



# City of Santa Clara

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## Agenda Report

19-275

Agenda Date: 3/5/2019

### REPORT TO STADIUM AUTHORITY

#### **SUBJECT**

Continuance of Corrective Action to Cure Violation of Section 2.1 of the First Amendment to the Stadium Management Agreement, Stadium Procurement Contracts by Retroactive Approval of an Agreement for NEx Systems for Stadium Floor Improvements and Stadium Manager Disclosure of Contracts Issued Through Delegated Authority from \$100,000 to \$250,000

#### **BACKGROUND AND DISCUSSION**

On February 19, 2019 Council and Authorities Concurrent Meeting, the Stadium Authority Board took action to continue the following item to March 5, 2019:

*Corrective Action to Cure Violation of Section 2.1 of the First Amendment to the Stadium Management Agreement, Stadium Procurement Contracts by Retroactive Approval of an Agreement for NEx Systems for Stadium Floor Improvements and Stadium Manager Disclosure of Contracts Issued Through Delegated Authority from \$100,000 to \$250,000*

Staff is requesting that this item be continued until the March 27, 2019 Stadium Authority meeting in order to request additional bid package information from the Stadium Manager to fully understand the specifications for the work, prevailing wage requirements, etc. Further, the Stadium Manager authorized the withdrawal of the lowest bid. Staff needs to understand the process from the bid package for bid withdrawal and the reasons for letting the lowest bidder withdraw the bid. This information is needed in order to determine if the applicable state and city legal requirements were followed, as well as to fully respond to the Board's direction.

Based on these issues as well as non-compliance with Section 2.1 of the First Amendment to the Stadium Management Agreement, the Stadium Authority Executive Director will bring a recommendation to audit the Stadium Manager's procurement processes and practices for the Board's consideration at the March 27, 2019 Stadium Authority meeting to determine if any changes are required.

#### **RECOMMENDATION**

Continue the Corrective Action to Cure Violation of Section 2.1 of the First Amendment to the Stadium Management Agreement, Stadium Procurement Contracts by Retroactive Approval of an Agreement for NEx Systems for Stadium Floor Improvements and Stadium Manager Disclosure of Contracts Issued Through Delegated Authority from \$100,000 to \$250,000 to March 27, 2019.

Reviewed by: Angela Kraetsch, Treasurer

Approved by: Deanna J. Santana, Executive Director