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(O-2006-57)

ORDINANCE NUMBER O- 19452 (NEW SERIES)

ADOPTED ON DEC 05 2005

AN ORDINANCE OF THE CITY OF SAN DIEGO
APPROVING THE AWARD OF CERTAIN CONTRACTS FOR
THE ACQUISITION AND EQUIPPING OF LAW
ENFORCEMENT HELICOPTERS, DECLARING THE INTENT
OF THE CITY MANAGER TO SELL EXISTING
HELICOPTERS AND TO AUTHORIZE THE EXECUTION OF
A FIRST AMENDMENT TO THE LEASE PURCHASE TO
PROVIDE FOR THE FINANCING OF A PORTION OF THE
COSTS OF SUCH HELICOPERS AND TO TAKE OTHER
ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Police Department [Department] has appeared before the Public Safety
Neighborhood Services Committee to provide an update on the Department's
Helicopter fleet status and to provide information on the Department's helicopter fleet needs; and

WHEREAS, the Department's fleet presently consists of three Bell 206 Jet Rangers and
one Bell 206L4 Long Ranger helicopter, and the age and structural integrity of such aircraft are
considered by the Department to raise public safety concerns that require immediate attention;
and

WHEREAS, the Department's Air Support Unit conducted research and identified certain
helicopters and equipment that would meet the Department's public safety and law enforcement
requirements, and thereafter, together with the City's Purchasing Department, caused a Request
for Proposals [RFP] to be issued to enable the Department to select a vendor capable of
delivering the police helicopter frames to the City at the best value; and

WHEREAS, the Department selected American Eurocopter to provide the police helicopter frames for the City; and

WHEREAS, the Department is required to obtain certain specialized equipment for necessary law enforcement functions, including two Forward Looking Infrared Systems, and such systems will be acquired from FLIR Systems, Incorporated, a vendor selected through an additional RFP process managed by the City's Purchasing Department; and

WHEREAS, the Department is required to professionally outfit and complete each new helicopter with specialized equipment meeting the bid specifications, and such outfitting and equipping will be undertaken by JetSource Avionics, a firm selected through an RFP process managed by the City's Purchasing Department; and

WHEREAS, the Department proposes to commence the sale of the Department's existing fleet of helicopters, the proceeds of such sale to be deposited into the Seized Assets Fund and applied to the purchase of the new helicopters; and

WHEREAS, the Department, in conjunction with the City Treasurer's office, has evaluated several financing options including vendor financings to pay the costs of the helicopters, and has determined that a seven-year lease purchase financing option under the City's Equipment and Vehicle Financing Program offers the best alternative for the Department; and

WHEREAS, the City established an Equipment and Vehicle Financing Program in 1993, and pursuant thereto executed a Master Lease Agreement [Agreement], dated as of April 17, 2003, by and between the City and Banc of America Leasing & Capital, LLC, as approved by this Council through the adoption of Ordinance No. O-19160; and

WHEREAS, the City desires to amend the Agreement to provide certain terms to facilitate the purchase of the helicopters by the Department, and has presented to this Council the First Amendment to the Master Lease Agreement on file with the clerk as OO- 19452;

NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

1. The Council hereby finds and determines that the statements set forth in the recitals are true and correct.
2. The City Manager, or designee, is hereby authorized and directed to award a contract to American Eurocopter for the purchase of four AS350B3 "Astar" law enforcement helicopter frames, on such terms as identified in the Department's Helicopter Request for Proposals.
3. The City Manager, or designee, is hereby authorized and directed to award a contract to FLIR Systems, Incorporated, for the purchase of two Forward Looking Infrared Systems to be installed on the new helicopters, on such terms as identified in the Department's Specialized Equipment Request for Proposals.
4. The City Manager, or designee, is hereby authorized and directed to award a contract to JetSource Avionics to FLIR Systems, Incorporated, such firm to provide for the equipping and outfitting of the helicopters, on such terms as identified in the Department's Special Services Request for Proposals.
5. The City Manager, or designee, is hereby authorized and directed to declare his intent to cause the sale of the Police Department's existing helicopters in accordance with the terms of the Charter and existing Council Policy.

6. The City Manager, or designee, is authorized and directed to proceed with the financing of the helicopters utilizing the City's Equipment & Vehicle Financing Program, and to cause the execution and delivery of the First Amendment of the Master Lease Agreement, dated as of its dated date, together with the Appendix thereto, including that certain Aircraft Supplement to the Master Lease, with Banc of America Leasing & Capital, LLC, the forms of which have been presented to this Council, with such changes therein and modifications thereof as the City Manager, the Deputy City Manager or designee, in consultation with the City Attorney, shall determine are necessary or desirable to effectuate the purposes of this Ordinance, such approval to be conclusively evidenced by the execution and delivery thereof.

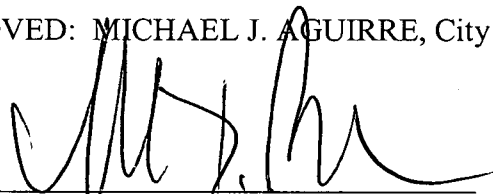
7. All actions heretofore taken by any officers, employees or agents of the City with respect to purchase of the helicopters or related to any the documents referenced herein, or the financing of said helicopters, including the execution and delivery of the First Amendment to the Master Lease Agreement, together with the Appendices thereto, are hereby approved, confirmed and ratified; and any the City Manager, the Deputy City Manager and any such other officers, employees or agents of the City as may be authorized by the City Manager or the Deputy City Manager are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable to consummate the transactions evidenced by the documents referenced herein in accordance with this Ordinance.

8. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

9. That this Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Mark D. Blake
Deputy City Attorney

MDB:ai
10/28/05
Or.Dept:SDPD
Companion R-2006-453
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