

RESOLUTION NO. 73826

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE FINDING THAT AN UNUSUAL OR UNIQUE SITUATION EXISTS THAT MAKES THE APPLICATION OF THE REQUIREMENTS FOR COMPETITIVE PROCUREMENT OF A SERVICES AGREEMENT CONTRARY TO THE PUBLIC INTEREST AND THAT THE SAN JOSE DOWNTOWN ASSOCIATION IS UNIQUELY SITUATED TO MANAGE AND PROVIDE THE BASELINE AND ENHANCED MAINTENANCE, SAFETY, INFORMATION AND IMAGE ENHANCING SERVICES SPECIFIED IN THE PROPERTY & BUSINESS IMPROVEMENT DISTRICT MANAGEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO INITIATE NEGOTIATIONS WITH SJDA TO PROVIDE SUCH SERVICES

WHEREAS, the Council of the City of San Jose desires to form a property and business improvement district ("PBID") pursuant to the Property and Business Improvement District Law of 1994, Section 36600 *et.seq.* of the California Streets and Highways Code and Proposition 218; and

WHEREAS, City staff recommends that the City contract with the San Jose Downtown Association ("SJDA") to provide baseline and enhanced services within the PBID; and

WHEREAS, the San Jose Municipal Code provides that the City is not required to engage in competitive procurement when it is an unusual or unique situation and the application of the competitive procurement requirements are contrary to the public interest; and

WHEREAS, the SJDA is in a unique position as manager of the existing Downtown Business Improvement District ("BID") and provider of existing private cleaning services to integrate and coordinate baseline and enhanced services within the PBID; and

WHEREAS, as the proposed manager of the BID, PBID, and baseline services, retaining the SJDA would prevent duplication of efforts, and the SJDA would be in the best position to oversee and coordinate cleaning efforts associated with special events within the Downtown; and

WHEREAS, City staff recommends that the City Manager be authorized to initiate negotiations with the SJDA to provide the baseline and enhanced PBID services, subject to the on-going oversight of the City Council and PBID governing board;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

//

//

//

//

//

The Council finds that an unusual or unique situation exists that makes the application of the requirements for competitive procurement of a services agreement contrary to the public interest and that the San Jose Downtown Association is uniquely situated to manage and provide the baseline and enhanced maintenance, safety, information and image enhancing services specified in the Property & Business Improvement District Management Plan and authorizes the City Manager to initiate negotiations with SJDA to provide such services.

ADOPTED this 12th day of June, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,
NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: LICCARDO

DISQUALIFIED: NONE

VACANT: DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk