



Agenda Report

22-1406

Agenda Date: 12/6/2022

REPORT TO STADIUM AUTHORITY BOARD

SUBJECT

Report from the Stadium Authority for Action Regarding Stadium Manager's Request to Award Purchase Orders to EyeP Solutions, Inc. for the Parking Lot Camera Upgrades CapEx Project and Bowl Camera Upgrade/Refurbishment CapEx Project

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approved Ordinance No. 2005 amending Chapter 17.30 of the City Code (Stadium Authority Procurement Policy), which rescinded the delegation to the Executive Director to enter into agreements without prior Board approval.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 approval for the following actions:

1. Award a purchase order to EyeP Solutions, Inc. in the amount of \$41,030 to replace cameras in the Great America parking lot with AXIS cameras and related accessories and install additional cameras in the Gold Lot 4/5 parking areas in the south part of the Stadium near the loading docks. This project is included in the Stadium Authority Fiscal Year (FY) 2022/23 Capital Expense (CapEx) Budget under the Parking Lot Camera Upgrades line item which is budgeted for \$42,000.
2. Award a purchase order to EyeP Solutions, Inc. to replace cameras in the seating bowl with AXIS cameras in the amount of \$120,008. This project is included in the Stadium Authority FY 2022/23 CapEx Budget under the Bowl Camera Upgrade/Refurbishment line item which is budgeted for \$141,750.

DISCUSSION

Stadium Authority staff reviewed the Stadium Manager's Recommendation for Award memo, supporting documentation, and draft purchase orders that were submitted (the memo is attached to corresponding report #22-1405) for consistency against the Stadium Authority Procurement Policy

and Santa Clara City Code Chapter (SCCC) 2.105.140(b) (Competitive Requirements for Purchases - Purchase Order Between \$15,000 and \$250,000). The Stadium Manager obtained quotes for this procurement and is recommending award to the lowest quote received (EyeP Solutions, Inc.).

Based on this review, staff recommends approval of the Stadium Manager's request to award purchase orders to EyeP Solutions, Inc. for the two CapEx projects.

The Stadium Authority Counsel's Office has reviewed the requested purchase order for comparison to the Stadium Authority's customary language. While there are some differences in the language, including portions covering compliance with laws such as prevailing wage and conflict of interest, the purchase order submitted here for approval contains the necessary language which identifies these legal obligations to the vendor. The vendor expressly agrees to adhere to such obligations upon its execution of the purchase order. Nothing in the proposed purchase order changes the Stadium Authority's rights under the Management Agreement and specifically with respect to any dispute that may arise from the Stadium Manager's obligations under the Management Agreement.

In addition, per Paragraph 4(b) of the Settlement Agreement, the Stadium Authority reserves all rights to confirm and dispute charges by and payments to the Stadium Manager during a fiscal year-end reconciliation/true-up, including but not limited to changes based on improper allocation, calculation, lack of support, or failure to comply with the Parties' contracts or California law. The Stadium Authority may raise related questions before the fiscal year-end reconciliation/true-up, which the Stadium Manager agrees to assess and respond to in good faith.

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 or pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

The Stadium Authority FY 2022/23 CapEx Budget includes \$42,000 for the Parking Lot Camera Upgrades line item. There are sufficient funds to cover the cost of the camera upgrade (\$41,030).

The Stadium Authority FY 2022/23 CapEx Budget includes \$141,750 for the Bowl Camera Upgrade/Refurbishment line item. There are sufficient funds to cover the cost of the camera upgrade (\$120,008).

COORDINATION

This report has been coordinated with the Stadium Authority Counsel and Treasurer'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 or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve the Stadium Manager's request to award a purchase order to EyeP Solutions, Inc. in the amount of \$41,030 to replace cameras in the Great America parking Lot with AXIS cameras and related accessories and install additional cameras in the Gold Lot 4/5 parking areas (Parking Lot Camera Upgrades CapEx Project); and
2. Approve the Stadium Manager's request to award a purchase order to EyeP Solutions, Inc. in the amount of \$120,008 to replace cameras in the seating bowl with AXIS cameras (Bowl Camera Upgrade/Refurbishment CapEx Project).

Reviewed by: Christine Jung, Assistant to the Executive Director

Approved by: Rajeev Batra, Executive Director