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# CITY OF BOULDER

**Department of Public Works/Transportation Division**  
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May 20, 2010

Mr. Bill Kroske, PHD  
Vice President Business Development  
American Traffic Solutions  
7681 East Gray Road  
Scottsdale, AZ 85260  
[bill.kroske@atsol.com](mailto:bill.kroske@atsol.com)

Re: City of Boulder RFP 13-2010 – Response to ATS Written Questions

Dear Bill,

We are in receipt of your written questions dated May 14, 2010. Your questions and the city's response are provided below:

1. Does the City require that the photo-speed enforcement vans be new equipment, rather than used or refurbished equipment?

There is no specific requirement that all equipment associated with the Request for Proposal be new. It is your prerogative to define elements of your proposal that meet the requirements of the request. That said it is critical to the city that all elements and equipment associated with the program be in good working order, performs acceptably, provides an acceptable work environment for the operator, and allows the city to successfully deploy our photo enforcement program.

2. How many times has the City used expert witnesses for court proceedings in the past year?

We have not needed or utilized expert testimony in the last 12 months. However, if there is a new vendor with new/different equipment, the city will likely need a Frye hearing to establish the reliability and accuracy of the equipment used for photo speed and red-light detection. We typically would need an engineer to testify how the violations are detected, how the cameras operate, how the speed detection device (radar or lidar) is calibrated and maintained, what the manufacturer recommends to ensure reliable operation of the equipment, how the equipment is tested to determine whether it is working within the manufacturer's specifications and working reliably and accurately, what their expected margin of error is with speed detection and linking the correct photographs to the correct violation, and whether the equipment they use has been recognized and accepted in any other courts.

Respectfully,

A handwritten signature in black ink, appearing to read "m. J. Gardner-Sweeney". The signature is fluid and cursive, with the first name "m." being small and the last name "Gardner-Sweeney" being larger and more prominent.

Michael J. Gardner-Sweeney  
Transportation Operations and Planning Coordinator