



## Agenda Report

19-429

Agenda Date: 4/30/2019

### REPORT TO STADIUM AUTHORITY BOARD

#### **SUBJECT**

Informational Report on Stadium Authority Fiscal Year 2018/19 Contracts per Santa Clara City Code Chapter 17.30 Stadium Authority Procurement Policy

#### **BACKGROUND**

On June 8, 2010, the voters of the City of Santa Clara approved Measure J, which authorized the City to move forward with the development of a stadium suitable for professional football and other events. The Santa Clara Stadium Authority (Stadium Authority), a joint exercise of powers entity created through Government Code section 6500 et seq., is a public entity formed to facilitate the development and operation of the Stadium Project and to fulfill the mandates of Measure J. The seven elected members of the City Council serve as the governing board for the Stadium Authority (Board). The Stadium Authority Executive Director is the chief executive officer of the Stadium Authority and is responsible to the Board for the proper and efficient administration of all affairs of the Stadium Authority.

Santa Clara City Code (Code) Chapter 17.30 Stadium Authority Procurement Policy formalizes the policies and procedures with respect to procurement for the Stadium Authority, with the intent to:

- Establish efficient, equitable and effective procedures for the procurement activities of the Stadium Authority;
- Ensure the integrity and equity in the procurement activities of the Stadium Authority and provide safeguards for the impartial application of the procurement policies; and
- Enable the Stadium Authority to operate and maintain equipment and facilities responsibly and to complete projects on time and on budget.

The Code applies to all purchases or contracts for supplies, goods, materials, and equipment by and on behalf of the Stadium Authority, and establishes the Executive Director as the purchasing officer of the Stadium Authority.

Under Code 17.30.160(b), the Executive Director shall prepare, and submit to the Stadium Authority Board, a report at the end of the Stadium Authority's fiscal year summarizing the total number of contracts let by the Stadium Authority, the number of contracts approved under an exception, the number of contracts approved under best value procedures and the number of contracts approved under formal bidding procedures, and to the extent possible listing information related to application and outreach efforts conducted to implement the Disadvantaged Business Enterprise (DBE) program.

Through the Stadium Management Agreement (Management Agreement), the Stadium Authority has engaged the Forty Niners Stadium Management Company LLC (Stadium Manager) to provide management services for the Stadium, including overseeing the day-to-day operations and maintenance of the Stadium as well as the marketing and booking of Non-NFL Events. Per the First Amendment to the Management Agreement, the Stadium Manager has full authority and discretion to select the providers, and to negotiate, approve, enter into and administer contracts with such providers on behalf of the Stadium Authority, for the purchase of supplies, materials and equipment, and for services, relating to the Stadium and its operations, pursuant to the Code.

## **DISCUSSION**

The Board has not received the report referenced above as required by Code 17.30.160(b) at the end of previous Stadium Authority fiscal years. As time permits, Stadium Authority staff will work with the Stadium Manager to collect this information for previous fiscal years and provide a report to the Board.

For Stadium Authority Fiscal Year 2018/19, the Stadium Authority entered into eight contracts. Three were awarded under the Stadium Authority Counsel authority to contract for legal services, which are exempt from competitive bidding per Code 17.30.110(d). One was an amendment to extend the term and provide additional funding for an agreement formally bid in FY 2016/17, awarded under the Executive Director's signature authority per Code 17.30.120. Four were agreements for specialized services from licensed professionals, awarded under Santa Clara Code Sections 2.105.330 (e) (1) and 17.30.120 (a). There is no information to report related to application and outreach efforts conducted to implement the DBE program.

Table1: Stadium Authority Board/Staff Contract Activity for FY 2018/19

<b>Contract Award Authority</b>	<b>Qty</b>	<b>Contracted Service</b>
State law and Santa Clara City Code Section 17.30.110 (d) – Exclusion of Contracts from Procurement Policies and Procedures	3	Contracts for legal services
Santa Clara Code Section 17.30.120 Service Contracts – Signature Authority	1	Noise Monitoring Contract Amendment (Wilson, Ihrig & Associates) to extend the term and increase compensation (Board Approved on August 28, 2019)
Santa Clara Code Sections 2.105.330 (e) (1) General Services – Contracting Procedures Exceptions and 17.30.120 Service Contracts – Signature Authority	4	<ul style="list-style-type: none"> <li>• Annual Financial Audit (KPMG)</li> <li>• Non-NFL Event Audit (HSNO)</li> <li>• (2) Public Safety (Jordan Consulting &amp; Investigations)</li> </ul>

As reported to the Board on March 27, Stadium Authority staff has been working with the Stadium Manager to obtain contracts and other documents related to the Stadium Manager's delegated procurement authority. Once these Stadium Authority records have been provided by the Stadium Manager, Stadium Authority staff will transmit the fiscal year report on contracts let by Stadium Manager on behalf of the Stadium Authority, as required by Code 17.30.160(b). The Stadium Manager issues a larger number of agreements, which are likely more complex in nature, and its report may differ from the Stadium Authority staff report.

**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 a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

There is no cost to the Stadium Authority to prepare this report other than administrative staff time and expense.

**COORDINATION**

This report has been coordinated with Stadium Authority Counsel and Stadium Authority Treasurer.

**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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Note and file the Report on Stadium Authority Fiscal Year 2018/19 Contracts per Santa Clara City Code Chapter 17.30 Stadium Authority Procurement Policy.

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, Executive Director