



Legislation Text

File #: 2020-701, Version: 1

Report to Mayor and City Council

Tuesday, November 17, 2020

Consent

SUBJECT:

CONSIDER APPROVAL OF AN AGREEMENT FOR CONTRACT SECURITY SYSTEM SERVICES BETWEEN THE CITY OF CARSON AND THE OLLIVIER CORPORATION (CITY COUNCIL)

I. SUMMARY

On June 18, 2019, the City Council approved an Exchange Agreement under Threat of Condemnation and Joint Escrow Instructions with Prologis Targeted U.S. Logistics Fund, LP that provides for the City to exchange its existing City Yard property, located at 2390/2400 E. Dominguez St., for Prologis' property located at 18620 South Broadway and 18601 South Main Street in the City of Carson.

The City of Carson is coming to the completion of the New City Corporate Yard project that will enable the Departments of Public Works and Community Services to operate in a more efficient and effective way to accomplish the duties and responsibilities of the City. The City needs to install a comprehensive security system under an emergency purchase to prevent and mitigate the loss or damage to the newly refurbished property.

II. RECOMMENDATION

MAKE the following findings: (1) that the emergency described in this report will not permit a delay resulting from a competitive solicitation for bids and (2) that dispensing with competitive solicitation for bids is necessary to respond to such emergency.

AUTHORIZE the Mayor to execute the Agreement by and between the City of Carson and The Ollivier Corporation for the installation of a security system at the new City Corporate Yard located at 18620 South Broadway for a not-to-exceed contract sum of \$191,671.61 following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE another action that Council deems appropriate.

IV. BACKGROUND

The Public Contract Code (“PCC”) permits the City to procure a public project without having to engage in the normal competitive bidding process in the event of a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

The City recently acquired a new Corporate Yard located at 18620 South Broadway (“City Yard”), and is well into the process of transitioning the operations of multiple City departments or portions thereof, which provide essential public services, to the City Yard. Currently, no security system is in place at the City Yard. Until recently, the City had anticipated that installation of the necessary security systems would be performed by a contractor that is presently under contract with the City to perform other related work, but due to a defect that was revealed in that contract and an unexpected response by the contractor to the City’s attempts to rectify the same, the City’s relationship with the contractor devolved into a dispute the nature of which made the anticipated arrangement infeasible.

The protection of the City staff, City property, and essential public services that are implicated in and committed to the successful and expeditious transition to the City Yard necessitate a streamlined procurement process for installation of a security system at the City Yard. The competitive bidding process would delay installation of a security system by at least 90 days, during which time the City’s resources and operations at the City Yard would be more vulnerable to theft, property damage, and other forms of harm resulting from unlawful or criminal activity. These risks could result in the loss or impairment of City property or essential public services, and even the endangerment City staff, and the alternative of abandoning the transition and removing all City resources from the City Yard pending the competitive bidding process would also result in significant impairment of essential public services and City resources.

Under Section 22035 of the PCC, in case of an emergency, the City Council is authorized to procure the project without soliciting competitive bids; however, if City elects to procure the project without soliciting competitive bids, the City must comply with Section 22050 of the PCC, which requires/permits the City to follow certain procedures, some of which are as follows:

- A 4/5 vote is needed before any action may be taken based on the emergency.
- Council must make a finding that (1) the emergency will not permit a delay resulting from a competitive solicitation for bids and that (2) the action is necessary to respond to the emergency.
- By a 4/5 vote, Council may delegate, by resolution or ordinance, the authority to

order appropriate action (e.g. City Manager).

- If a person with delegated authority orders any action based on the emergency, that person shall report to the Council, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.
- If the Council orders any action based on the emergency, the Council shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a 4/5 vote, that there is a need to continue the action. If the Council meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

In accordance with PCC Section 22050, the Council is being asked to make the following findings:

- That the emergency described above will not permit a delay resulting from a competitive solicitation of bids; and
- That the action is necessary to respond to that emergency.

Under the PCC emergency procedures, the City Council is required to review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. However, if the contract is awarded by the City Council via these emergency procedures at this meeting, the emergency action would terminate (given that the primary function of the emergency procedures is to permit the City to dispense with the bidding procedures) and there would be no need for City Council to take further action at any subsequent City Council meeting.

V. FISCAL IMPACT

There will be no fiscal impact as funds are in account number 101-55-592-127-6004.

VI. EXHIBITS

1. Proposed Contract of Security Services (Pgs. 4-37)
2. Services Quote (Pgs. 38-45)

Prepared by: City Attorney's Office