



Legislation Text

File #: 16-0343, **Version:** 1

Recommendation to adopt Specifications No. RFP TI 16-041 and award a contract to Long Beach Community Action Partnership, of Long Beach, CA, for the operation of Public Access television in Long Beach, in an amount equivalent to one-third of the Public, Educational and Government funds available each year, for a period of three years, with the option to renew for two additional one-year periods; and authorize City Manager, or designee, to enter into the agreement, including any necessary amendments thereto regarding the term and/or scope of services. (Citywide)

Enactment of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) marked a major change in the regulation of video service providers in California. Essentially, DIVCA replaced the local franchising process with a State process under the authority of the California Public Utilities Commission. The legislation allowed cable operators to vacate their local franchises. As a result, after January 2, 2009, cable operators were no longer required to provide Public Access facilities, equipment, and staff support for residents to produce programs. DIVCA also entitled local authorities to require cable television franchise holders operating within their jurisdiction to pay a percentage of gross revenues for Public, Educational and Government (PEG) purposes. The PEG fee charged by the City is 1.04 percent of the cable franchise operators' gross revenue.

On October 11, 2011, the City Council authorized an agreement with Long Beach Community Action Partnership (LBCAP) to operate Public Access television in Long Beach for a period of two years with the option to renew for two additional one-year periods, to be funded by PEG fees. Renewal options were exercised and the contract with LBCAP expired in January 2016.

Public Access Television Update

Since October 2011, when the City Council authorized an agreement with the LBCAP to operate a Public Access Digital Network (PADNET), LBCAP has continued to build upon the foundation they established to transition into a full-service community media center. LBCAP relocated its main office to northwest Long Beach in 2015. The new space is designed with an entire wing dedicated to PADNET that includes a studio, six editing bays, a 12-person computer teaching lab, and a separate lobby providing PADNET members with easy access for equipment and facility use. PADNET currently has three satellite locations - one in the Main Library's Maker-Space area, another at WE Labs (Work Evolution Laboratories) and a new space at the Villages at Cabrillo. A fourth satellite location is being developed for the El Dorado Neighborhood Library.

A Request for Proposals (RFP) for the provision of Public Access cable television services was advertised in the Press-Telegram on December 12, 2015, and 5,196 potential proposers specializing in Technical and Professional Services were notified of the RFP opportunity. Of those proposers, 17 downloaded the proposal via the City's electronic bid system. The RFP document was also made available from the Purchasing Division, located on the seventh floor of City Hall, and the Division's website at www.longbeach.gov/purchasing <<http://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 22 local, minority and women-owned business groups. One proposal was received on January 7, 2016. Long Beach Community Action Partnership, of Long Beach, CA, not a Small Business Enterprise (SBE), a Minority-owned Business Enterprise (MBE), a Women-owned Business Enterprise (WBE), and a Long Beach business (Local), was the sole responsible proposer.

Local Business Outreach

In an effort to align with our outreach goal, Long Beach businesses are encouraged to submit proposals for City contracts. The Purchasing Division also assists businesses with registering on the Bids Online database to download RFP specifications. Through outreach, 514 Long Beach vendors were notified to submit proposals, of which two 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 Amy R. Webber on March 24, 2016 and by Budget Management Officer Victoria Bell on April 1, 2016.

City Council action is requested on April 19, 2016, will allow LBCAP to continue operating the Public Access television station.

The use of PEG funds is governed by the Federal Communications Act, which restricts the use to capital costs required for public, educational or governmental access facilities, such as studios and equipment for the PEG facility. The City currently receives approximately \$1,000,000 in PEG revenue each year. Consistent with previous City Council actions to designate one-third of annual PEG revenue to support PADNET, it is anticipated that roughly \$333,000 will be available each year for allocation to LBCAP for the duration of the agreement. This funding is currently reserved in the General Services Fund (IS 385) in the Technology and Innovation Department (TI). City Council approval to appropriate the PEG revenue and allocate the funding to local cable access providers will be requested at a later date. There is no local job impact associated with this recommendation.

Approve recommendation.

BRYAN M. SASTOKAS
DIRECTOR OF TECHNOLOGY AND INNOVATION

APPROVED:

PATRICK H. WEST
CITY MANAGER