

August 1, 2023

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to execute all documents necessary to amend Munis Contract No. 32300036 with Smart & Final Stores, LLC, for the purchase of grocery items, by increasing the original contract amount of \$100,000 by \$250,000, and adding an additional 20 percent contingency in the amount of \$70,000, for a revised total contract amount not to exceed \$420,000; and,

Adopt a resolution authorizing the City Manager, or designee, to execute a contract, and any necessary documents including any necessary subsequent amendments, with Smart & Final Stores, LLC, of Commerce, California, for the purchase of grocery items, in an annual amount of \$350,000, with an additional 20 percent contingency in the amount of \$70,000, not to exceed a total contract amount of \$420,000, for a period of two years, with the option to renew for three additional one-year periods, at the discretion of the City Manager. (Citywide)

DISCUSSION

City Council approval is requested to amend Munis Contract No. 32300036 to add funds for the purchase of grocery items with Smart & Final Stores, LLC. Approval is also requested to enter into a contract with Smart & Final Stores LLC, for a period of two years, with the option to renew for three additional one-year periods at the discretion of the City Manager.

The purchase of grocery items is used citywide across all City departments, including, but not limited to, recreational programming, citywide special events, and catering services for the Community Recreation Services Bureau. This contract is also used for public and community meetings, departmental trainings, and other various needs. The Development Services Department will utilize \$100,000 as a resource for grocery and hygienic items to support neighborhood improvement activities, including the Neighborhood Leadership Program, special events, food giveaways, and support for neighborhood association grants. Most items are purchased on an as-needed basis directly from Smart & Final locations within Long Beach. Smart & Final Stores, LLC, is the only grocery provider located in Long Beach that accepts purchase orders and sells items in bulk quantities. Therefore, approval of a new contract with Smart & Final Stores, LLC, is being requested.

Section 1801 of the City of Long Beach (City) Charter provides that the City Council, by resolution, may authorize the City Manager to enter into a contract on behalf of the City,

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in writing or otherwise, without advertising for bids for services, supplies, materials, equipment or labor for actual emergency work.

This matter was reviewed by Deputy City Attorney Atoy H. Wilson and Revenue Management Officer Geraldine Alejo on June 22, 2023, and by Purchasing Agent Michelle Wilson on June 13, 2023.

TIMING CONSIDERATIONS

City Council action to adopt a Resolution and award the contract concurrently, and amend Contract No. 32300036 is requested on August 1, 2023, 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 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 total revised annual contract amount will not exceed \$420,000, inclusive of a 20 percent contingency. The contract will be used citywide on an as-needed basis and is budgeted across various departments and fund groups. Of the total contract amount, \$100,000 being used is specifically allocated to and appropriated in the Community Development Grants Fund Group in the Development Services Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



KEVIN RIPER
DIRECTOR
FINANCIAL MANAGEMENT

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT - RESOLUTION

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SMART & FINAL STORES, LLC, WITHOUT ADVERTISING FOR BIDS, FOR THE PURCHASE OF GROCERY ITEMS, IN AN ANNUAL AMOUNT OF \$350,000, WITH AN ADDITIONAL SEPARATE 20% CONTINGENCY OF \$70,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$420,000, FOR A PERIOD OF TWO YEARS WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE-YEAR PERIODS

WHEREAS, the purchase of grocery items is used by all City of Long Beach (“City”) Departments for special events, catering services, community meetings, departmental trainings, and other various needs; and

WHEREAS, most items are purchased on an as-needed basis directly from Smart & Final locations within the City; and

WHEREAS, Smart & Final Stores, LLC is the only grocery provider located in the City that accepts purchase orders and sells items in bulk quantities;

WHEREAS, Section 1801 of the City of Long Beach Charter provides that the City Council, by resolution, may authorize the City Manager to enter into a contract on behalf of the City, in writing or otherwise, without advertising for bids for services, supplies, materials, equipment or labor for actual emergency work; and

WHEREAS, no useful purpose would be served by advertising for bids and to do so would constitute an idle and useless act and an unnecessary expenditure of public funds;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 follows:

2 Section 1. The City Manager is hereby authorized to enter a contract,
3 without advertising for bids, with Smart & Final Stores, LLC, for grocery items, in an annual
4 amount of Three Hundred Fifty Thousand Dollars (\$350,000), with a separate additional
5 twenty percent (20%) contingency in the amount of Seventy Thousand Dollars (\$70,000),
6 for a total not to exceed annual amount of Four Hundred Twenty Thousand Dollars
7 (\$420,000), for a period of two (2) years, with the option to renew for three (3) additional
8 one-year periods, at the discretion of the City Manager. If the sole source status of Smart
9 & Final Stores, LLC changes, the City shall publicly bid instead of extending the contract.

10 Section 2. This resolution shall take effect immediately upon its adoption
11 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

12 I hereby certify that the foregoing resolution was adopted by the City Council
13 of the City of Long Beach at its meeting of _____, 2023
14 by the following vote:

15
16 Ayes: Councilmembers: _____

17 _____

18 _____

19 _____

20 Noes: Councilmembers: _____

21 _____

22 Absent: Councilmembers: _____

23 _____

24 Recusal(s): Councilmembers: _____

25 _____

26 _____

27 _____
City Clerk

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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):

We contributed \$900 to councilwomen Suzie Price's mayoral campaign in Oct. 2022.

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

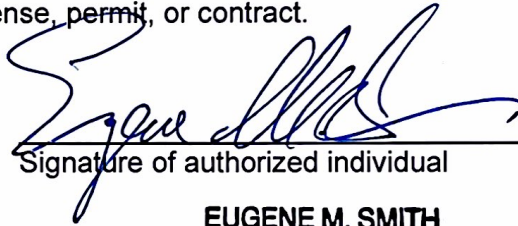
NO

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.

7/10/2023

Date



Signature of authorized individual

EUGENE M. SMITH

Group Vice President

Type or write name of authorized individual

Smart & Final Stores LLC

Type or write name of company