

9. 24-52129 Recommendation to adopt Specifications No. RFP PR-22-084 and award a contract to California Aquatics, of Seal Beach, CA, to execute a permit for the operation of an aquatic equipment rental concession at Bay Shore Walk and Marina Park for a period of five years, with the option to renew for two additional two-year periods, at the discretion of the City Manager; and, authorize City Manager, or designee, to execute all documents necessary to enter into the contract, including any necessary subsequent amendments. (District 3)

Levine Act: Yes

Office or Department:

Suggested Action: Approve recommendation.

February 20, 2024

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

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DISCUSSION

City Council approval is requested to execute a permit with California Aquatics to provide a public rental concession for non-motorized boating equipment at two locations within Alamitos Bay: Bay Shore Walk (Ocean Boulevard at 54th Place) and Marina Park (San Marco Drive at Appian Way).

The Request for Proposals (RFP) was advertised in the Long Beach Press-Telegram on June 28, 2022, and ten potential bidders specializing in outdoor recreation were notified of the RFP opportunity. Of those bidders, six downloaded the RFP via the City's electronic bid system. The RFP document was made available from the Purchasing Division, located on the sixth floor of City Hall, and the division's website at www.longbeach.gov/purchasing. An RFP announcement was also included in the Purchasing Division's weekly update of Open Bid Opportunities, which is sent to 42 local, minority-owned, and women-owned business groups. There were two proposals received on August 9, 2022. Of those two proposers, none were Minority-Owned Business Enterprises (MBEs), none were Women-Owned Business Enterprises (WBEs), two were certified Small Business Enterprises (SBEs) and one was a Long Beach vendor (Local). The selection committee determined that California Aquatics, of Seal Beach, CA, was the most qualified firm to provide the services.

A new permit for the operation of an aquatic equipment rental concession has been negotiated with the following Terms and Conditions:

- Permittee: California Aquatics, a California corporation.
- Permit Area: Bay Shore Walk (Ocean Blvd. at 54th Place) and Marina Park (San Marco Drive at Appian Way), see Attachments A and B.

- Permitted Use: Operation of an aquatic equipment rental concession.
- Initial Term: Five-year term, commencing on January 1, 2024.
- Renewal Option: Two, two-year renewal options at the sole discretion of the City Manager or his designee.
- Permit Fee: fifteen percent of gross receipts or annual minimum rent of \$16,000, whichever is greater.
- Utilities: All utilities will be paid by the Permittee.
- Maintenance: Permittee will be responsible for maintenance of the permit area.
- Insurance: Permittee will provide insurance coverage as defined by the City's Risk Management Office.

Local Business Outreach

To align with the City's outreach goal, Long Beach businesses are encouraged to submit proposals for City contracts. The Purchasing Division also assists businesses with registering on the Long Beach Buys database to download RFP specifications. Through outreach, one Long Beach vendor was notified to submit proposals, of which one downloaded and one submitted a proposal. The Purchasing Division is committed to continuing to perform outreach to local vendors to expand the bidder pool.

This matter was reviewed by Deputy City Attorney Anita Lakhani on January 30, 2024, Budget Development Officer Jennifer Rodriguez on February 1, 2024, and by Acting Labor Compliance Officer Tommy Ryan on January 25, 2024.

TIMING CONSIDERATIONS

City Council action to adopt Specifications No. RFP PR-22-084 and award a contract concurrently is requested on February 20, 2024, to ensure the contract is in place expeditiously.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding. All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are

Honorable Mayor and City Council

February 20, 2024

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prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

The City will receive a minimum annual revenue amount of \$16,000 during the five-year term. California Aquatics will pay fifteen percent of gross receipts, or minimum rent of \$16,000, whichever is greater, annually. Revenue will accrue in the Tidelands Operating Fund Group in the Parks, Recreation, and Marine Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. The approval of this action will contribute to potential economic growth, resulting in a positive impact on jobs. However, the number of additional local jobs created is unknown at this time.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



Brent Dennis

Director

Parks, Recreation and Marine

APPROVED:

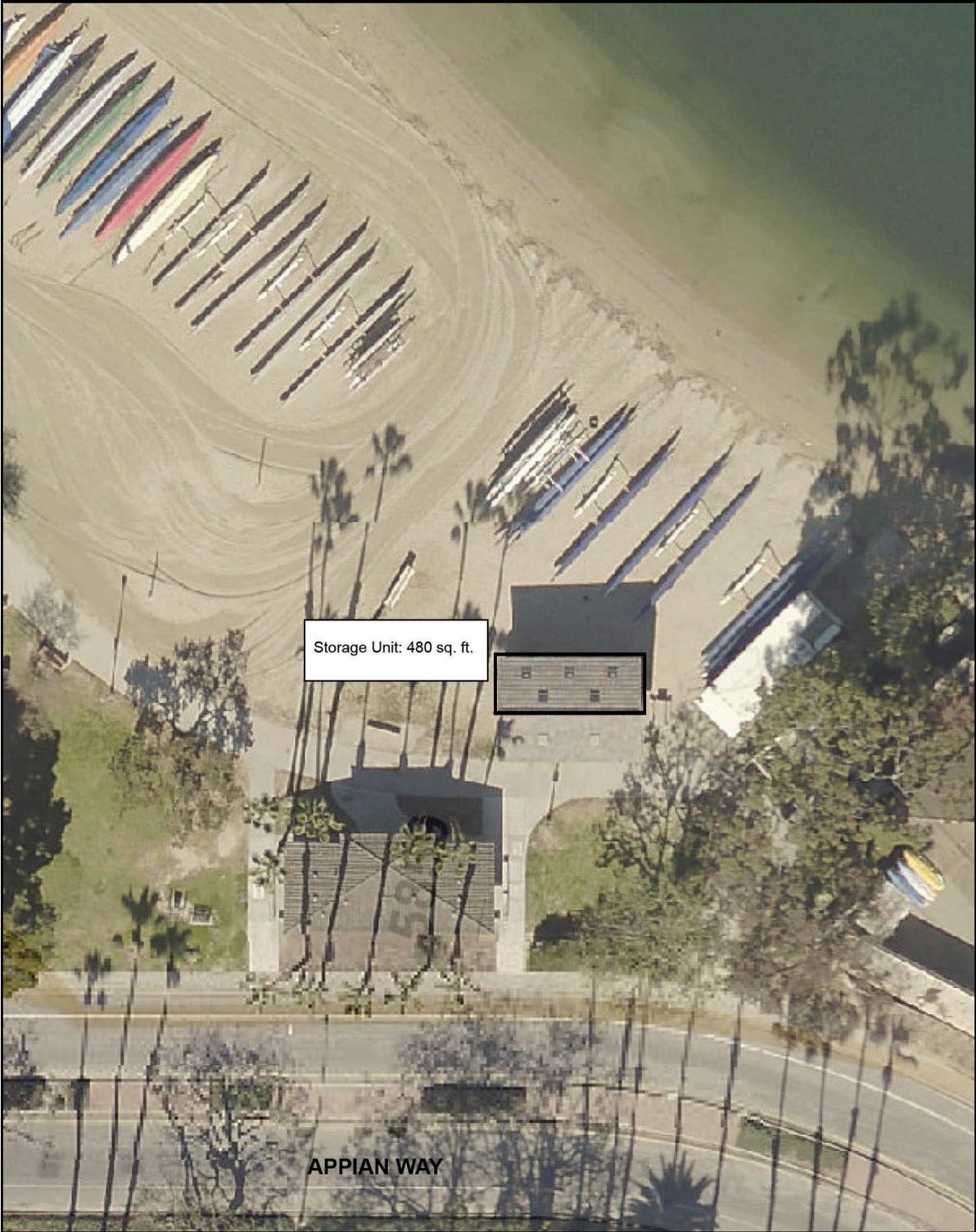


THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: A - BAY SHORE WALK
B - MARINA PARK



California Aquatics Permit Area
Bay Shore Walk
Ocean Blvd. at 54th Place



California Aquatics Permit Area
Marina Park
San Marco Drive at Appian Way

LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

Proposers are responsible for accessing these links to review the names prior to answering the following questions.

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

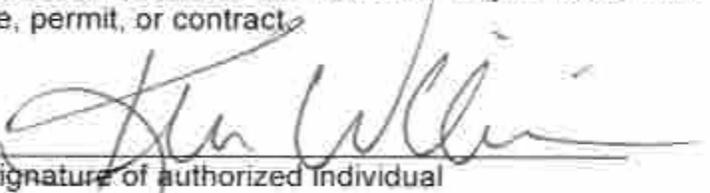
YES

NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

Jan. 5, 2024
Date


Signature of authorized individual

Ken Williams
Type or write name of authorized individual

California Aquatics, Inc
Type or write name of company