



## Agenda Report

22-909

Agenda Date: 7/12/2022

### REPORT TO STADIUM AUTHORITY BOARD

#### **SUBJECT**

Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Purchase Order to Lutron Services Co., Inc. (Lutron) for Technology Support Plan for Existing Lutron Lighting System at Levi's Stadium

#### **BOARD PILLAR**

Ensure Compliance with Measure J and Manage Levi's Stadium

#### **BACKGROUND**

On October 8, 2019, the Stadium Authority Board (Board) approved Ordinance No. 2005 amending Chapter 17.30 of the City Code (Stadium Authority Procurement Policy), which rescinded the delegation to the Executive Director to enter into agreements without prior Board approval. As result of Ordinance No. 2005, the Stadium Manager is also required to request Board approval before entering into agreements on behalf of the Stadium Authority. As of the effective date of the Ordinance (November 8, 2019), all Stadium Authority agreements for services, supplies, materials, and equipment require the approval of the Stadium Authority Board.

As the Stadium Manager, Forty Niners Stadium Management Company, LLC is responsible for maintaining "the Stadium in the Required Condition and operate the Stadium as a quality NFL and multi-purpose public sports, public assembly, exhibit and entertainment facility" as required by the Management Agreement between the Stadium Authority and Stadium Manager.

The Stadium Manager is requesting for the following:

- Approval to award a purchase order to Lutron for a proprietary technology support plan that will provide support, troubleshooting, training, maintenance, and diagnostics for the existing Lutron lighting system for a three year term from July 15, 2022 to July 14, 2025 in an amount not to exceed \$46,091 per contract year. The total not to exceed amount is \$138,273 over the three year period, subject to budget appropriations.

Chapter 17.30.070 states that, "Except for reserved purchase order numbers assigned by the purchasing officer, the purchasing officer shall not issue any purchase order or award any contract for supplies, materials, or equipment unless there exists an unencumbered appropriation in the proper account of the Stadium Authority to which the purchase is to be charged." The requested technology support plan will span over multiple fiscal years; however the Stadium Manager stated in their Recommendation for Award memo that the term for subsequent fiscal years shall be conditioned upon approval of the Santa Clara Stadium Authority budget for the applicable fiscal year that includes the amounts under the agreement.

**DISCUSSION**

Stadium Authority staff reviewed the Recommendation for Award memo and draft purchase order (attached to corresponding report #22-908). The Stadium Manager indicated in their Recommendation for Award memo that Lutron is a single source of the proprietary software and service for the existing lighting system and the Lutron devices are only compatible with the Lutron software. As such, this purchase would be pursued as a single source procurement and is consistent with the Stadium Authority Procurement Policy and Santa Clara City Code Chapter 2.105.160(b)(3).

As noted in the Recommendation for Award memo, the Stadium Manager has had a Lutron service plan to maintain the lighting system and software since the Lutron lighting system was installed in 2014. The prior plan cost approximately \$30,000 per year but the price has since increased.

Staff recommends approval of the requested purchase order agreement with Lutron. The Stadium Authority will require full supporting documentation including compliance with prevailing wage laws, if applicable, before respectively releasing public funds upon procurement of the subscription and supplies. This requirement is consistent with the Stadium Authority Board's March 27, 2019 direction to staff to stop payment of any additional invoices for services unless there is substantial documentation of services rendered which must also be in compliance with State law and City Code.

**ENVIRONMENTAL REVIEW**

The actions being considered do not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**FISCAL IMPACT**

The Stadium Authority FY 2022/23 Budget contains a Legal Contingency for Shared Expenses such as Security, Stadium Operations, Engineering, Guest Services, and Groundskeeping. As part of its March 15, 2022 approval of the FY 2022/23 Budget, the Stadium Authority Board delegated budget amendment authority to the Executive Director for Shared Expenses from the Legal Contingency. Shared Expenses are split between the Stadium Authority and Forty Niners SC Stadium Company LLC per the Management Agreement.

There are sufficient funds in the FY 2022/23 Stadium Authority Legal Contingency, Engineering line item to cover the FY 2022/23 amount of up to \$46,091 for the technology support services. The purchase order's total not to exceed amount is \$138,273 over the three-year term and is subject to budget appropriations (Stadium Authority's share will be \$69,137). The Executive Director will approve a budget amendment to reallocate funds from Legal Contingency to Shared Stadium Manager Expenses for the costs described in this report upon the Board's approval of staff's recommendations and after the review of adequate documentation for costs.

**COORDINATION**

This report has been coordinated with the City's Purchasing Manager and the Treasurer's and Stadium Authority Counsel's Offices.

**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](mailto:clerk@santaclaraca.gov).

**RECOMMENDATION**

Approve the Stadium Manager's request to award a purchase order to Lutron for technology support plan for Levi Stadium's existing Lutron lighting system for a three year term from July 15, 2022 to July 14, 2025, in an amount not to exceed \$46,091 per contract year for a total not to exceed amount of \$138,273 over the three year period, subject to budget appropriations; and authorize the Executive Director to approve and process the reimbursement of such costs upon receiving final invoices and supporting documentation from the Stadium Manager.

Reviewed by: Christine Jung, Assistant to the Executive Director

Approved by: Rajeev Batra, Executive Director