



Legislation Details (With Text)

File #: 22-0341 **Version:** 1
Type: Consent - Staff Report **Status:** Agenda Ready
In control: City Council Regular Meeting
On agenda: 8/16/2022 **Final action:**
Title: Consideration of:
(1) Adopt a Resolution Nunc Pro Tunc Approving a Three-Year Crossing Guard Services Contract with All City Management Services in an Amount Not-to-Exceed \$1,495,000; and
(2) As a Contingency, Authorize the City Manager to Enter into a Separate Agreement to Prevent any Gap in Service (City Attorney Barrow).
ADOPT RESOLUTION NO. 22-0122

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution Nunc Pro Tunc No. 22-0122, 2. Agreement - All City Management Services, 3. RFP #1276-22 Bid Comparison for Crossing Guard Services

Date	Ver.	Action By	Action	Result
8/16/2022	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Quinn M. Barrow, City Attorney

SUBJECT:
Consideration of:
(1) Adopt a Resolution Nunc Pro Tunc Approving a Three-Year Crossing Guard Services Contract with All City Management Services in an Amount Not-to-Exceed \$1,495,000; and
(2) As a Contingency, Authorize the City Manager to Enter into a Separate Agreement to Prevent any Gap in Service (City Attorney Barrow).
ADOPT RESOLUTION NO. 22-0122

RECOMMENDATION:

Staff recommends that the City Council (1): adopt Resolution Nunc Pro Tunc No. 22-0122 awarding RFP # 1276-22 to All City Management Services for a three-year contract to provide crossing guard services (with two-year extension option) in an amount not-to-exceed \$1,495,000; and (2) as a contingency, authorize the City Manager to enter into an agreement to prevent any gap in service.

FISCAL IMPLICATIONS:

Sufficient funds are budgeted in Fiscal Year 2022-2023. Future years will be budgeted accordingly for this service.

BACKGROUND:

On August 2, 2022, the City Council adopted Resolution No. 22-0112 awarding RFP # 1276-22 to All City Management Services for a three-year contract to provide crossing guard services (with extension options totaling two years) in an amount not-to-exceed \$1,495,000. Due to a clerical error, the wrong contract was included in the staff report. The draft contract included in the August 2 agenda contained modified indemnity language, significantly different from the City's standard indemnity language, which All City Management Services agreed to in the initial contract executed by both parties in 2017. Attached to this staff report is the correct contract, which contains the exact indemnity language contained in the 2017 contract. In addition, to prevent any gap in crossing guard services, staff is requesting that the Council authorize the City Manager to enter into an agreement for crossing guard services in the event the above referenced contract is not executed on a timely basis.

(NOTE: The rest of this background section is verbatim to the background section in the August 2 staff report).

The City's Crossing Guard Program was introduced in the mid-1980s to assist schoolchildren safely across intersections. Up until 2007, the Crossing Guard Program was operated in-house (staffed by part-time City employees and overseen by the Police Department's Traffic Sergeant). The direct cost of the in-house program was \$204,775 (excluding full-time staff time for program management, scheduling, recruiting, conducting background investigations, hiring, and payroll). As a City-run program, the City was also responsible for all liability issues, including workers' compensation claims, which over a ten-year period cost an average of \$12,900 per year.

In July 2007, this program was outsourced to ensure that it is always fully staffed, thus eliminating the diversion of Police Department staff to backfill crossing guard vacancies and absences, reducing time necessary to supervise staff, and eliminating crossing guard workers' compensation claims. All City Management Services has been the contracted crossing guard service-provider since July 2007. Since then, the program has grown from 19 locations to 26 locations.

DISCUSSION:

A Request for Proposal (RFP # 1276-22) was posted on ProcureNow, the City's online bid notification service. A total of two responses were received. The attached comparison lists the cost from each proposal.

On August 2, 2022, the City Council approved a three-year contract (with an optional two-year extension) to All City Management Services ("ACMS"). As noted above, the indemnity section in the draft contract attached to the August 2 staff report is not consistent with the City's standard indemnity. The draft contract in this agenda packet contains the standard indemnity language.

If the Council accepts staff's recommendation, (1) the Council will approve the correct agreement and (2) the Council will authorize the City Manager to enter into a different agreement with ACMS (i.e., a bridge agreement with a shorter term) or an agreement with the other company submitting a proposal, in the event the approved contract is not executed on a timely basis.

PUBLIC OUTREACH:

This bid was advertised on the City's website as well as ProcureNow, the City's online bidding

notification service.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW

The attached contract has been reviewed by the City Attorney and is approved as to form.

ATTACHMENTS:

1. Resolution Nunc Pro Tunc No. 22-0122
2. Agreement - All City Management Services
3. RFP # 1276-22 Bid Comparison for Crossing Guard Services