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Title: CONSIDER RATIFYING APPROVAL OF LICENSED TRAINING PROVIDER AGREEMENT WITH AMERICAN RED CROSS (CITY COUNCIL)

Sponsors:

Indexes:

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Attachments: 1. ARC Pricing Agreement, 2. Agency Pricing Comparison

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, January 18, 2022

Consent

SUBJECT:

CONSIDER RATIFYING APPROVAL OF LICENSED TRAINING PROVIDER AGREEMENT WITH AMERICAN RED CROSS (CITY COUNCIL)

I. SUMMARY

By approving this item, the Council would ratify, via minute action, the former Community Services Director’s May 21, 2019 execution of a “Licensed Training Provider Agreement” with the American Red Cross (Exhibit 1) (the “Agreement”), relating to providing the City with access to lay responder/lifeguard/water safety training course materials, thereby enabling City staff trainers to obtain certifications/re-certifications from the American Red Cross and in turn provide training/certifications/re-certifications to members of the public and internal City Personnel using the American Red Cross training course materials.

The City has paid out some \$50,000 to Red Cross pursuant to the Agreement since its inception in May of 2019. However, the former Director of Community Services who signed the Agreement had no purchasing authority and signed the Agreement in excess of his authority.

The Agreement, by its terms, is set to expire on May 21, 2022. The City is in need of the continued services of Red Cross under the Agreement, as there are over 200 City Community Services staff members whose certifications have expired due to the COVID

shutdown and who are in need of re-certification; the necessary re-certifications can be achieved pursuant to the ratified Agreement.

Staff intends to pursue a new, 3-year contract with American Red Cross for the same or similar services commencing upon expiration of the Agreement, but in the meantime, staff and the City Attorney's office recommend that the Agreement be ratified by the Council effective retroactively as of May 21, 2019, to cement its status as a valid and binding legal obligation of the parties and to enable the City to continue receiving the services from Red Cross until the Agreement's scheduled expiration date.

II. RECOMMENDATION

1. MAKE the findings set forth in the body of this report, and APPROVE waiver of the bidding requirements of Chapter 6 (Purchasing System) of Article II (Administration) of the Carson Municipal Code (CMC), pursuant to CMC 2611(e) (Sole Source Purchasing), pertaining to the purchase from the American Red Cross as set forth in the Agreement.
2. Effective retroactively as of May 21, 2019 APPROVE the Agreement and RATIFY the then-Community Services Director's execution thereof (Exhibit 1).

III. ALTERNATIVES

1. TAKE another action the City Council deems appropriate, subject to the requirements of applicable law.

IV. BACKGROUND

The stated purpose of the Agreement is to license (i.e., grant City access to and use of) American Red Cross course training materials and curriculum in order to permit individuals who are (i) either employees or volunteers of City, or (ii) who are also Red Cross-certified instructors in good standing, to deliver the training courses specified in Appendix B (page 7) of the Agreement, which include CPR, AED, First Aid, Lifeguarding, Basic Water Rescue, and Water Safety.

The City uses in-house staff to certify other staff and members of the public, which necessitates these services from the American Red Cross. The City's Aquatics Supervisor and senior Aquatics staff are certified instructors from the American Red Cross and have the ability to certify lay responders (non-lifesaving professionals) and professional lifesaving personnel.

Certifications for Lay Responders include:

- CPR/AED for Pediatric and Adults
- Standard First Aid for Pediatric and Adults
- Bloodborne Pathogens
- Babysitter
- Asthma Inhaler (if needed)
- Epi-Pen (if needed)

Certification for Professional Rescuers include:

- Lifeguarding
- Title 22 (Advanced First Aid - just below an EMT level)
- Oxygen Administration
- Bloodborne Pathogens
- CPR/AED for Professional Rescuers
- Standard First Aid

The City's Aquatics Supervisor has an additional Instructor Trainer Certification that allows the Aquatics Supervisor to certify individuals to become Swim Instructors themselves.

The Agreement provides for City to pay specified per-person fee rates for access to Red Cross' course training materials and curriculum. There is also a specified per-pool Learn-to-Swim Facility Fee, which is required for City to teach the Learn-to-Swim Program. The City receives a discount in the fee rates as the volume of enrollees/certifications increases.

If the City ever decides not to use in-house staff to certify, the City will need to be mindful of the following disadvantages of doing so prior to making any decision to effectuate such a transition:

- It would require contracting with outside instructors to come in to certify a large quantity of staff at a higher cost;
- Swim Instructor Trainers are in high demand, but short supply, and therefore are rarely available;
- There would be increased certification costs;
- There may be a significant wait time for instructors to become available to teach a class;
- Different methods are taught by the American Red Cross vs. possible outside instructor contractors/providers like American Heart Association and Ellis and Associates. Note: The American Red Cross is nationally recognized and City Personnel have been taught the American Red Cross method for over 20 years.
- Offering/Teaching Lifeguard Training and Water Safety Instructor classes in house facilitates the City's ability to recruit staff and vet whether they are able to do the job.

As noted above, the Community Services Department currently has 200+ staff whose certifications are expired and need to be re-certified; certifications lapsed when the City shut down due to COVID. These re-certifications will be able to be performed following the recommended Council ratification of the Agreement, COVID permitting. If Council approves staff's recommendation, staff anticipates returning to Council with a new, three-year agreement prior to the Agreement's scheduled May 21, 2022 expiration date.

Bidding Requirements - Findings for Sole Source Exemption

CMC 2611(e) provides as follows: "The City Manager may dispense with this Chapter's bidding requirements if he or she finds that the materials, supplies, equipment, or services are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one (1) source, or, if available from more than one (1) source, can be purchased from the manufacturer or service provider for a lower price. If the cost of such sole source purchasing is \$25,000 or greater, then the City Council's approval shall

be required.”

As noted above, the City has expended over \$50,000 pursuant to the Agreement since it was signed in 2019. Accordingly, Council approval is required for use of the Sole Source exemption.

Staff recommends Council approval of the sole source exemption for the Agreement based on the following findings: (1) American Red Cross has its own unique and nationally recognized method and City Personnel have been taught the American Red Cross method for over 20 years; and (2) American Red Cross provides discounts to the City based on the number of enrollees, and the overall prices available from the American Red Cross are lower and more cost effective than the alternative

A comparison between external trainers from the American Red Cross, American Heart Association, Ellis and Associates versus internal city staff who are current instructors able to conduct American Red Cross Certification (Exhibit 2) portrays the cost effectiveness of having internal city staff continue to train and certify. For over 20 years, the City of Carson staff have been certified through the American Red Cross certification programs administered by city staff. Should we consider the American Heart Association or Ellis and Associates, all staff would have to be trained in a new method as each organization has their training standard. An external trainer will need to be contracted.

V. FISCAL IMPACT

None

VI. EXHIBITS

1. American Red Cross Pricing Agreement (pgs. 5-13)

2. Agency Pricing
Comparison (pg. 14)

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