



**FORTY NINERS STADIUM MANAGEMENT COMPANY**

Date: May 17, 2022

To: Jim Mercurio  
Executive Vice President & General Manager

From: Jenti Vandertuig  
Procurement Director

Subject: Recommendation to Amend Levi's Stadium On-Call Electrical Maintenance and Repair Contract with Cupertino Electric, Inc. (Contract No. 10051-B)

**Recommendation**

1. Recommend approval to issue Amendment No. 1 to the existing Levi's Stadium On-Call Electrical Maintenance and Repair Contract with Cupertino Electric Inc., (Contract No. 10051-B) to increase the not-to-exceed compensation amount for the second year of the contract term from \$250,000 to \$764,298; and
2. Authorize Stadium Manager to execute change orders up to \$48,488.50, for a total not-to-exceed compensation of \$812,786.50 for the second year of the contract term.

**Background**

Forty Niners Stadium Management Company LLC (Stadium Manager) has an agreement with Cupertino Electric, Inc. for electrical maintenance and repair services at Levi's Stadium (Stadium) for the period May 1, 2021 through April 30, 2024. This agreement was established via a formal solicitation process and approved by the Santa Clara Stadium Authority Board (SCSA) on April 20, 2021. The not-to-exceed amount for each contract year is \$250,000 subject to approval of the SCSA budget for the applicable fiscal year that includes the amount under this agreement. The expense for this fiscal year is covered under the SCSA operating budget in the Stadium Operations, Engineering Department. Work is authorized by Stadium Manager via a Task Order with a specific not to exceed amount under this agreement.

As part of the FY22/23 SCSA Capital Budget Expense, the SCSA approved the following SCSA CapEx projects:

**A. Primary Main Switch Gear Transformer (PMSG) Battery and 12KV Circuit Breakers Project**

The repair of the existing primary main switchgear transformer, battery and 12KV circuit breakers involves the replacement the PMSG Control Power Transformer (CPT), replaces the PMSG batteries and provides two (2) new 12KV main circuit breakers. The approved FY22/23 SCSA CapEx budget for this project is \$210,000.

**B. 12KV Electrical Power Study, Assessment and Replacement at the Primary Switch Gear (PSG) Project**

The 12KV electrical power study, assessment, and replacement at the PSG at each substation will require testing, inspection and assessment to primary electrical 12KV switchgear equipment located in, or associated with, the four Stadium quadrant electrical substations. The project includes an allowance for any necessary replacements and/or enhancements identified during the assessment. Replacements and/or modifications are dependent upon the results of the assessment. Additionally, the project will establish a baseline for this electrical equipment and may determine the need and frequency of future test and inspection of electrical equipment. The approved FY22/23 SCSA CapEx budget for this project is \$420,000.

After evaluating these two SCSA CapEx projects, Stadium Manager recommends that both projects be completed by Cupertino Electric, Inc. Our recommendation is to increase the not-to-exceed amount of the existing maintenance and repair agreement with Cupertino Electric, Inc., and issue Task Orders for them to perform the work.

**Reasons for Recommendation**

**1. Single Source Justification to Select Cupertino Electric, Inc.**

**A. Primary Main Switch Gear Transformer, Battery & 12KV Main Circuit Breakers Project**

The CPT, batteries and main circuit breakers are critical components of the Stadium's electrical switchgear equipment that services the electrical power to the Stadium. The Stadium has a very busy major Non-NFL event schedule during the summer and fall of 2022, and the work associated with this project is urgent due to the critical nature of the electrical equipment to be repaired/replaced as part of this project. During major events, the successful operation of the stadium switchgear equipment is of utmost importance from both a public safety and general operational perspective. The work may require a shutdown of the Stadium electrical switchgear, which will in turn affect stadium power. Temporary power is required to ensure the Stadium's critical systems remain online when primary power is shutdown. Those affected stadium critical

systems include, without limitation, fire alarm equipment, security posts and server rooms – all of which are integrally related to the safe and effective operation of the stadium. The work associated with this project is highly complicated and requires extensive coordination with public utilities, stadium operations staff and other stakeholders and authorities with jurisdiction. Coordinating the temporary power shutdown with all parties and ensuring all necessary critical systems are supported with temporary power is very difficult in a complex facility like the Stadium. Cupertino Electric, Inc., was an essential member of the design-build team that constructed the stadium and is intimately familiar with all the stadium electrical systems. Cupertino Electric, Inc. also previously performed the testing and inspection of the stadium switchgear that is the subject of this project. The results of that testing and inspection were reviewed by M-E Engineers, Inc., the Stadium Manager’s mechanical and electrical engineering consultant, to produce the scope of this project.

The existing maintenance and repair agreement with Cupertino Electric, Inc. includes transformer removal and replacement, circuit breaker replacement and replacement of batteries as necessary in the scope. Utilizing this agreement allows the Stadium Manager to act quickly to expedite necessary and urgent repair work on this critical electrical equipment. Cupertino Electric’s knowledge of the overall building systems, insight into this specific project as a result of their prior testing and inspection services on this same system, history of successfully coordinating with public utilities, stadium operations staff and other authorities with jurisdiction and stakeholders, and existing services agreement with the Stadium Manager makes them the only contractor that can perform this project under the prevailing time and operations constraints.

#### **B. 12KV Electrical Power Study, Assessment and Replacement at Primary Switch Gear at Quadrant Substations Project**

Testing the primary switchgear in the quadrant substations is essential to maintaining a reliable electrical system at the stadium. The Stadium has a very busy major Non-NFL Event schedule during the summer and fall of 2022 and the work associated with this project is urgent due to the critical nature of the electrical equipment to be tested as part of this project. During major events, the successful operation of the stadium switchgear equipment is of the utmost importance from both a public safety and general operational perspective. The testing services may require a shutdown of the stadium electrical equipment, which will in turn affect stadium power. Temporary power is required to ensure the stadium’s critical systems remain online when primary power is shutdown. Those affected stadium critical systems include, without limitation, fire alarm equipment, security posts and server rooms – all of which are integrally related to the safe and effective operation of the stadium. The work associated with this project is highly complicated and requires extensive coordination with public utilities, stadium

operations staff and other stakeholders and authorities with jurisdiction. Coordinating the temporary power shutdown with all parties and ensuring all necessary critical systems are supported with temporary power is very difficult in a complex facility like the Stadium. Cupertino Electric, Inc., was an essential member of the design-build team that constructed the stadium and is intimately familiar with all the stadium electrical systems. Cupertino Electric, Inc. also previously performed the testing and inspection of a separate stadium switchgear and are very familiar with the testing protocols and potential pitfalls and how to avoid the same during the testing process.

The existing maintenance and repair agreement with Cupertino Electric, Inc. includes testing and assessment work in the scope. Utilizing this agreement allows the Stadium Manager to act quickly to expedite necessary and urgent testing work on this critical electrical equipment. Cupertino Electric's knowledge of the overall building systems, insight into this specific project as a result of their prior testing and inspection services on a separate substantially similar part of the stadium's electrical system, history of successfully coordinating with public utilities, stadium operations staff and other authorities with jurisdiction and stakeholders, and existing services agreement with the Stadium Manager makes them the only contractor that can perform this project under the prevailing time and operations constraints.

## **2. Request for Proposals from Cupertino Electric, Inc.**

Stadium Manager requested and received proposals for both CapEx projects from Cupertino Electric, Inc. on May 9, 2022.

The proposal cost for the Primary Main Switch Gear Transformer, Battery & 12KV Main Circuit Breakers Project on a time and material basis, inclusive of the applicable bond, is \$193,583. The anticipated completion date of the project is December 31, 2022, subject to the approval of Stadium Manager's recommendation by the SCSA Board.

The proposal cost for the 12KV Electrical Power Study, Assessment and Replacement at Primary Switch Gear at Quadrant Substations Project on a time and material basis, inclusive of the applicable bond, is \$320,715. The anticipated completion date is December 31, 2022, subject to the approval of Stadium Manager's recommendation by the SCSA Board.

### **Next Steps**

The total cost to undertake and perform the two projects by Cupertino Electric, Inc., is \$514,298. The cost of this work is covered in the FY22/23 SCSA CapEx Budget referenced under item type – Electrical with the total cost for each project:

- Distribution - High Voltage (Primary Main Switch Gear Transformer, Battery & 12KV Main Circuit Breakers) - \$210,000
- Distribution - High Voltage (12KV Electrical Power Study, Assessment and Replacement at Primary Switch Gear at Quadrant Substations) - \$420,000

Therefore, Stadium Manager recommends approval from the SCSA Board to execute Amendment No. 1 to the Levi's Stadium On-Call Maintenance and Repair Contract (10051-B) with Cupertino Electric, Inc. to increase the not-to-exceed compensation amount for the second year of the contract term from \$250,000 to \$764,298. This action will facilitate Stadium Manager to issue the Task Orders to Cupertino Electric, Inc.

In addition, Stadium Manager requests authorization to issue change orders up to \$48,488.50, for a total not to exceed amount of \$812,786.50, which will allow Stadium Manager to take timely administrative action if required and not delay the completion of the projects as follows:

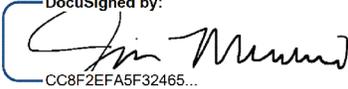
1. Authorize Stadium Manager to execute change orders up to \$16,417 for a total not-to-exceed amount of \$210,000 for the Primary Main Switch Gear Transformer, Battery & 12KV Main Circuit Breakers Project.
2. Authorize Stadium Manager to execute change orders up to 10% of proposal cost of \$320,715 (provided by Cupertino Electric, Inc.) or \$32,071.50 for a total not-to-exceed amount \$352,786.50 for the 12KV Electrical Power Study, Assessment and Replacement at Primary Switch Gear at Quadrant Substations Project.

The following supporting documentation have been provided for review and approval:

1. Levi's Stadium On-Call Maintenance and Repair Contract with Cupertino Electric, Inc. (Contract No. 10051-B)
2. Draft Amendment No. 1 to the Levi's Stadium On-Call Maintenance and Repair Contract with Cupertino Electric, Inc. (Contract No. 10051-B)
3. Memo from M-E Engineers, Inc., related to Levi's Stadium – Electrical Primary Main Service Switchgear dated May 9, 2022.
4. Proposal from Cupertino Electric, Inc. related to the Primary Main Switch Gear Transformer, Battery & 12KV Main Circuit Breakers Project dated May 9, 2022.
5. Proposal from Cupertino Electric, Inc. related to the 12KV Electrical Power Study, Assessment and Replacement at Primary Switch Gear at Quadrant Substations Project dated May 9, 2022.

Once Stadium Manager receives approval from the SCSA Board, Amendment No.1 to the Levi's Stadium On-Call Maintenance and Repair Services Contract (10051-B) will be executed with Cupertino Electric, Inc., and a fully executed copy of the Amendment No. 1 will be forwarded to the SCSA Board.

Submitted By:  Date: 5/17/2022  
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Jenti Vandertuig, Procurement Director

Approved By:  Date: 5/17/2022  
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Jim Mercurio, Executive Vice President & General Manager