

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CABLE TELEVISION COMMISSION SPECIAL MEETING THURSDAY, SEPTEMBER 11, 2014 – 3:00 p.m.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Cable Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the Cable Commission on any item on the Commission Agenda will be called upon at the time the agenda item is called or during the Commission's consideration of the item and may address the Cable Commission for up to three minutes.

1. CALL TO ORDER

2. ROLL CALL

Chair Rothwell
Vice Chair Underwood
Commissioner Clayton
Commissioner Hasselbrink
Commissioner Jempsa

3. ORAL COMMUNICATIONS

At this time any individual in the audience may address the Cable Television Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. Remarks are to be limited to not more than five minutes.

4. PRESENTATIONS

None

5. **MINUTES**

Approval of the minutes for the Cable Television Commission meeting of July 10, 2014.

6. **ACTION ITEMS**

A. Report on City Council Action Taken Regarding the Cable Function.

City Manager Bret Plumlee will provide a summary of City Council action taken during the Special Meeting Workshop on August 18, 2014. A copy of the August 18, 2014 staff report is provided as attachment 1.

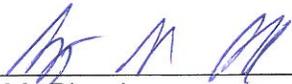
Recommendation: Receive and file report.

7. **COMMISSIONER REPORTS**

8. **ADJOURNMENT**

The next Special meeting of the Cable Commission is scheduled for Thursday, October 9, 2014, at 4:00 PM in the City Council Chamber Conference Room.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the City Hall, Community Center, and Museum not less than 72 hours prior to the meeting. Dated this 8th day of September 2014.



Bret M. Plumlee
City Manager

City of Los Alamitos
Cable Television Commission

Agenda Report
Action Item

September 11, 2014
Item No: 6A

To: Chair Tom Rothwell and the Members of the Cable Commission

From: Bret M. Plumlee, City Manager

Subject: Report on City Council Action Taken Regarding the Cable Function

Summary: Provide a summary of the City Council action taken during August Workshop on the Cable Function.

Recommendation: Receive and file report.

Background

The City Council held a Special Meeting Workshop on August 18, 2014 to review the overall scope of the Cable function, including consideration of approximately \$39,000 in equipment for the Cable Studio, consideration to direct staff to analyze streaming video of community events, and whether to continue to operate the studio. A copy of the August 18, 2014 staff report is attached (Attachment 1).

Another item that was discussed and considered by the City Council at that meeting was to consider entering into an agreement with Direct Community Video (DCV) for the production and filming of football and basketball games.

Discussion

The City Council received a presentation by staff on the overall cable function and did not approve moving forward with the equipment list as recommended by the Cable Commission. They also did not direct staff to move forward with an analysis on streaming video. At this meeting, the City Council did approve entering into an agreement with DCV to produce and film sporting events.

Mayor Pro Tem Murphy recommended and the Council approved moving forward with a Request for Proposal regarding Los Alamitos Television (LATV) including the operations, distribution, sustainability, how such an arrangement benefits local stakeholders and the City, and vision for the future of LATV. I have attached a draft of the Request for Proposals for Cable Commission review and comment (Attachment 2).

Staff will take comments at tonight's meeting and incorporate them into the RFP. Staff is also seeking any comments from the Cable Ad Hoc Committee. Once the RFP is in final form, it will be distributed and staff will open all bids received, review the bids, and make a recommendation to the City Council at a future meeting.

Recommendation

Staff recommends that the Cable Commission receive and file this report.



Bret M. Plumlee
City Manager

Attachments: 1. *August 18, 2014 Staff Report on Cable*
2. *Draft Request for Proposal Regarding LATV*

City of Los Alamitos

Agenda Report**August 18, 2014****Special Orders of the Day****Item No: 3B**

To: Mayor Gerri L. Graham-Mejia & Members of the City Council

From: Bret M. Plumlee, City Manager

Subject: Discussion of the Cable Function and the Future of Los Alamitos Television

Summary: This agenda item seeks Council direction regarding the cable function and the future of Los Alamitos Television.

Recommendation:

1. Staff is seeking direction from City Council on the scope of the overall Cable function, including funding approximately \$39,000 in equipment for the Cable studio, directing staff to analyze streaming video of community events, and continuing to operate the studio in light of legal opinions regarding the use of PEG funds, General Funds, and other revenues for the programming of various meetings, events, and other City related items of interest on the City's Public Access Television station; and,
2. Authorize the City Manager to execute an agreement with Direct Community Video for the production and filming of football games and basketball games.

Background

The Los Alamitos Television Fund was created as a Special Revenue Fund of the City upon the dissolution of the Los Alamitos Television Corporation in Fiscal Year 2008-2009. The fund was created to promote and develop local usage of the cable television system in the City. Questions have arisen about the use of PEG (Public, Educational and Government) funds, the primary source of revenue to the LATV Fund, for purposes other than for capital costs. The purpose of this agenda report is to update Council on the status of the LATV fund to promote a discussion about the future of Los Alamitos Television.

Discussion

The Los Alamitos Television Fund receives the majority of its revenue from a \$1 per month fee charged to the subscribers of Time Warner and Verizon. The PEG fees generate approximately \$30,000 per year in revenue, or about \$12 per year from 2,500 subscribers. In addition the City receives about \$6,500 in reimbursements for the filming of events in the City, and a very small amount from investment earnings.

The inception of the fund in FY 2008-09 was the best year in terms of fund balance reserves, with \$153,608 in fund balance at June 30, 2009. The fund has declined steadily since FY 2008-09 to \$118,000 at June 30, 2013, and a projected balance below \$114,000 at June 30, 2014.

Each year, the General Fund pays over \$5,000 for the filming/programming of City Council meetings, with the LATV Fund providing the funding for all other expenses, including filming, programming and equipment purchases related to the LATV studio, and contractors retained to do much of the work related to production of programs appearing on the Government Channel.

It is a concern of staff that the LATV Fund will exhaust its reserves several years down the road at the rate of spending over the previous 5 year period. The Cable Commission has approved two items in separate motions and recommended moving them forward to the City Council for consideration. The first item is to expend \$39,000 of LATV fund balance reserves for studio and broadcast modernization. (Attachment 1) The second item is to bring forward consideration to direct staff to analyze streaming video of local events. If the \$39,000 is expended the fund balance of the LATV Fund will decline to \$75,000. At the rate of spending from 2009 to the present, the LATV Fund would exhaust all reserves in five or six years.

The Cable Communication Act of 1984 allows municipalities to opt out of the PEG requirements. Since 1984, many public access television centers have closed as more municipalities have taken the opt out provision. Government Access Television is a resource of the City to address local municipal programming needs. Often the City or town may use the Government Channel to cablecast City Council meetings, election programming, local emergency announcements, and other events and programs as valued by the local government.

One option that must be considered by City Council is to whether or not to continue to use and upgrade the television studio and its equipment, or to require community members to find their own way to produce a cable show, and hire a contractor to program it and get it aired on Los Alamitos Television without the need to continue to operate a studio, as many other municipalities have done since the Cable Communication Act of 1984.

Significant staff time has been spent on the Cable function in the City. This includes an estimated 10 to 15 hours monthly for the City Manager to prepare staff reports,

agendas and analysis for the Cable Commission and Cable related activities; time spent by the City Attorney on legal analysis of the appropriate use and spending of PEG funds, whether or not advertising or obtaining sponsors for LATV is legal, and various potential Fair Political Practices Committee issues; monthly time spent by the Police Department Secretary to prepare the Cable Commission agenda and minutes and record the Cable Commission meetings; financial analysis, support, and reports prepared by the Interim Director of Administrative Services and Accountant; and other City staff that may be asked to assist in various projects related to the Cable function. For example, most recently, the Community Development Director researched, prepared and distributed a Request for Proposal (RFP) to seek bids on filming and producing sporting events in the City. He also fielded questions about the RFP, distributed addendums resulting from the questions, participated with the City Manager in an interview with the consultant that submitted a bid, and put together the Professional Services for the recommended consultant that is attached to the agenda.

City Council needs to be aware that all of this staff time spent on the Cable function allows less staff time to spend on other projects and issues in the City.

One additional immediate concern is the fact that the City's contractor who has been utilized to film community events will no longer film the local football, basketball and other games for airing on the Government Channel. Staff issued an RFP to retain the services of a contractor to produce and film local sporting events. The RFP and the related Professional Services Agreement are included as attachments to this staff report (Attachments 2 and 3). The RFP was distributed on July 31 and all responses to the RFP were due back to the City no later than August 11.

The City received one proposal from Direct Community Video, a division of Mirror Media Group, LLC. Staff conducted an interview with the vendor and found him to be very well qualified, cooperative and willing and able to move forward with the scope of services included in the Request for Proposal. As a result, Staff is recommending that the City Council authorize the City Manager to execute an agreement with Direct Community Video for the production and filming of football games, basketball games, and other sporting events in the City. The agreement provides for a maximum payment of \$6,500 by the City, with any additional funds to be provided by the vendor from donations obtained from community organizations or other sponsors of the events. The Professional Services Agreement with Direct Community Video... has been signed by the consultant and is included with this staff report (Attachment 4).

Fiscal Impact

The Fiscal Year 2014-15 Operating Budget is based upon the General Fund continuing to pay for the filming and programming of City Council meetings, with the LATV Fund paying for all other costs of the Government Channel. The City Attorney has opined that (unless and until the CAP Act is passed by Congress) the PEG funds can only be used for Capital costs. In the event that it is determined that the City Council wishes to continue with the status quo, it is likely that the General Fund will be required to absorb

a greater amount of the cost of providing programming on the Government Channel in the future to continue to operate the studio. Total costs to the General Fund are unknown at this time and are based in large part on any decisions made by City Council about the future of Los Alamitos Television.

Recommendation

Staff is seeking direction on a number of items. One is if the Council wants to move forward with the recommendation from the Cable Commission to fund approximately \$39,000 in equipment for the Cable studio. The second recommendation from the Cable Commission is to direct staff to analyze streaming video of community events.

Staff is also seeking direction on the scope of the overall Cable function.

Does the Council want to continue operating a cable studio, provide the potential for mobile cable productions, which may include producing community sporting events, film City Council meetings, provide programming of public access productions, and prepare, coordinate and assemble staff reports, agendas, and overall staff support for the Cable Commission?

Staff is recommending that the City Council authorize the City Manager to enter into a contract with Direct Community Video for the production and filming of local sporting events, primarily football and basketball games of the high school. The cost to the City will not exceed \$6,500 for FY 2014-15.

Submitted By:

Fiscal Impact Reviewed By:

Bret M. Plumlee
City Manager

Glenn L. Steinbrink
Interim Administrative Services Director

Attachments:

- 1. Proposed Cable Studio Equipment list brought forward from Cable Commission*
- 2. RFP for Production and Filming of Sporting Events*
- 3. Standard Professional Services Agreement*
- 4. Proposal from Direct Community Video*

CITY OF LOS ALAMITOS



REQUEST FOR PROPOSAL

Daily Programming of Cable Operations

Submittal Deadline:

2:00 p.m.

November 17, 2014

RFP Prepared by and Proposals to be provided to:

Bret Plumlee

City Manager

3191 Katella Avenue

Los Alamitos, California 90720

(562) 431-3538, ext. 249

e-mail address: bplumlee@cityoflosalamitos.org

SECTION I - INTRODUCTION

A: Background

The City of Los Alamitos invites qualified parties to submit Proposals for the attached Scope of Services.

The City of Los Alamitos incorporated in 1960, and is located on the Northwest edge of Orange County. It is situated North of Seal Beach, East of Long Beach, South of Hawaiian Gardens, and West of Cypress. The City encompasses 4.3 square miles with a small population of approximately 12,000. The City is mature, urbanized, and, for the most part, built-out. Half of the community's 4.3 square miles is the federally operated Joint Forces Training Base (JFTB). The City Manager is hired by the City Council and oversees all day to day operations. Contractor will receive direction from both City Manager and the Community Development Director. For more information about the City, please visit the City website at <http://cityoflosalamitos.org/>.

Mendoza is in Need of a current description of LATV?

LATV3 (Los Alamitos Television Channel 3) exists to provide diverse public access programming to the communities of Los Alamitos and Rossmoor. It does this by offering the community the opportunity to view, entertain and inform itself, through its own efforts, by using the public access facilities at LATV3. At the present time, the City of Los Alamitos directly operates the cable television programming, airing primarily Los Alamitos City Council Meetings, LAUSD Board meetings, Rossmoor CSD Board meetings, LAHS football games and a variety of programs aired as public access.

B: Proposed Schedule

SCHEDULE	
Distribution of RFP (advertised)	October 21, 2014
Pre-Proposal meeting/Site Visit @ Council Chamber	TBD
Deadline for Written Questions	October 30, 2014 5 p.m.
Addendum, if necessary, emailed	November 6, 2014
Proposals Due	November 17, 2014 2 p.m.
Evaluation Period	TBD
Staff to Select Top Proposers	TBD
Notify Top Proposers	TBD
Staff to Conduct Interviews	TBD
Award of Contract	December 15, 2014
Contract Effective Date	December 16, 2014

C: Instructions to Proposers and Procedures for Submittal

One (1) original and two (2) copies of the Proposal must be submitted in a sealed envelope and submitted to the following address:

**City of Los Alamitos
Attn: City Manager
3191 Katella Avenue
Los Alamitos CA 90720**

Proposers are solely responsible for ensuring their Proposal is received by the City in accordance with the solicitation requirements, before Submittal Deadline, and at the place specified. Postmarks will not be accepted in lieu of actual delivery. No oral, telegraphic, electronic, facsimile, or telephonic Proposals or modifications will be considered. The City shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Delivery of Proposals shall be made at the office specified in this REQUEST FOR PROPOSALS. All Proposals shall become the property of the City. Late Proposals will not be accepted and will be returned to the Proposer unopened.

SECTION II - PROPOSAL RESPONSE REQUIREMENTS

Proposers shall submit one (1) original Proposal marked "ORIGINAL" and two (2) copies on or before the Submittal Deadline. If discrepancies are found between the copies, or between the original and copy or copies, the "ORIGINAL" will provide the basis for resolving such discrepancies. If no document can be identified as original bearing original signatures, Proposer's Proposal may be rejected at the discretion of the City.

It is imperative that all Contractors responding to the RFP comply exactly and completely with the instructions set forth herein. Proposals must be concise but with sufficient detail to allow accurate evaluation and comparative analysis. Proposals should be straightforward and provide "layman" explanations of technical terms that are used. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. Proposal should be concise and be able to properly convey all information within ten pages. All Proposals shall include the following information:

A: Letter of Transmittal

Please include a brief introduction and history of your firm. Be sure to state why you believe that your firm is the best qualified to provide such services to the City of Los Alamitos. Letter is to be signed by a member of the organization having the authority to negotiate and execute contracts on behalf of the organization. Cover letter must acknowledge receipt of any and add addenda, if any were issued (if in doubt, Contact Bret Plumlee, City Manager at 562-431-3538, ext. 249). Please briefly explain your motivation for submitting a proposals, the type of business you are now in that qualifies you to manage a public access/leased access(PALA) studio and channel, any

experience with the current PALA studio and channel, any expertise with the current PALA channel and your vision for the PALA channel and facility.

B: Project Understanding

This section of your proposal should outline your basic understanding of the project. It should identify key issues to be address during the project and any insights or innovative ideas the proposer can provide in addressing those issues.

C: Company Data:

Please submit the following information:

1. Official firm name and address.
2. Name, address, telephone number and email address of the Proposer's point of contact.
3. Indicate what type of entity (corporation, company, joint venture, etc). Please enclose a copy of the Joint Venture Agreement if entity is a joint venture.
4. Federal Employer I.D. Number.
5. The address, telephone numbers and fax numbers of each of your firm's locations.
6. A detailed statement indicating whether Proposer is totally or partially owned by another business organization or individual.
7. Number of years Proposer has been in business under the present business name.
8. All comparable contracts currently in effect. Please indicate:
 - Contracting Agency
 - Year Contract Started
 - Type of Contract
9. Please describe areas of specialization provided by the Proposer.
10. Any failures or refusals to complete a contract and explanation.
11. Financial interests in other lines of business.
12. Known conflicts of interest.

D: Proposals

Please describe your firm's qualifications for providing such services to the City of Los Alamitos. Proposal should be concise and be able to properly convey all information within ten pages.

1. Identify the individual that you propose for the task and indicate the number of years of experience.
2. The overall capabilities, qualifications, training and areas of expertise of the firm.
3. Identify the location of the office(s) serving the City. If office hours at City Hall are necessary, please specify the day(s) of week and hours.

4. Identify the support personnel that would work with the City and provide a brief description of their function. Include any changes you would propose, now or in the future, should your firm be awarded a contract with the City.
5. Describe systems/methods that would be utilized to provide services in a cost effective manner.
6. The City of Los Alamitos will require the firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate insurance coverages. Proposer shall indicate the willingness and ability to submit proof of the required insurance coverage prior to execution of the contract.
7. The City seeks to identify and avoid any conflicts or possible conflicts of interest. The City reserves the right to prohibit participation, if a significant conflict of interest is determined to exist. Please address the following:
 - a) Please list any political contributions of money, in-kind services, or loans made to any member of a City Council within the last ten years by the firm.
 - b) Please list all public agency clients for which your firm currently provides services.
 - c) Please list all public agency clients for which your firm previously provided services over the last ten years.
8. Describe any special services that may be provided by your firm to the City of Los Alamitos.

E: References:

Proposer to provide three (3) references for which Proposer has provided similar services as set forth in the RFP within the last five (5) years. Include name of business, name of contact person, telephone number of contact person, description of services provided.

F: Compensation/Payment Schedule:

Proposer is required to submit their cost proposal in the format outlined in Section V.

SECTION III - PROPOSAL EVALUATION AND SELECTION

City Staff will evaluate all Proposals received in accordance with the Evaluation Criteria. The City reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of Proposal. The City shall not be obligated to accept the lowest priced Proposal, but will make an award in the best interests of the City after all factors have been evaluated.

Selection of qualified Proposers will be based on the following criteria as set forth herein. Criteria are listed in random sequence and are not considered in any rank or order or importance. Interviews will be held with the most qualified respondents. The recommended Proposal will be submitted to the City Council for contract approval.

The Proposal will be evaluated on the basis of the response to all questions and requirements of this RFP. The City shall use some or all of the following criteria in its evaluation:

1. Experience of the firm, particularly of staff assigned to supervise and administer this contract.
2. Education and experience of personnel assigned.
3. Demonstrated knowledge of public agencies, particularly smaller comparable municipalities.
4. Understanding of the needs and requirements of the City.
5. Quality of references.
6. Proposed costs.
7. Content, quality, completeness and form of submitted proposal.
8. Interviews.

SECTION IV - SCOPE OF SERVICES

The consultant that is selected by the City of Los Alamitos will be in charge of daily programming of the Cable operations for Los Alamitos Television. Scope of services is to cover the following five areas:

1. Operations
 - a. Daily programming
 - b. Monetizing current assets
 - c. Availability for Public Access Producers
 - d. Maintenance
2. Distribution - Making LATV and other local programming available to the largest audience
3. How best to use the capital surplus fund
4. Sustainability
5. How such an arrangement Benefits the City and the local stakeholders
6. The Future of LATV

In addition to the scope of Services above, the City encourages proposals to identify sustainable best practices and appropriate practical innovation that uniquely serve the goals of the community.

SECTION V - COMPENSATION

It is expected that all services will be billed monthly with reimbursable expenses listed separately.

A: Hourly Rates

Identify your proposed billing rates as shown in the format displayed below. This table is just a sample. Please provide all appropriate titles and rates.

Labor Rates	
Principal	\$_____ per hour
Associate	\$_____ per hour

Please list your minimum unit of time. For example: 6 minutes, 8 minutes, etc.

B: Reimbursable Expenses

Identify your reimbursable expense unit rates as shown in the format displayed below. This table is just a sample. Please provide all applicable reimbursable expenses and unit rates.

Reimbursable Costs	
Mileage	\$_____ per
Reproduction Charges	\$_____ per

C: Rate Adjustments

Proposer must state if the proposed rates are guaranteed for the term of the contract or if it is subject to adjustments. If subject to adjustments, Proposer must state the frequency of adjustments and how adjustments are determined.

D: Payment

The City requests a monthly itemized statement which indicates work completed and hours of service rendered. The City shall, within 45 days of receiving such statement, review the statement and pay all approved charges.

Please indicate if your firm is agreeable to this payment arrangement. If not, please describe your firm's preference for method of payment, payment terms, and your procedure for billing of retention, hours, and expenses and any other accounting requirements.

SECTION VI - GENERAL CONDITIONS

AUTHORIZED SIGNATURES. Every Proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work. Upon request of the City, any agent submitting a Proposal on behalf of a Proposer

shall provide a current power of attorney certifying the agent's authority to bind the Proposer. If an individual makes the proposal, his or her name, signature, and post office address must be shown. If a firm or partnership makes the Proposal, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. If a corporation makes the Proposal, the Proposal shall show the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation.

AWARD OF PROPOSAL. Award will be made to the Proposer offering the most advantageous Proposal after consideration of all Evaluation Criteria set forth in Section III. The criteria are not listed in any order of preferences. An Evaluation Committee will be established by the City. The Committee will evaluate all Proposals received in accordance with the Evaluation Criteria. The City reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of Proposal. The City shall not be obligated to accept the lowest priced Proposal, but will make an award in the best interests of the City after all factors have been evaluated.

Discussions may, at the City's option, be conducted with responsible Proposers who submit Proposals determined to be potentially selected for an award. Discussions may be for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of Proposals. In conducting discussions, the City will not disclose information derived from Proposals submitted by competing Proposers.

CANCELLATION OF SOLICITATION. The City may cancel this solicitation at any time.

COMPLIANCE WITH LAWS. All Proposals shall comply with current federal, state, and other laws relative thereto.

CONTRACT DOCUMENTS, EXAMINATION OF. It is the responsibility of the Proposer to thoroughly examine and be familiar with these RFP documents, general conditions, all forms, specifications, and addenda (if any), referred to as Contract Documents. Proposer shall satisfy himself as to the character, quantity, and quality of work to be performed and materials, labor, supervision, necessary to perform the work as specified by the Contract Documents. The failure or neglect of the Proposer to examine the Contract Documents shall in no way relieve him from any obligations with respect to the solicitation or contract. The submission of a Proposal shall constitute an acknowledgment upon which the City may rely that the Proposer has thoroughly examined and is familiar with the Contract Documents. The failure or neglect of a Proposer to receive or examine any of the Contract Documents shall in no way relieve him from any obligations with respect to the Proposal. No claim will be allowed for additional compensation that is based upon a lack of knowledge of any solicitation document.

COSTS. The City is not liable for any costs incurred by Proposers before entering into a formal contract. Costs of developing the Proposals or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City. No reimbursable cost may be incurred in anticipation of award.

DISQUALIFICATION OF PROPOSER. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider Proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one Proposal for the same work unless alternate Proposals are called for. Reasonable grounds for believing that any Proposer is interested in more than one Proposal for the same work will cause the rejection of all Proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider Proposals from participants in such collusion. Proposers shall submit as part of their Proposal documents the completed Non-Collusion Affidavit provided herein.

INTERPRETATION OF CONTRACT DOCUMENTS. City reserves the right to make corrections or clarifications of the information provided in this RFP. If any person is in doubt as to the true meaning of any part of the specifications or other contract documents, or finds discrepancies or omissions in the specifications, he or she may submit to the City a written request for an interpretation or correction. Oral statement(s) interpretations or clarifications concerning meaning or intent of the contents of this RFP by any person are unauthorized and invalid. Requests for interpretations shall be made in writing and delivered to Community Development Director, City of Los Alamitos, 3191 Katella Avenue, Los Alamitos CA 90720 at least ten (10) days before the Submittal Deadline. The requesting party is responsible for prompt delivery of any requests. When the City considers interpretations necessary, interpretations will be in the form of an addendum to the Contract Documents, and when issued, will be sent as promptly as is practical to all parties recorded by the City as having received Contract Documents. All such addenda shall become a part of the contract. It is the responsibility of each Proposer to ensure the City has their correct business name and address on file. Any prospective Proposer who obtained a set of Contract Documents is responsible for advising the City that they have a set of Contract Documents and wish to receive subsequent addenda.

IRREGULARITIES. City reserves the right to waive non-material irregularities if such would be in the best interest of the City as determined by the City Council.

NON-EXCLUSIVE CONTRACT. The successful Proposer will enter into a NON-EXCLUSIVE contract and the City reserves the right to enter into agreements with other firms for services.

OFFERS OF MORE THAN ONE PRICE. Proposers are NOT allowed to submit more than one Proposal.

NO OBLIGATION: The release of this RFP does not obligate nor compel the City to enter into a contract or agreement.

PAYMENT TERMS. Discounts for payments made within 20 days from receipt of invoice will be considered in award of Proposal. Payment discounts must be clearly shown in the Proposal.

PROPOSAL, REJECTION OF. The City reserves the right to reject any or all Proposals or any part of a Proposal. The City reserves the right to reject the Proposal of any Proposer who previously failed to perform adequately for the City or any other governmental agency. The City expressly reserves the right to reject the Proposal of any Proposer who is in default on the payment of taxes, licenses or other monies due the City.

PROPRIETARY INFORMATION. Proposals must **NOT** be marked as confidential or proprietary. City may refuse to consider a Proposal so marked. Information in Proposals shall become public information and is subject to disclosure laws.

PUBLIC OPENING: There will be a public opening of Proposals. Prices and other Proposal information shall not be made public until the Proposal is awarded. At that time the submitted Proposal information and executed contract will become public information.

SEVERABILITY. If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

SUBCONTRACTOR INFORMATION. If the Proposal includes the use of subcontractors, Proposer must identify subcontractors and the specific requirements of this RFP for which each proposed subcontractor would perform services.

SUBCONTRACTOR REFERENCES. For all subcontractors that will be used on this project, Proposers must provide a minimum of two references from similar projects performed for any local government clients within the last three years. Information provided shall include:

- a. Client name;
- b. Project description;
- c. Dates (starting and ending);
- d. Technical environment;
- e. Staff assigned to reference engagement that will be designated for work per this RFP;
- f. Client project manager's name and telephone number.

TERMS OF THE OFFER. The City reserves the right to negotiate final contract terms with the Proposer selected. The contract between the parties will consist of the City Agreement, the RFP together with any modifications thereto, the awarded Proposer's proposal, and all modifications and clarifications that are submitted at the request of the City during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications

and clarifications to the awarded Proposer's proposal, and the awarded Proposer's Proposal. Specific exceptions to this general rule may be noted in the final executed contract. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the Proposal. Proposer misrepresentation shall be treated as fraudulent concealment from the City of the facts relating to the Proposal.

VALIDITY. Proposal must be valid for a period of 90 days from the due date.

WITHDRAWAL OF PROPOSAL. Proposers' authorized representative may withdraw Proposals only by written request received by the City Manager before the Proposal Submittal Deadline.

SAMPLE PSA AGREEMENT

DRAFT

NON-COLLUSION AFFIDAVIT

I, _____, being first duly sworn, deposes and says that he or she is _____ of _____ the party making the attached Proposal; that the Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal, or that anyone shall refrain from proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Proposal price of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the Proposal price, or of that of any other Proposer, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his or her Proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Proposal depository, or to any member or agent thereof to effectuate a collusive or sham Proposal.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name of Proposer _____

Signature _____

Name _____

Title _____

Dated _____

MINUTES OF CABLE TELEVISION COMMISSION SPECIAL MEETING

CITY OF LOS ALAMITOS
3191 Katella Avenue
Los Alamitos, California 90720

July 10, 2014

1. CALL TO ORDER

A Special meeting of the Cable Television Commission was called to order at 4:00 PM on July 10, 2014, in the Council Chambers Conference Room, 3191 Katella Avenue, Los Alamitos, Chair Tom Rothwell presiding.

2. ROLL CALL

Present: Commissioners Hasselbrink, Jempsa, Rothwell, Underwood

Absent: Commissioners Clayton

Present: Staff Bret Plumlee, City Manager
Catherine Howard, Police Department Secretary

3. ORAL COMMUNICATIONS

Stephen Hammond stated that the reported structural deficient for LATV is not accurate. Over the past year, Doug Wood has been paid \$20,000 for server related services, an emergency switcher was purchased for the van, \$10,000 has been paid to cover LAUSD sporting events (which includes \$6,500 from Republic), and programs involving the City should be paid for by the City, not the station. Given that, LATV realized a \$1,500 surplus last year. LATV funds pay to feed the server to load and broadcast non-current, non-local productions. His recent tour of the studio with Vice Chair Underwood confirmed that equipment upgrades are sorely needed; most of the usable equipment belongs to Vice Chair Underwood. The City should pay to upgrade LATV Studio 1 equipment. Programs need to generate revenue to support LATV operations.

City Council Member Dean Grose said he would like to speak in an unofficial capacity (not as a council member) that the Cable Commission is lacking direction from the Council. The Cable Commission has no authority to spend money, however, monthly, they should review funds received and spent. The Cable Commission should be more assertive with the Council regarding goals, expectations and direction. Given Mr. Larry Strawther's resignation, decisions need to be made and prioritized about whom will broadcast upcoming LAUSD sporting events, which resume in less than sixty days; the booster clubs and parents have expectations that these events will be covered.

Discussion ensued regarding Mr. Strawther's resignation, which was news to some commissioners.

Vice Chair Underwood said he had spoken briefly with Mr. Strawther about this.

Commissioner Hasselbrink stated that if Vice Chair Underwood knew about this resignation, he should have informed the City Manager and the other commissioners.

Commissioner Jempsa said that, regardless, decisions had to be made about how to move forward to cover LAUSD's sporting and special events.

City Manager Plumlee replied that he had had no formal confirmation of Mr. Strawther's resignation; he will contact him to substantiate the rumor and report back to the commission.

4 PRESENTATIONS

None

5. MINUTES

Approval of the minutes for the Cable Television Commission meeting of May 8, 2014.

MOTION: Hasselbrink/Jempsa

Motion unanimously carried to approve the May 8, 2014 Cable Television Commission meeting minutes.

Ayes: Hasselbrink, Jempsa, Rothwell, Underwood

Nays: None

Absent: Clayton

Abstain: None

6. ACTION ITEMS

A. Request for Equipment Purchases for LATV Studio 1

Vice Chair Underwood provided an explanation of his third request to upgrade LATV Studio 1 equipment. If he is to accommodate various requests coming from the community to produce, or help to produce, programming to showcase their organizations, the studio must have new equipment. He provided a detailed account of each item on his equipment request list. At this time, there is only one functioning camera at LATV and even that is an old technology analog. This list is a realistic, yet modest request of equipment upgrades to conform to the FCC mandated digital technology.

Commissioner Hasselbrink stated that the commission has been discussing studio upgrades during her entire year tenure and, most recently, discussing the merits of increasing LATV viewership by modernizing the broadcasting capabilities; she

requested that the commission work together to send the City Council a dual request to modernize both studio production quality and webcasting capabilities.

Commissioner Jempsa voiced her full support for Vice Chair Underwood's equipment upgrade list, but expressed hesitation about including a request to pursue web-streaming capabilities, citing an article in the paper about complications over licensing fees and other legal issues.

Commissioner Hasselbrink restated that her request is not to spend money now, but to seek Council review and approval to release funding to be able to pursue modernizing the studio equipment and broadcasting capabilities; her request is simply to seek approval to begin the RFP procurement process.

City Manager Plumlee stated that Council has directed staff to follow up on several budget related items over the first two quarters of this fiscal year. Within this request, he will be submitting to Council a comprehensive overview of the Cable Commission, the studio and van operations, funding issues and needs, etc. If the commission approves the requests to upgrade the equipment in the studio, that could be incorporated in his report to the Council.

MOTION: Hasselbrink/

Motion to present requests to City Council for review and approval of two items: Item 1 to modernize studio operations, not to exceed \$39,500; and, Item 2 to modernize broadcasting and streaming ability, not to exceed an initial set-up of \$3,500 and an annual maintenance cost of \$2,000.

MOTION DIED FOR LACK OF A SECOND

Chair Rothwell reopened Public Comments.

Mr. Grose suggested that the requests should be sent for Council awareness, and then staff could be directed to research possible options for webcast streaming. A Cal State student might be engaged to research streaming options. He encouraged the commission to present their requests as soon as possible.

SECOND MOTION: Hasselbrink/Rothwell

Motion to bring studio modernization to the City Council for approval of funding; and, bring broadcast modernization to Council, and then direct staff to pursue further research at the earliest opportunity.

MOTION FAILED TO PASS

Ayes: Hasselbrink, Rothwell

Nays: Jempsa, Underwood

Absent: None

Abstain: None

Vice Chair Underwood asked Council Member Grose to clarify how the Council views specific requests. City Manager Plumlee commented that this discussion is not applicable here.

THIRD MOTION: Jempsa/Underwood

Motion passed unanimously to present equipment list to Council for consideration and approval for a cost not to exceed \$39,500.

Ayes: Hasselbrink, Jempsa, Rothwell, Underwood
Nays: None
Absent: None
Abstain: None

FOURTH MOTION: Hasselbrink/Underwood

Motion passed unanimously to bring the request to City Council for staff to further research live streaming for LATV.

Ayes: Hasselbrink, Jempsa, Rothwell, Underwood
Nays: None
Absent: None
Abstain: None

B. Discussion of City’s Franchise Agreement with Consolidated Disposal

City Manager Plumlee clarified that the \$6,500 item incorporated in the franchise agreement with Republic, is a contractual agreement related to filming events in the City. Republic has the final determination of which events are included.

Recommendation to Receive and File was approved.

***** END STAFF REPORTS *****

7. COMMISSIONER REPORTS

Vice Chair Underwood offered to assist with sports broadcasting.

8. ADJOURNMENT

At 5:41 PM, the Cable Television Commission meeting was adjourned.

The next regular meeting of the Cable Television Commission is scheduled for Thursday, August 14, 2014, at 4 PM, in the City Council Chambers Conference Room.

Tom Rothwell, Chairperson

ATTEST:

Bret Plumlee, City Manager