



## Legislation Text

File #: 2023-0250, Version: 1

### Report to Mayor and City Council

Tuesday, April 18, 2023

Consent

#### **SUBJECT:**

**CONSIDER DENYING PROTEST OF SPORTS OFFICIALS FOR YOU! LLC AND AWARDED CONTRACT SERVICES AGREEMENTS WITH SAMI'S REFEREES, LLC, AND HANGTIME SPORTS FOR ON-CALL YOUTH AND ADULT SPORTS OFFICIATING SERVICES (CITY COUNCIL)**

#### **I. SUMMARY**

The City of Carson had an agreement with Sports Officials for You!, LLC to provide sports officiating services for the City's adult and youth sports programs, and an agreement with Hangtime Sports for backup sports officiating services. Both contracts expired on March 31, 2023.

To ensure availability of officiating services without any interruption that would cause games to be missed, the Recreation Division recently completed a Request for Proposals process (RFP No. 23-009) to select one or more firms to provide on-call professional services for officiating of City's adult and youth baseball and softball, adult and youth flag football, youth soccer, and adult and youth basketball league games. The City received three proposals in response to the RFP, from Sami's Referees, LLC, Hangtime Sports, and Sports Officials for You!, LLC (Exhibit No. 1).

Staff reviewed and evaluated the proposals in accordance with the RFP and the City's Purchasing Ordinance, and issued a Notice of Intent recommending an award to two of the three proposers - Sami's Referees, LLC and Hangtime Sports. A bid protest letter opposing the proposed award was subsequently submitted by Sports Officials for You!, LLC (Exhibit No. 2). Per CMC 2613(h), staff issued a letter to the protestor responding to the protest and notifying the protestor that the protest determination would be made by the City Council concurrent with the contract award at tonight's meeting, at which the protestor may appear and be heard (Exhibit No. 3).

Staff now recommends City Council deny the protest and award/approve contracts as follows: (1) a three-year agreement with Sami's Referees LLC, in an amount not to exceed \$180,000.00 annually, or \$540,000.00 over the course of the three-year contract, to provide on-call officiating services for all of the sports/leagues (Exhibit No. 8); and (2) a

three-year agreement with Hangtime Sports, in an amount not to exceed \$60,000.00 annually, or \$180,000.00 over the course of the three-year contract, to provide on-call officiating services for basketball, soccer and youth flag football games only. (Exhibit No. 9).

## **II. RECOMMENDATION**

TAKE all of the following actions:

1. DENY the protest submitted by Sports Officials for You! LLC (Exhibit No. 2) pursuant to CMC Section 2613(h)(6) on the grounds stated in staff's response letter (Exhibit No. 3) and this report. With such denial, as provided in CMC 2613(h)(6), no further appeal rights shall be available to the protestor;
2. WAIVE any irregularities or informalities in the proposals, per CMC 2611(l)(2);
3. APPROVE the proposed Contract Services Agreement with Sami's Referees, LLC, for a not-to-exceed contract total of \$540,000.00 over an initial three-year term for the period April 1, 2023, through March 31, 2026, with two one-year options upon approval by the City Council (Exhibit No. 8; "Sami's Agreement");
4. APPROVE the proposed Contract Services Agreement with Hangtime Sports, a sole proprietorship, for a not-to-exceed contract total of \$180,000.00 over the initial three-year term for the period April 1, 2023, through March 31, 2026, with two one-year extensions upon approval by the City Council (Exhibit No. 9; "Hangtime Agreement"); and
5. AUTHORIZE the Mayor to execute the Sami's Agreement and the Hangtime Agreement, following approval as to form by the City Attorney.

## **III. ALTERNATIVES**

1. DO NOT award the proposed contracts to Sami's Referees LLC and Hangtime Sports and REJECT all proposals for RFP 23-009.
2. TAKE another action the City Council deems appropriate.

## **IV. BACKGROUND**

The City of Carson's Youth and Adult Sports programs offer many opportunities for people to participate in organized team sports. Current offerings include baseball, softball, basketball, flag football, and soccer, with different divisions within each sport for Youth Sports, and multiple seasons each year for Adult Sports. As such, a need for qualified, experienced sports officials exists throughout the year. Therefore, since July of 2018, the City moved to contracting for on-call sports officiating services in levels above the clinic

division for Youth Sports and for Adult Sports instead of training and hiring sports officials in-house.

With the contracts for the City’s previous vendors - Sports Officials for You!, LLC and Hangtime Sports - expiring on March 31, 2023, and staff’s desire to continue this service uninterrupted, a Request for Proposals process was initiated (RFP No. 23-009). From this endeavor, proposals were received from three firms: Sami’s Referees LLC, Hangtime Sports, and Sports Officials for You!, LLC (Exhibit No. 1).

The proposals were evaluated by a three-member city staff panel in accordance with the criteria set forth in RFP No. 23-009, consistent with CMC Section 2611(b)-(c) of the City’s purchasing ordinance, as follows:

No.	Evaluation Criteria	Points
1	Experience - Give a brief description of your company’s history. Explain your company and the employee structure. Demonstrate experience in contracts similar in scope.	35
2	Capacity to deliver requested/proposed services (i.e., Expected roster size of officials, how many games/locations per day can you cover) - Provide examples and demonstrate that the company can deliver the services efficiently and without interruptions.	25
3	Overall Cost (including primary preference to local businesses having the necessary qualifications, experience, and expertise references, if applicable per CMC 2611.1(b))	25
4	References - Provide three (3) references, to include the most recent organization for programs and services that were provided similar in nature and functionally	15
<b>Total</b>		<b>100</b>

At the conclusion of the RFP evaluation process, Sami’s Referees, LLC and Hangtime Sports were the two highest rated proposers, with cumulative scores (inclusive of all three evaluators’ scoresheets) of 276 and 275, respectively. Sports Officials for You!, LLC was ranked a distant third by each evaluator, with a cumulative score of 230. Its rates were significantly higher when compared to the other two vendors, and it was the only company requesting to be paid for site visits (\$50 cost per site, up to 2 site visits a day), based on its proposal to use unidentified subcontractors for all sports and the need to supervise them. Listed below are the submitted rates from each bid:

**Sports Officials for You!**

Sport	RK	1A	2A	3A/4A	Adult
Flag Football (2)	\$65	\$65	\$65	\$65	X
Soccer (1)	\$100	\$100	\$100	\$100	X
Basketball (RK-1,1A-Adt-2))	\$65	\$65	\$65	\$65	\$75
Baseball (1A/2A-1, 3A/4A-2)	X	\$95	\$95	\$95	X
Softball (1)	X	\$95	\$95	\$95	X

Added Assignor Fee	\$5	\$5	\$5	\$5	
Added Site Check Fee (up to 2 site visits a day)	\$50	\$50	\$50	\$50	

**Sami's Referees**

Sport	RK	1A	2A	3A/4A	Adult
Flag Football (2)	\$55	\$60	\$60	\$60	X
Soccer (1)	\$55	\$60	\$60	\$60	X
Basketball (RK-1,1A-Adt-2))	\$55	\$60	\$60	\$60	\$60
Baseball (1A/2A-1,3A/4A-2)	X	\$65	\$70	\$75	\$75
Softball (1)	X	\$65	\$70	\$75	

**Hangtime Sports**

Sport	RK	1A	2A	3A/4A	Adult
Flag Football (2)	\$55	\$55	\$55	\$55	X
Basketball (1 RK, 2 1A-Adult)	\$60	\$55	\$55	\$55	\$50

The RFP provides that the City may award multiple contracts to establish an on-call panel of vendors in order to ensure not only procurement of all necessary services stated in the RFP, but also sufficient availability and capacity to deliver the necessary services to multiple events which may occur concurrently or at times at which a given vendor is not available.

Staff determined the proposed awards to Sami's Referees, LLC (for all sport leagues/games referenced in the RFP, as Sami's proposed for all sports) and Hangtime Sports (for only basketball, soccer and youth flag football leagues/games, as Hangtime only proposed for these sports) collectively meet those needs. Accordingly, Staff issued a Notice of Intent to Award on March 14, 2023, stating City's intent to award contracts to Sami's Referees, LLC and Hangtime Sports.

On March 20, 2023, a bid protest letter opposing the proposed award to Sami's (but not to Hangtime) was submitted to the City by Sports Officials for You!, LLC (Exhibit No. 2). The protest letter states that based on Sports Officials for You!, LLC's informal preliminary investigation, Sami's "failed to meet the criteria listed within the RFP description" and "demonstrates a lack of professional sports officiating assigning experience and demonstrates a lack of professional work references." The protest letter also states "there is a possibility of collusion between City of Carson employees in the Parks and Recreation Department and the Awardee." The letter requests suspension of the award until a complete investigation is conducted into Sami's "sports experience and work reference as a legitimate company" and the alleged possibility of collusion.

The Purchasing Manager, in consultation with the City Attorney's Office, carefully reviewed the details of the protest and formally responded to the allegations via Protest Response

Letter dated March 28, 2023 (Exhibit No. 3). The letter provided procurement staff's response to the protest per CMC 2613(h)(1) and notified the protestor that the protest determination would be made by the City Council concurrent with the contract award at tonight's meeting, at which the protestor may appear and be heard, per CMC 2613(h)(6). Some of the key points in the response letter are as follows:

- Sami's Referees, LLC ("Sami's") is an active California LLC in good standing with the Secretary of State. The company appears to have been formed in 2022, although Sami's proposal outlines relevant experience of Sami's from long before that time. There is no requirement in the RFP specifying a minimum amount of time during which a proposing company must have been in existence.
- Sami's submitted two references for relevant work experience performed within the last three years (Exhibit No. 6), which does not strictly conform to the RFP language stating that a minimum of three references shall be provided. However, as the RFP is for professional services, and based on the evaluation matrix and other language of the RFP and the CMC, the proper means of addressing the missing reference is not disqualification of the proposal, but rather that the lacking reference be accounted for in the evaluators' scoring, which it was. (Exhibit No. 3.B). Sports Officials for You!, LLC was treated in the same manner with respect to the aspects of its proposal which did not strictly conform to the RFP, as discussed below.
- Sports Officials for You, LLC's proposal (Exhibit No. 4) scored lower than both of the other two proposals by a wide margin, due to proposing significantly higher prices than the other two proposers and proposing to subcontract the sports officiating services for all sports to unidentified subcontractors and charge additional fees to conduct site visits to supervise the subcontractors (despite language in the RFP requiring the majority of the work to be performed by the awarded contractor), which adversely affected its scoring for the "overall cost" and "capacity to deliver the requested/proposed services" criteria. (Exhibit No. 3.B).
- The claim of collusion is not substantiated by any facts or supporting documentation provided in/with the protested letter or otherwise known to Purchasing staff. Conversely, Sami's submitted an affidavit of non-collusion (Exhibit No. 7) as required in response to the RFP and did not take exception to the warranty & representation of non-collusion provision that is contained in Sami's Agreement (Exhibit No. 8, Section 9.6) which would be required to be executed prior to commencement of services. Furthermore, an evaluation of the evaluation and scoring of the proposals, which was completed in accordance with the RFP and CMC, and which provided the basis for the recommended award, belies any claim of collusion. Therefore, Purchasing staff does not believe any further investigation is warranted or necessary to ensure that the recommended award complies with applicable law.
- CMC Section 2613(c)(1)-(2) provides that protests based on the grounds of either (1) an evaluator's professional judgment of the quality of a response, or (2) the proposer's assessment of the City's needs or requirements, shall not be considered. Therefore, to the extent the protest is based on those grounds, it cannot be considered by the City. Only protests based on the grounds specified in CMC Section 2613(b) may be

considered.

Staff's response letter does not constitute a protest determination. The protest determination is to be made by the Council concurrent with the decision to award the contract, per CMC 2613(h)(6).

For the reasons noted above, staff recommends that the City Council deny the protest and make the following award pursuant to the RFP as has been recommended: (i) approve a three-year agreement with Sami's Referees, LLC for the term of April 1, 2023, through March 31, 2026, at a not-to-exceed contract total of \$540,000.00, with two optional extension periods thereafter at up to \$180,000 per year (Exhibit No. 8); and (ii) approve a three-year agreement with Hangtime Sports at not-to-exceed contract sum of \$180,000.00 for the term of April 1, 2023, through March 31, 2026, with two optional extension periods thereafter at up to \$60,000 per year (Exhibit No. 9).

## **V. FISCAL IMPACT**

There is no fiscal impact as funds for this service have been budgeted in Adult Sports Account No. 101-90-950-561-6004, and in Youth Sports Account No. 101-90-950-701-6004.

## **VI. EXHIBITS**

1. Bid Register (pg. 7)
2. Sports Officials for You!, LLC Protest Letter (pg. 8)
3. Protest Response Letter (pgs. 9-57)
  - A. RFP No. 23-009
  - B. Staff Evaluation Panel Scoring Sheets
4. Sports Officials for You!, LLC Proposal (pgs. 58-78)
5. Sami's Referees LLC Proposal (Cover Letter & Cost Proposal) (pg. 79)
6. Sami's Referees LLC Client Reference List (pg. 80)
7. Affidavit of Non-Collusion - Sami's Referees LLC (pg. 81)
8. Draft Contract with Sami's Referees LLC (pgs. 82 - 115)
9. Draft Contract with Hangtime Sports (pgs. 116 - 147)

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