

C-26

September 5, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution authorizing the City Manager, or designee, to execute a contract, and any necessary documents including any necessary subsequent amendments, with Dooley Enterprises, Inc., of Anaheim, CA, for the purchase of ammunition manufactured by Winchester, in a total annual amount not to exceed \$285,000, for a period of five 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 enter into a new contract with Dooley Enterprises, Inc., for the purchase of ammunition manufactured by Winchester. The Long Beach Police Department (LBPD) uses Winchester ammunition for armed personnel training, shooting qualification requirements, and during critical incident operations. Winchester ammunition is listed in the department's Military Equipment Special Order that was approved by City Council on October 18, 2022.

Dooley Enterprises, Inc., is the authorized, sole source, law enforcement distributor for Winchester ammunition in the state of California. LBPD has standardized its training and premium duty rounds with Winchester factory-loaded ammunitions since 2004. Winchester goes through great lengths to ensure its training and duty rounds are identical, as standardization is necessary when handling a lethal weapon where performance and accuracy are critical.

City Charter Section 1801 requires that contracts for City purchases be awarded to the lowest responsible bidder after a competitive bid process but allows for awards without a competitive bid process when authorized by a Resolution adopted by the City Council.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez and Budget Management Officer Nader Kaamouh on August 10, 2023, and by Purchasing Agent Michelle Wilson on August 9, 2023.

TIMING CONSIDERATIONS

City Council action to adopt a Resolution and award a contract concurrently is requested on September 5, 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 annual amount of the contract will not exceed \$285,000 for a period of five years, with the option to renew for three additional one-year periods. Sufficient appropriation is currently budgeted in the General Fund Group in the Police 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.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



WALLY HEBEISH
CHIEF OF POLICE

APPROVED:



THOMAS B. MODICA
CITY MANAGER

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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 AND ANY SUBSEQUENT AMENDMENTS THERETO WITH DOOLEY ENTERPRISES, INC. WITHOUT ADVERTISING FOR BIDS FOR THE PURCHASE OF AMMUNITION MANUFACTURED BY WINCHESTER IN A TOTAL AMOUNT NOT TO EXCEED \$285,000

WHEREAS, City Council approval is requested to enter into a contract with Dooley Enterprises, Inc. for the purchase of ammunition manufactured by Winchester; and

WHEREAS, the Long Beach Police Department (“LBPD”) uses Winchester ammunition for armed personnel training, shooting qualification requirements and during critical incident operations; and

WHEREAS, a variety of Winchester ammunition model types are included in LBPD’s Special Order Military Equipment Report, in compliance with California Assembly Bill 481; and

WHEREAS, Dooley Enterprises, Inc. is the authorized, sole source, law enforcement distributor for Winchester ammunition in the state of California; and

WHEREAS, LBPD has standardized its training and premium duty rounds with Winchester factory-loaded ammunitions since 2004; and

WHEREAS, Winchester goes through great lengths to ensure its training and duty rounds are identical, as standardization is necessary when handling a lethal weapon where performance and accuracy are critical; and

WHEREAS, as a result, no useful purpose would be served by advertising

1 for bids and to do so would constitute an idle and useless act and an unnecessary
2 expenditure of public funds;

3 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
4 follows:

5 Section 1. The above recitals are true and correct and are incorporated
6 herein.

7 Section 2. The City Manager is hereby authorized to enter a contract and
8 any necessary documents including any subsequent amendments, with Dooley
9 Enterprises, Inc., of Anaheim, California for the purchase of ammunition manufactured by
10 Winchester, in a total annual amount not to exceed Two Hundred Eighty-Five Thousand
11 (\$285,000), for the period of five (5) years, with the option to renew for three (3)
12 additional one-year periods, at the discretion of the City Manager.

13 Section 3. This resolution shall take effect immediately upon its adoption
14 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
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Long Beach, CA 90802-4664

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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

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):

N/A

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):

N/A

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.

7/31/23

Date



Signature of authorized individual

Chris Dooley

Type or write name of authorized individual

Dooley Enterprises, Inc.

Type or write name of company