

RESOLUTION NUMBER R- 311348

DATE OF FINAL PASSAGE OCT 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO RATIFY AN EMERGENCY CONTRACT FOR
ARMED SECURITY SERVICES TO MONITOR OUTDOOR
PORTABLE RESTROOMS AND OTHER PUBLIC FACILITIES
PROVIDED IN RESPONSE TO THE LOCAL HEPATITIS A
STATE OF EMERGENCY

WHEREAS, the City of San Diego (City) Purchasing and Contracting Department is requesting ratification of the agreement between the City and Allstate Armed Security Services, Inc., (Agreement) that was executed on September 18, 2017, to monitor the outdoor portable restrooms provided by the City to respond to the local Hepatitis A outbreak; and

WHEREAS, San Diego Municipal Code (SDMC) section 22.3208(b) authorizes the award of emergency contracts without advertisement or a competitive process when it is necessary to safeguard life, health, or property due to extraordinary fire, flood, storm, epidemic, or other disaster, provided that the Purchasing Agent immediately reports the emergency award and its justifications to the City Council in writing and the City Council ratifies the award by resolution and by a two-thirds vote; and

WHEREAS, this Agreement is exempt from competitive bidding requirements pursuant to SDMC section 22.3208(b) because it is a contract necessary to safeguard life and health due to an extraordinary epidemic, specifically the local outbreak of Hepatitis A, which is a highly contagious liver infection, and the Purchasing Agent reported the emergency award and its justifications to the City Council on September 26, 2017; and

WHEREAS, according to the County of San Diego, on March 3, 2017, the County's Health and Human Services Agency (HHSA) identified a Hepatitis A outbreak, primarily in the homeless and illicit drug use populations; and

WHEREAS, between November 22, 2016 and September 26, 2017, HHSA confirmed 461 outbreak cases of Hepatitis A, with 315 of those cases requiring hospitalizations and 17 resulting in death; and

WHEREAS, on August 31, 2017, the San Diego County Public Health Officer of the HHSA (Public Health Officer) issued a directive (Directive) to the City to take immediate action to address this outbreak of Hepatitis A by addressing the unsanitary living conditions of the at-risk population. Specifically, the Directive required the City to immediately expand access to public restrooms and wash stations within City limits that are adjacent to at-risk populations; and

WHEREAS, on September 1, 2017, the Public Health Officer declared a local health emergency for the entire County of San Diego as a result of the spread of Hepatitis A, which was expressly identified as a threat to public health; and

WHEREAS, according to the HHSA, the Hepatitis A virus is being spread person-to-person and through contact with a fecally contaminated environment, and it is being spread primarily by the fecal-oral route; and

WHEREAS, as part of the City's comprehensive effort to address the local Hepatitis A health emergency, the City is stationing portable restroom facilities in various locations in the City, which are planned to be open 24 hours a day, 7 days a week, until the Public Health Officer determines an end to the local Hepatitis A outbreak; and

WHEREAS, in order to encourage and accommodate as many individuals as possible to use the portable restroom facilities, the City must actively monitor these facilities because if left unattended, the portable restrooms would be subject to vandalism and their unmonitored presence would provide an opportunity for narcotics and other illicit activity to readily take place; and

WHEREAS, the City's prior experience with 24 hour a day outdoor and freestanding restrooms is that they often result in the need for additional police oversight as calls for police service significantly increase with their presence. The complaints typically involve violence, loitering, urination, and defecation in the public right-of-way as well as repeated vandalism, including broken doors and locks, dispensers, and the stealing of paper products, which can play a key role in hand sanitation; and

WHEREAS, to avoid any problems with the presence of these portable restroom facilities unintentionally contributing to the spread of Hepatitis A and becoming an attractive or public nuisance as well as to provide an adequate sense of safety and security for those wishing to use the portable restrooms, the surrounding community, and those tasked with monitoring the designated portable restroom facilities, the services of an armed security company is needed to maintain peaceful and orderly use of these facilities; and


WHEREAS, the Agreement may need to be amended beyond the current provisions to further address the local Hepatitis A outbreak by providing armed security services at additional public facilities provided to address the outbreak; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Agreement between the City and Allstate Armed Security Services, Inc. for armed security services executed

on September 18, 2017, as awarded by the Purchasing and Contract Department is ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to further negotiate and amend the Agreement for a contract period of up to one year to assist with the provision of public facilities in response to the local Hepatitis A outbreak, unless the outbreak ceases at an earlier date, in an amount not to exceed \$933,600, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Kenneth R. So
Deputy City Attorney

KRS:jdf
10/02/17
Or.Dept: Purchasing and Contracting
Doc. No.: 1592814

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 09 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/11/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 09 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 11 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By Steph Mueck, Deputy

Office of the City Clerk, San Diego, California

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