system may not match the narrow purpose described at initial purchase.

A system may begin as:

- a camera platform,
- a traffic-enforcement system,
- a drone program,
- an ALPR deployment,
- a hosted dashboard, or
- a licensed dataset.

But over time it may gain:

- analytics,
- AI-assisted features,
- new search functions,
- broader sharing pathways,
- cross-system integration,
- device tracking,
- watchlists,
- pattern-of-life outputs, or
- other capabilities that materially change its impact.

That is why this framework places so much emphasis on feature activation, software updates, material changes, source-by-source approval, retention, auditability, vendor-access limits, and no silent expansion.

Without procurement language on those issues, the City can lose practical control even where its broader policy goals remain sound.

Exclusive agency key control

One of the most important concepts carried into this framework is the principle that vendor-managed encryption is not enough if the vendor can still decrypt City data on its own.

The City has already been provided with a separate procurement standard explaining this point in plain language: systems handling sensitive City data should not be treated as sufficiently secure merely because they are encrypted if the vendor, its support staff, or its hosting provider can still

access plaintext. That document proposes City-controlled keys, or functionally equivalent City-controlled safeguards, along with no routine vendor access to plaintext, exceptional-access limits, and audit rights.

That principle is carried directly into this procurement framework through the requirement for Exclusive Agency Key Control or functionally equivalent City-controlled safeguards for high-risk or otherwise designated sensitive stored data, consistent with the ordinance.

This is an important distinction because “encrypted” does not necessarily mean “City-controlled.”

Legacy contracts and renewals

Another major purpose of this framework is to address legacy contracts.

If the City adopts stronger policy but leaves existing vendor agreements untouched, the practical result may be limited. That is why the framework includes a transition structure for current systems and a review process for renewals, extensions, amendments, and feature activations.

The goal is not disruption for its own sake. The goal is to ensure that existing systems are reviewed against current standards and that future renewals do not lock the City into outdated or incomplete protections.

Immediate practical value

Even if the City does not adopt the full framework immediately, this package still has immediate value.

It can be used to:

- review upcoming renewals,
- improve contract templates,
- develop vendor questionnaires,
- guide staff review of new surveillance procurements,
- identify gaps in current contracts, and
- help the City avoid accidental approval of hidden or future surveillance functions.

In that sense, the framework can serve as both a model for future adoption and a practical interim tool for review.

Requested next step

I respectfully ask the City to review this framework as a practical companion to the broader ordinance proposal and to consider using it as the basis for:

1. surveillance-related contract review,
2. future procurement standards,
3. renewal review standards, and
4. development of any Citywide surveillance procurement policy or ordinance-implementation process.

The City does not need to start from zero. Bend appears to already have a policy foundation. The purpose of this framework is to help convert that foundation into a more consistent, enforceable, and future-proof procurement structure.

Conclusion

Surveillance governance is only as strong as the weakest layer that controls it. If public policy is strong but procurement language is weak, vendor contracts can become the gap through which mission creep, hidden features, broad access, weak accountability, and long-term dependence enter the system.

This framework is an effort to close that gap.

It is offered as a constructive and practical tool to help Bend align:

- policy,
- procurement,
- contracts,
- renewals, and
- public accountability.

Thank you for your time and consideration.

Jonathan Westmoreland