

Attachment 4

Public Safety Command Post Dispatch System



FORTY NINERS STADIUM MANAGEMENT COMPANY

March 4, 2022

Kenn Lee
Santa Clara Stadium Authority
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Stadium Authority Capital Expenditures – Public Safety Equipment Project Payment

Mr. Lee,

On March 27, 2018, the Stadium Authority approved various Capital Expenditures, which included the costs of the replacement of certain public safety equipment. In an effort to improve dispatch communications between emergency services personnel and event day employees at Levi's® Stadium (the "Stadium"), Stadium Manager determined that the command post's efficiency could be enhanced through the implementation of a public safety command post dispatch system (the "Project"). Of the various Capital Expenditures approved by Stadium Authority on March 27, 2018, an estimated budget of \$189,200 was apportioned for this Project.

As the total budgeted value of this contract (\$189,200) fell below the threshold of \$250,000¹, no competitive bidding was required in the purchase of the equipment. Golden State Communications, Inc. ("Golden State Radio" or "Contractor") was selected because of its ability to ensure that all utilized equipment would effectively interface with the City of Santa Clara's public safety equipment and software then in existence at the Stadium. Contractor assessed the equipment and software infrastructure needs of the Stadium and submitted an invoice for \$170,000, dated September 12, 2018 (attached as **Exhibit A**), which provided quantities, model numbers, and detailed descriptions of each piece of equipment, as well as project labor and expenses. Subsequently, on October 30, 2018, Stadium Manager tendered a letter to the Stadium Authority serving as notice of Stadium Manager's intent to execute a contract with Golden State Radio (attached as **Exhibit B**).

After a series of communications, you provided Stadium Manager with a letter response² implying that Stadium Manager failed to comply with prevailing wage laws on this Project due to installation and setup labor services valued at \$6,242.00 (attached as **Exhibit C**). Contractor submitted a detailed description of the labor services actually performed (herein after referred to

¹ See Section 17.30.050(b) of the Stadium Authority Procurement Policy, which does not require public bidding for contracts valued at less than \$250,000 that involve the purchase of supplies, materials, and equipment. Per Section 17.30.020(a), "Contract Value" is determined by the costs of goods and supplies (i.e. the equipment), as well as costs associated with the installation and services under the contract.

² dated October 23, 2019.

as the “SOW,” attached as **Exhibit D**³), which further establishes that prevailing wage was not required in connection with the work performed under this contract.

California Labor Code § 1720(a)(1) classifies “installation” work as a prerequisite of prevailing wage determinations under a public works contract in instances where there is a permanent affixing (e.g. bolting, securing or mounting) of fixtures to realty. Under California Civil Code § 660, a “fixture” is defined as:

“[a] thing [that] is deemed to be affixed to land when it is attached to it by roots, as in the case of trees, vines, or shrubs; or imbedded in it, as in the case of walls; or permanently resting upon it, as in the case of buildings; or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws.”

The SOW’s installation process involved setting up dispatch gateways to donor radios, then wiring those donor radios to properly connect to preexisting power sources within the Stadium. These equipment items were racked in (i.e. set inside of) a cabinet, which was subsequently housed within the radio support room on the 800-level of the Stadium. Contractor was also responsible for connecting antenna cables and network lines from the preexisting power sources to the racked equipment cabinets. Once these tasks were completed, Contractor was instructed to set up the computer stations by connecting microphones and footswitches and establishing the proper network connectivity. Stadium Manager’s personnel and dispatchers worked in conjunction with Contractor to develop working knowledge of the console dispatch system and to verify that all computer consoles and software settings functioned satisfactorily before final completion of the Project.

In carrying out its services, Contractor was not required to permanently affix any fixtures or equipment, nor penetrate or create a physical change to the structure of the Stadium; thus, no “installation” services – as defined by the California Labor Code – were performed. In light of this, the Project did not qualify as a “public work” under the statutory guidelines. If a contracted project exceeding \$1,000 in value does not involve “public work,” prevailing wage will not apply.

On March 15, 2019, Contractor issued a receipt of payment of \$85,000 towards the total balance due (attached as **Exhibit E**). To date, no additional payments have been made by Stadium Authority to Contractor for this Project.

As the attached documentation clearly demonstrates that Stadium Manager complied with all applicable bidding requirements, California Labor Code, and other local and state law for this Project, Stadium Authority must immediately remit payment⁴ to Golden State Radio for the outstanding balance of \$85,000 for services provided.

³ Stadium Manager sent a request to Golden State for the original SOW via email correspondence. Golden State responded to Stadium Manager operations personnel on September 24, 2020 with a description of the work actually performed.

⁴ Payment may be remitted to: **Golden State Communications, Inc.** 978 Rincon Circle, San Jose, CA 95131. Office: (408) 558-2700. Fax: (408) 558-2719. www.goldenstateinc.com

Sincerely,

Esther Chi

Esther Chi

cc: Scott Sabatino, Chief Financial Officer
Hannah Gordon, Chief Administrative Officer and General Counsel
Jihad Beauchman, Deputy General Counsel



Primary Site Information

Company: Forty Niners Stadium Management Company
Address: 4900 Marie P. De Bartolo Way
City, State, Zip: Santa Clara, CA 95054
Phone: 408-562-4949

Invoice Number: 2018-4494
Invoice Date: 9/12/2018
Prepared by: Gary Carroll

Item	Qty	Model Number	Description	Price Each (USD)	Extended Price (USD)
<u>Console (Operator) Position Hardware/Software</u>					
1	4	T2-SCOUT-SMW12	Tier 2 Scout Console Package with 12 channel software media workstation. Includes Scout Standard Runtime, DMS, Tier 1 Capabilities plus P25 Trunked, DMR Trunked, MPT Trunked, NXDN Trunked and IRR. Windows 7 PC, Monitor, and other USB accessories not included. NENA Headset interface is NOT available in this package.	\$ 15,506.00	\$ 62,024.00
2	4	ACC-CPU-WIN7-DN	PC mini tower with dual NICs for Console Position or "Plus" Console Packages, MS Windows 7 Professional 64 bit OS. Used in a Scout System when a Standard Desktop computer is needed.	\$ 1,410.00	\$ 5,640.00
3	4	ACC-TSC-23WS-PC	23" LED touch screen for PC console - 16x9 format	\$ 2,068.00	\$ 8,272.00
4	8	ACC-HED-BASE-WLS-6W	Plantronics CA12CD Wireless PTT Headset Base. Headset top is sold separately.	\$ 793.00	\$ 6,344.00
5	8	ACC-HED-TOP-SING-NC	Headset top, Plantronics Supra HW251N monaural with noise canceling microphone. Requires base.	\$ 109.00	\$ 872.00
6	4	ACCUSB-FSW-SING	USB PTT Footswitch Accessory, Software Media Workstation	\$ 301.00	\$ 1,204.00
7	8	ACCUSB-HJB	Avtec USB Headset/handset jack box (single jack), Scout Software Media Workstation	\$ 513.00	\$ 4,104.00
8	1		Eventide NextLog 740 Recorder	\$ 19,000.00	\$ 19,000.00
				Console Equipment Subtotal	\$ 107,460.00
<u>Gateways and Endpoint Hardware/Software</u>					
9	1	SFW-VPG-L2	Redundant VPGate Software License for a maximum of 80 endpoints; up to 40 may be "B" Licenses.	\$ 35,236.00	\$ 35,236.00
10	2	ACC-CPU-RM-WIN7	Industrial 1U Computer with Windows including Solid State hard drive and Windows7 Professional 64 bit OS. Rack mount for Cabinets. Requires DISP-XXXX for monitor, keyboard, etc. Used in a Scout System when a Standard Rack mount computer is needed.	\$ 5,043.00	\$ 10,086.00
11	1	OUTPOST-2R	Radio Controller, VoIP, 2 Ports, 12VDC input	\$ 2,275.00	\$ 2,275.00
12	2	OUTPOST-RJ-CONN	Connector for OUTPOST Radio port that supports RJ45 cable for 2/4W tone keying and E&M applications.	\$ 52.00	\$ 104.00
13	1	DISP-KVM-F-RR	1U LCD Folding Display, for Relay Rack. Includes Keyboard with trackpad and 8-port KVM	\$ 3,073.00	\$ 3,073.00
14	1	ACC-NETWK-24P-SFP4	24 Port Gigabit Switch with 4 SFP Ports	\$ 2,482.00	\$ 2,482.00
				Gateway & Endpoint Equipment Subtotal:	\$ 53,256.00
<u>Racking Equipment</u>					
14	1	ACC-MTG-2U-RR	Kit to rack mount two (2) each ACC-CPU-RM-2012 or -WIN7 in 19" Relay Rack. 2U high.	\$ 389.00	\$ 389.00
15	1	OUTPOST-RACKMT-PKG	3U Rack mount shelf (holds 1-4 Outposts) plus 3U Rack mount power supply	\$ 622.00	\$ 622.00
				Racking Equipment Subtotal:	\$ 1,011.00



Item	Qty	Model Number	Description	Price Each (USD)	Extended Price (USD)
<u>Recommended Spare Equipment</u>					
16	1	ACCPLUS-HJB	Headset/handset jack box (single jack), Scout Media Workstation Plus	\$ 513.00	\$ 513.00
17	2	ACC-HED-TOP-SING-NC	Headset top, Plantronics Supra HW251N monaural with noise canceling microphone. Requires base.	\$ 109.00	\$ 218.00
Recommended Spare Equipment Subtotal:				\$	731.00 \$
Console Equipment, Software, & Licensing Total:				\$	162,458.00 \$

<u>ScoutCare Software and Hardware Maintenance</u>					
18	1	SCOUTCARE-T1	Year 1 Annual Software Maintenance and Technical support.		\$ included
19	1	SCOUTCARE-HARDWARE	Year 1 Annual Hardware Maintenance		\$ included
Year 1 Maintenance & Support Subtotal:				\$	included
<u>Shipping, Handling, and Insurance</u>					
20	1		Lump sum packaging, shipping, and insurance FOB Origin	1,300.00	\$ 1,300.00
<u>Radio Equipment Programming</u>					
20	1				included included
<u>EID License Linked Capacity Plus Upgrade</u>					
<u>Professional Services and Expenses</u>					
21	1		Project Labor and Expenses (see Statement Of Work for details)	\$ 6,242.00	6,242.00 \$
Shipping & Professional Services Subtotal:				\$	7,542.00 \$

		Extended Price
Total (USD)		170,000.00

EXHIBIT B



October 30, 2018

FORTY NINERS STADIUM MANAGEMENT COMPANY

Deanna Santana
City Manager
Santa Clara City Hall
1500 Warburton Avenue
Santa Clara, CA 95050

Re: SCSA Project Notification

Dear Deanna,

We are writing to inform you of two projects that we have initiated in accordance to the SCSA Capital Expenditures approval on March 27, 2018.

This letter service as notification of our intent to execute a contract with the vendors listed in the detail.

Below, please find the detail of the approved projects.

	<u>APPROVED</u>	<u>CONTRACT AMOUNT</u>
<ul style="list-style-type: none">• Hot Water Additions for Sump Pump Install four sump pumps and substation water source heat pumps to hose down the sump wells in the sewage system. Partial project work is being completed by DLI Mechanical and the estimated contract is \$114,889.	\$367,509	\$114,889
<ul style="list-style-type: none">• Santa Clara Public Safety Equipment The procurement includes major equipment replacement for Santa Clara Public Safety, Police and Fire. A public safety command post dispatch system will be purchased from Golden State Radio. The estimated contract amount is \$189,200.	\$647,855	\$189,200

Should you have any questions, I am available to discuss at your convenience

Notified: _____
Deanna Santana
Executive Director

Date: _____

Sincerely,

JIM MERCURIO
Vice President, Stadium Operations & General Manager

cc: Walter Rossmann, City of Santa Clara
Catlin Ivanetich, City of Santa Clara
Scott Sabatino, San Francisco 49ers CFO
Hannah Gordon, San Francisco 49ers General Counsel
Jihad Beauchman, San Francisco 49ers Deputy General Counsel
Nelson Ferreira, San Francisco 49ers Director, Technical Operations

EXHIBIT C



October 23, 2019

Ms. Esther Chi, Vice President, Controller
Forty Niners Management Company LLC
4900 Marie P. De Bartolo Way
Santa Clara, California 95054

SUBJECT: Stadium Authority CapEx Project Invoices

Dear Ms. Chi:

This letter is in response to the invoices your office forwarded on August 15, 2019 and your subsequent letter on October 15, 2019. As you may know, the Stadium Authority Board instructed the partial suspension of payments at the March 27, 2019 Stadium Authority Board meeting. At that meeting, the Board directed the Executive Director to only release public funds to the Forty Niners Management Company (ManCo) if all supporting documents have been submitted and adhere to our agreements and State and local laws. As part of that suspension of payment, the Stadium Authority continues to pay for utilities, insurance and costs associated with SBL sales and services.

Any delays to Stadium Manager's procurement processes have been due to Stadium Manager's failure to meet minimal levels of competence in public financial and legal standards. This has been compounded by continuous stonewalling in providing the Stadium Authority with its own records. A detailed review of the invoices provided to the Stadium Authority for payment revealed that you have intentionally separated invoices for supplies and equipment from the labor/installation cost related to the supplies and equipment. In the accompanying letter provided by your staff, it states that "because no on-site labor is involved, there are no prevailing wage or bond requirements that apply to these purchases of equipment". This is simply not true. Because the Stadium is a public facility, and in accordance with our Agreement¹, the compliance of State and local labor laws would be in effect for eligible projects, regardless of whether the installation is completed by the Forty Niners Stadium Company, LLC (StadCo), or an outside contractor. As such, it is required that the Stadium Authority have complete documentation on how

¹ Except as otherwise expressly defined, all capitalized terms when used herein shall have the same meanings as given such terms in the Amended and Restated Stadium Lease Agreement by and between the Stadium Authority and Tenant dated as of March 28, 2012, as amended and restated as of June 19, 2013.

MS. ESTHER CHI, VICE PRESIDENT, CONTROLLER

Re: Stadium Authority CapEx Project Invoices

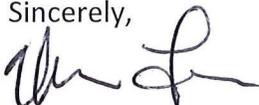
October 23, 2019

Page 2 of 2

these improvements were completed, how they complied to prevailing wage and bond requirements for eligible projects and done with industry experts that protects the Stadium Authority's asset. In other words, when presenting requests for payment, the Stadium Manager must provide all documentation related to the goods and materials purchases and the labor/installation; which has been the Stadium Authority's direction for quite some time now.

The Stadium Authority will only process and pay for projects that contain complete documentation of all project costs and verification that completion of these projects followed our Agreement and State and local labor laws. The invoices that the Stadium Manager submitted do not contain complete or accurate documentation of costs related to labor, goods and materials, nor do they follow proper procurement processes or provide information about the industry experts performing the labor. As such, the Stadium Authority cannot pay the remaining invoices until the Stadium Manager complies with all the requirements set forth in our Agreement and State and local labor laws. Any delay is entirely on the part of the Stadium Manager.

Sincerely,



Kenn Lee
Treasurer

CC: Deanna J. Santana, Executive Director
Brian Doyle, Stadium Authority Counsel

EXHIBIT D

From: Jessica Carroll <Jessica@goldenstateinc.com>

Sent: Thursday, September 24, 2020 1:34 PM

To: Graber, Craig <craig.graber@49ers-smc.com>; Montgomery, Jason <jason.montgomery@49ers-smc.com>

Subject: Summary of Dispatch Console set up and installation

Let me know if this is sufficient for is being requested for the set up and installation of the dispatch consoles.

*All below work was completed by Golden State Communications, Inc full time staff. All the Set Up and Installation for the Dispatch Consoles is adding equipment onto an already fully functioning radio system that Golden State Communications Inc, had previously installed, manages and controls at Levi's Stadium.

Summary of Set up and Installation of the Dispatch Consoles

Set Up

Communicate with Levi's IT to make sure that what is needed on the network side is ready to be provided when equipment is installed.

Set up the dispatch gateways to the Donor Radios

Wire up the Donor radios to the power supplies

Wire up the gateways to the Donor radios

Rack all the equipment in cabinet that is provided by Golden State

Once all equipment is racked, we power on the equipment and program the donor radios with the Radio system programming.

Set up and power on all the computers. Load the dispatch software into the computers

Configure the software to talk to the gateways through the network

Set up the layout of the dispatch console so that the layout is the way the dispatcher wants it to show up on their computer station.

Installation

Bring the radio cabinet with the donor radios and gateways up to where this equipment will be housed at the stadium.

Run the antenna cable for 8 antennas

Run an extension for power to the cabinet

Run network lines to each gateway

Complete all connections for the donor radios and gateways then power on the system.

Set up the computer stations in each location identified by Levi's that they needed a console.

Install the computer mics and footswitches to each computer location

Work with Levi's IT to make sure the network connection is working correctly.

When everything is up and running you start to test the system and start making adjustments for volume purposes etc in both the computer consoles and software settings.

Make sure all channels are working on the consoles, all functionality is the way it is needed to be to the satisfaction of the dispatchers

Training sessions for the dispatchers so that they learn how to use the console and all the features.

Jessica Carroll

Jessica@goldenstateinc.com

Executive Account Manager | Golden State Communications, Inc.

T 408.558.2700 C 408.636.6288



**Golden State
Communications, Inc.**

LOOK AT THE new WAVE OnCloud Two-Way Radio Solution <https://www.tlkptt.com/ptt-brochure/>

Watch how it

works <https://video.motorolasolutions.com/detail/video/6052869020001/wave%E2%84%A2-broadband-push-to-talk-allows-europe-wide-communication&q=WAVE>

Ask us for a 1 week FREE Demo Trial 408.558.2700

EXHIBIT E



Golden State Communications, Inc.
978 Rincon Circle
San Jose, CA 95131

Sales Invoice

Sales Invoice Number: 2018-4494
Sales Invoice Date: 3/15/2019

Page: 1

Sell
To: Forty Niners Stadium Management Company
Accounts Payable
4900 Marie P. De Bartolo Way
Attn: Accounts Payable
SANTA CLARA, CA 95054

Ship
To: Forty Niners Stadium Management
Accounts Payable
4900 Marie P. De Bartolo Way
Attn: Accounts Payable
SANTA CLARA, CA 95054

Ship Via
Terms Net 30 Days

Customer ID CU00158
SalesPerson Levi Stadium

Item No.	Description	Unit	Quantity	Unit Price	Total Price with Tax
S2-61815	Console(Operator) Position Hardware/Software	Each	1	97,788.60	107,460.00
SFW-VPG-L2	Gateways and Endpoint Hardware/Software	Each	1	48,462.96	53,256.00
ACC-MTG-2U-RR	Racking Equipment	Each	1	920.01	1,011.00
ACCPLUS-HJB	Spare Equipment	Each	1	665.21	731.00
02-SLS DEL	Shipping & Handling	Each	1	1,300.00	1,300.00
03-INSTALL	Installation / Setup	Each	1	6,242.00	6,242.00

Subtotal: 155,378.78

Total Sales Tax: 14,621.22

Total: 170,000.00

Payment 50% Down: -85,000.00

TOTAL BALANCE DUE: 85,000.00