



## Agenda Report

18-562

Agenda Date: 6/12/2018

### REPORT TO COUNCIL

#### SUBJECT

Consideration of an Amendment No. 3 to the Agreement with the California Highway Patrol

#### BACKGROUND

On May 6, 2014, the City Council approved a standard agreement with the California Highway Patrol (CHP) for traffic management and support services provided by the CHP for special events at Levi's Stadium. CHP duties may include: traffic management, air operations, SWAT, and crowd control. The City has agreed to indemnify and defend the State for claims resulting from injury or damage caused by City employees. The term of the original agreement was July 1, 2014 through June 30, 2016, totaling \$1,724,811. When this agreement was initially established, the Police Department estimated twenty-three (23) events that would require CHP services.

On July 14, 2015, Amendment No. 1 increased the funding of the original agreement by \$1,000,000 to \$2,724,811 over the same term to address the increase in events over the preliminary projection. The City Council approved the amendment to address the revised projection of forty-five (45) events scheduled during the contract period.

On July 19, 2016, the City Council approved Amendment No. 2 to extend the term of the agreement with the CHP for an additional 24 months, retroactive to June 30, 2016 and extending through June 30, 2018. Amendment No. 2 increased the agreement by \$1,700,000, for a total not to exceed amount of \$4,424,811.

#### DISCUSSION

The San Francisco 49ers National Football League season consists of ten home games (two pre-season and eight league games). Depending on the team's performance, there is potential for up to two additional home games each season. The NFL sets the schedule, which is generally released in the spring.

Forty Niners Stadium Management Company, LLC (ManCo) is responsible for the day-to-day operations at the stadium, including seeking out and marketing third party, non-NFL events. The Police Department receives notification of events planned at the venue, large and small, after ManCo has secured a contract with a promoter, at which point the Police Department begins to create an event specific Public Safety Plan. This plan is fluid until the day of the event based on intelligence being gathered.

Levi's Stadium has been the host to 85 major events since 2014. At the time of this report, 16 major events were confirmed for the 2018/2019 contract year. It is unknown at present how many additional events ManCo will secure over the proposed contract term.

DATE	EVENT
July 22, 2018	San Jose Earthquakes vs. Manchester United
August 4, 2018	International Champions Cup
TBD (August 9-13, 2018)	San Francisco 49ers vs Dallas Cowboys
August 30, 2018	San Francisco 49ers vs Los Angeles Chargers
September 16, 2018	San Francisco 49ers vs Detroit Lions
September 29, 2018	OTR II (Jay Z/Beyonce)
October 7, 2018	San Francisco 49ers vs Arizona Cardinals
October 21, 2018	San Francisco 49ers vs Los Angeles Rams
November 1, 2018	San Francisco 49ers vs Oakland Raiders
November 12, 2018	San Francisco 49ers vs New York Giants
November 30, 2018	Pac-12 Championship Game
December 9, 2018	San Francisco 49ers vs Denver Broncos
December 16, 2018	San Francisco 49ers vs Seattle Seahawks
December 23, 2018	San Francisco 49ers vs Chicago Bears
TBD (December 26-28, 2018)	Foster Farms Bowl
January 7, 2019	College Football National Championship

The CHP has been an essential public safety partner for Levi's Stadium. CHP has provided vehicles, radios, personnel and other necessary equipment to provide critical services for Highway 101 and Route 237, which they have jurisdiction over.

Amendment No. 3 in the amount of \$1,500,000 extends the term of the agreement for traffic management services and support related services by an additional twenty-four months, from July 1, 2018 through June 30, 2020.

### **FISCAL IMPACT**

Amendment No. 3 adds \$1,500,000, for a maximum amount not to exceed \$5,924,811 and will allow the CHP to continue to provide necessary traffic management and related services for Levi's Stadium.

### **COORDINATION**

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

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

### **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 report to City Council may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Approve Amendment No. 3 to the California Highway Patrol Standard Agreement, in the amount of \$1,500,000, for a total not to exceed amount of \$5,924,811, and extending the term of the agreement to June 30, 2020, for traffic management and support services for special events at Levi's Stadium.

Reviewed by: Michael J. Sellers, Chief of Police

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. State of California, Standard Agreement, 7/1/14-6/30/16
2. Standard Agreement Amendment No. 1 dated 7/14/15
3. Standard Agreement Amendment No. 2 dated 7/19/16
4. State of California, cover letter to Standard Agreement Amendment No. 3 dated 4/20/18
5. State of California, Standard Agreement, Amendment No. 3 through 6/30/20

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

Business Services Section  
Contract Services Unit  
P.O. Box 942898  
Sacramento, CA 94298-0001  
(916) 843-3610  
(800) 735-2929 (TT/TDD)  
(800) 735-2922 (Voice)



August 21, 2015

City of Santa Clara (Santa Clara Police Department)

601 El Camino Real

Santa Clara, CA 95050

ATTN: MICHAEL SELLERS, CHIEF OF POLICE

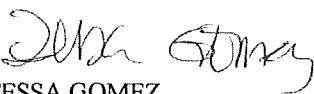
Subject: Agreement Number 14R340002-1

**Complete the following marked item(s) and return to the above address within ten (10) business days:**

- ☐ STD. 213, Standard Agreement with attached exhibits. Sign the first page of the STD. 213, sign the additional single STD. 213, and return both copies.
- ☐ STD. 213A, Standard Agreement Amendment. Sign the first page of the STD. 213A, sign the additional single STD. 213A, and return both copies.
- ☐ STD. 210, Short Form Contract. Sign and return both copies.
- ☐ Letter of Agreement. Sign and return both copies.
- ☐ STD. 204, Payee Data Record. Complete and return.
- ☐ CCC, Contractor Certification Clauses. Complete and return.
- ☐ Obtain and forward the liability insurance certificate required by the terms of the Agreement.
- ☐ Resolution, motion, order, or ordinance from the local governing body authorizing this Agreement.
- ☐ STD. 807, Payment Bond. Complete and return one copy.
- ☐ CHP 28, Voluntary Statistical Data. Complete and return.
- ☐ Other: Revised resolution approving amendment.

**Contract status.**

- ☐ The enclosed agreement is signed on behalf of the Department of California Highway Patrol. Process and when approved, return an original to this office.
- ☒ The enclosed approved agreement is for your records.

  
TESSA GOMEZ  
Contract Analyst

Enclosures

*Safety, Service, and Security**An Internationally Accredited Agency*

## STANDARD AGREEMENT AMENDMENT

STD. 213 A (Rev 6/03)

T.G.

☐ CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED \_\_\_\_\_ Pages

AGREEMENT NUMBER

14R340002

AMENDMENT NUMBER

1

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and Contractor named below:

STATE AGENCY'S NAME

Department of California Highway Patrol

CONTRACTOR'S NAME

City of Santa Clara

2. The term of this

Agreement is 07/01/2014 through 06/30/2016

3. The maximum amount of this \$2,724,811.00

Agreement after this amendment is: Two Million Seven Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

Agreement 14R340002 dated 07/01/2014 for reimbursable traffic enforcement services, is hereby amended to add funds in the amount of One Million Dollars and Zero Cents (\$1,000,000.00). The maximum amount of this agreement shall not exceed Two Million Seven Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents (\$2,724,811.00).

Except as herein amended, all other terms and conditions remain in full force and effect.

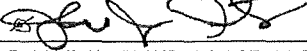
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

## CONTRACTOR

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

City of Santa Clara

BY (Authorized Signature)



DATE SIGNED (Do not type)

7/20/15

PRINTED NAME AND TITLE OF PERSON SIGNING

Julio J. Fuentes, City Manager

ADDRESS

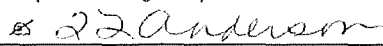
601 El Camino Real  
Santa Clara, CA 95050

## STATE OF CALIFORNIA

AGENCY NAME

Department of California Highway Patrol

BY (Authorized Signature)



DATE SIGNED (Do not type)

7-24-15

PRINTED NAME AND TITLE OF PERSON SIGNING

T. L. ANDERSON, Assistant Chief, Administrative Services Division


ADDRESS

P.O. Box 942898, Sacramento, CA 94298-0001

CALIFORNIA  
Department of General Services  
Use Only

APPROVED

AUG 10 2015

OFFICE OF LEGAL SERVICES  
DEPT. OF GENERAL SERVICES☐ Exempt per:

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

Business Services Section  
Contract Services Unit  
601 N. 7th Street  
Sacramento, CA 95811  
(916) 843-3610  
(800) 735-2929 (TT/TDD)  
(800) 735-2922 (Voice)



August 22, 2016

City of Santa Clara (Santa Clara Police Department)

601 El Camino Real

Santa Clara, CA 95050

ATTN: MARCI CREMER, OFFICE OF CHIEF OF POLICE


Subject: Agreement Number 14R340002-2

**Congratulations, you have been awarded the agreement. Please complete the following marked item(s) and return to the above address within ten (10) business days:**

- ☐ STD. 213, Standard Agreement with attached exhibits. Sign the first page of the STD. 213, sign the additional single STD. 213, and return both copies.
- ☐ STD. 213A, Standard Agreement Amendment. Sign the first page of the STD. 213A, sign the additional single STD. 213A, and return both copies.
- ☐ STD. 210, Short Form Contract. Sign and return both copies.
- ☐ Letter of Agreement. Sign and return both copies.
- ☐ STD. 204, Payee Data Record. Complete and return.
- ☐ CCC, Contractor Certification Clauses. Complete and return.
- ☐ Obtain and forward the liability insurance certificate required by the terms of the Agreement.
- ☐ Resolution, motion, order, or ordinance from the local governing body authorizing this Agreement.
- ☐ STD. 807, Payment Bond. Complete and return one copy.
- ☐ CHP 28, Voluntary Statistical Data. Complete and return.
- ☐ CHP 78V, Conflict of Interest & CHP 116, Darfur Certification

**Contract status.**

- ☐ The enclosed agreement is signed on behalf of the Department of California Highway Patrol. Process and when approved, return an original to this office.
- ☒ The enclosed approved agreement is for your records. You are now authorized to provide services.

  
TESSA GOMEZ  
Contract Analyst

Enclosures

Safety, Service, and Security



An Internationally Accredited Agency

**STANDARD AGREEMENT AMENDMENT**

STD. 213 A (Rev 6/03)

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AGREEMENT NUMBER

**14R340002**

AMENDMENT NUMBER

**2**

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and Contractor named below:

STATE AGENCY'S NAME

Department of California Highway Patrol

CONTRACTOR'S NAME

City of Santa Clara

2. The term of this

Agreement is 07/01/2014 through 06/30/2018

3. The maximum amount of this \$4,424,811.00

Agreement after this amendment is: Four Million Four Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

Agreement 14R340002 dated 07/01/2014 for reimbursable traffic enforcement services, is hereby amended to extend the term for an additional twenty-four (24) months from 06/30/2016 to 06/30/2018, and add funds in the amount of One Million Seven Hundred Thousand Dollars and Zero Cents (\$1,700,000.00). The maximum amount of this agreement shall not exceed Four Million Four Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents (\$4,424,811.00).

Except as herein amended, all other terms and conditions remain in full force and effect.

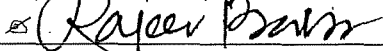
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

**CONTRACTOR**

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

City of Santa Clara

BY (Authorized Signature)



DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

601 El Camino Real  
Santa Clara, CA 95050**STATE OF CALIFORNIA**

AGENCY NAME

Department of California Highway Patrol

BY (Authorized Signature)



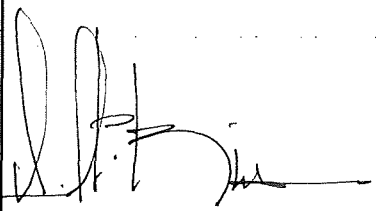
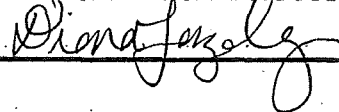
DATE SIGNED (Do not type)

8.1.16

PRINTED NAME AND TITLE OF PERSON SIGNING

P. SLONEY, Assistant Chief, Administrative Services Division

ADDRESS

601 N. 7<sup>th</sup> Street, Sacramento, CA 95811CALIFORNIA  
Department of General Services  
Use Only**APPROVED****AUG - 9 2016**OFFICE OF LEGAL SERVICES  
DEPT. OF GENERAL SERVICES☐ Exempt per:**APPROVED AS TO FORM:****SANTA CLARA CITY ATTORNEY'S OFFICE**  
City Clerk

**STANDARD AGREEMENT AMENDMENT**

STD. 213 A (Rev 6/03)

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AGREEMENT NUMBER

**14R340002**

AMENDMENT NUMBER

**3**

REGISTRATION NUMBER

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STATE AGENCY'S NAME

Department of California Highway Patrol

CONTRACTOR'S NAME

City of Santa Clara

2. The term of this

Agreement is 07/01/2014 through 06/30/2020

3. The maximum amount of this
- \$5,924,811.00**

Agreement after this amendment is: Five Million Nine Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

Agreement 14R340002 dated 07/01/2014 for reimbursable traffic control services, is hereby amended to extend the term an addition twenty-four (24) months from 07/01/2018 to 06/30/2020, and add funds in the amount of One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00). The maximum amount of this Agreement shall not exceed Five Million Nine Hundred Twenty-Four Thousand Eight Hundred Eleven Dollars and Zero Cents.

Except as herein amended, all other terms and conditions remain in full force and effect.

**IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.**

**CONTRACTOR**

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

City of Santa Clara

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

601 El Camino Real, Santa Clara, CA 95050

**STATE OF CALIFORNIA**

AGENCY NAME

Department of California Highway Patrol

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

P. SLINNEY, Assistant Chief, Administrative Services Division

ADDRESS

601 N. 7<sup>th</sup> Street, Sacramento, CA 95811

**CALIFORNIA**  
Department of General Services  
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