

RESOLUTION NO. 22-9167

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
AUTHORIZING THE USE OF CITY ELECTRIC FORCES
PURSUANT TO CHARTER SECTION 1310**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara's Charter section 1310 requires all contracts involving an expenditure of over \$1,000 for the construction or improvement (excluding maintenance and repair) of a public works project to be let to the lowest responsible bidder;

WHEREAS, Charter section 1310 permits the City to use its own employees if the City Council, by motion passed by at least four affirmative votes, determines that the public works may be done better or more economically by the City's own employees, and, upon such determination, the City may proceed to have the public works project completed without further observance of Charter section 1310;

WHEREAS, the City's Electric Department desires to perform certain public works, as set forth in the Report to Council, dated December 6, 2022, by its own employees; and,

WHEREAS, the City Council has declared and determined that the work in question may be performed better or more economically by the City with its own employees.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS
FOLLOWS:**

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1. The City Council of the City of Santa Clara does hereby declare and determine that the public works set forth in the 22-171 Report to Council, attached hereto and incorporated by this reference, may be performed better or more economically by the City with its own employees.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF DECEMBER, 2022, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. December 6, 2022, Report to Council #22-171



Agenda Report

22-171

Agenda Date: 12/6/2022

REPORT TO COUNCIL

SUBJECT

Action on a Resolution Authorizing the Use of City Electric Forces for New Dark Fiber Installations at Various Locations

COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND

Charter Section 1310 titled Contracts on Public Works states, in part, “that every contract involving an expenditure of more than one thousand dollars (\$1,000) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder.” The section further states that “the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section.”

In 2014, the Electric Department developed a position called Fiber Splicing Technician as an in-house position to primarily perform maintenance and repairs to meet the fiber performance standards of then existing fiber customers that includes both City departments as well as commercial lease customers. Fiber Splicing Technician activities include basic splicing and distribution changes to fiber optic cables. The technician can also perform duties such as pulling, laying, aligning and positioning fiber optic equipment to prepare for a new connection to the fiber network. Fiber Splicing Technicians perform fusion splicing at building entrances and in maintenance space. At this time, SVP employs two Fiber Splicing Technicians.

DISCUSSION

Currently, the SVP Fiber Enterprise serves SVP, other City department functions, and various commercial lease customers. As the work is specialized, the position of Fiber Splicer Technician performs a variety of activities from maintenance and repair to new or re-spliced interconnections to the SVP Fiber Enterprise. Each interconnection can be unique involving different hours of labor depending on the number of fibers required to be spliced and the particular location within the network. Technician time is tracked hourly and not on a per fiber basis.

Large or extensive projects involving extending fiber cable being laid along new paths or great distances or adding conduit or related infrastructure are done using a previously bid unit price Public Works contract with a private construction contractor. SVP spends up to \$1 million per year on this public works contract for new Fiber network construction and certain maintenance and repair

activities.

Staff believes that the Fiber Splicer Technician work that may be required in new construction projects is best and most efficiently performed with City forces based upon the following factors: (1) the work is limited in size and scope; (2) City forces have knowledge and training in operating and maintaining and repairing the fiber optic system that can be leveraged to more economically perform this work; and (3) bidding out the work and contracting with a private entity would not likely result in a lower overall cost or time savings. Therefore, staff recommends that the City Council make a finding that City forces can better perform the Fiber Splicing and related equipment installation, splicing and connections to the existing SVP Fiber infrastructure and approve the use of City forces.

Estimate Number: FWM#01474
 Location: 2972 Stender Way - 2300 Owen Street
 Type of Service: Electric Utility Infrastructure
 Description of Work: Splice, terminate and test fibers for a new point to point route from 2972 Stender Way to 2300 Owen Street
 Estimated Cost: \$4,774
 Appropriation: Electric Utility Capital Fund (591) Project 2004 - Fiber Development Design & Expansion
 Source of Revenue: Developer Contribution

Estimate Number: FWM#01475
 Location: 2972 Stender Way - 2360 Owen Street
 Type of Service: Electric Utility Infrastructure
 Description of Work: Splice, terminate and test fibers for a new point to point route from 2972 Stender Way to 2360 Owen Street
 Estimated Cost: \$5,523
 Appropriation: Electric Utility Capital Fund (591) Project 2004 - Fiber Development Design & Expansion
 Source of Revenue: Developer Contribution

Estimate Number: FWM#01513
 Location: 1201 Comstock Street - 2897 Northwestern Parkway
 Type of Service: Electric Utility Infrastructure
 Description of Work: Decommission existing dark fiber route from 1201 Comstock Street to 2897 Northwestern Parkway
 Estimated Cost: \$1,841
 Appropriation: Electric Utility Capital Fund (591) Project 2004 - Fiber Development Design & Expansion
 Source of Revenue: Developer Contribution

Estimate Number: FWM#01514
 Location: 1201 Comstock Street - 2820 Northwestern Parkway
 Type of Service: Electric Utility Infrastructure
 Description of Work: Decommission existing dark fiber route from 1201 Comstock Street to 2820 Northwestern Parkway
 Estimated Cost: \$1,841
 Appropriation: Electric Utility Capital Fund (591) Project 2004 - Fiber Development Design &

Source of Revenue:	Expansion Developer Contribution
Estimate Number:	<u>FWM#01515</u>
Location:	1101 Space Park Drive - 1201 Comstock Street
Type of Service:	Electric Utility Infrastructure
Description of Work:	Decommission existing dark fiber route from 1101 Space Park Drive to 1201 Comstock Street
Estimated Cost:	\$1,841
Appropriation:	Electric Utility Capital Fund (591) Project 2004 - Fiber Development Design & Expansion
Source of Revenue:	Developer Contribution

ENVIRONMENTAL REVIEW

Staff recommends that the City Council determine that the actions being considered are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines (Title 14 of the California Code of Regulations) sections (1) 15302(c) (Class 2 - Replacement or Reconstruction) as the proposed work involves the replacement or reconstruction of existing utility systems and/or facilities involving negligible expansion of capacity, and (2) 15303 (Class 3 - New Construction or Conversion of Small Structures), because the proposed work involves the construction of a limited number of small fiber utility facilities.

FISCAL IMPACT

The funds to support the staff time for work performed by SVP and related construction materials for the work detailed in this report, totaling \$15,820, are included in the Fiscal Year 2022/23 Capital Budget, Fiber Development, Design, and Expansion project in the Electric Utility Capital Fund. All referenced work will be performed with City Electric Forces (SVP staff). Some work associated with encroachment permits may be performed by the Department of Public Works (DPW). DPW costs are recovered through payment of permit fees.

COORDINATION

This report has been coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Determine the proposed actions are exempt from CEQA pursuant to Sections 15302 (c) and 15303 of the California Code of Regulations and adopt a Resolution authorizing the use of City Electric Forces for work detailed in this report located at 2972 Stender Way to 2300 Owen Street, 2972 Stender Way to 2360 Owen Street, 1201 Comstock Street to 2897 Northwestern Parkway, 1201 Comstock Street to 2820 Northwestern Parkway, and 1101 Space Park Drive to 1201 Comstock Street.

Reviewed by: Manuel Pineda, Chief Electric Utility Officer
Approved by: Rajeev Batra, City Manager

ATTACHMENTS

1. Resolution - Use of City Electric Forces