

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ACCEPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MILPITAS GRANTING PROGRAM FUNDS FOR THE 2019 STATE HOMELAND SECURITY GRANT PROGRAM , AND APPROVING AND AUTHORIZING A SOLE SOURCE PURCHASE FOR THE PROCUREMENT OF MOBILE CRASH BARRIERS AND PORTABLE BOLLARDS MANUFACTURED BY DELTA SCIENTIFIC CORPORATION TO BE FUNDED BY FY 2019 STATE HOMELAND SECURITY GRANT PROGRAM FUNDING**

**WHEREAS**, the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency's (FEMA) Homeland Security Grant Program provides funding to federal, state and local governments for the purpose of strengthening national security in the ability to prevent, respond to, and recover from major events such as terrorist attacks; and

**WHEREAS**, California receives DHS funding through its State Homeland Security Grant Program (SHSGP), which is administered by the California Governor's Office of Emergency Services (Cal OES). Cal OES prioritized use of the FY 2019 SHSGP funds into 11 homeland security strategy goals including the prevention of violent extremism through multi-jurisdictional collaboration and coordination; and

**WHEREAS**, on September 1, 2019, Cal OES awarded the County of Santa Clara 2019 SHSGP funds in the amount of \$2,088,075. The allocation of the SHSGP funds were determined by the County Approval Authority in accordance with the grant guidelines; and

**WHEREAS**, the City of Milpitas has been awarded funding, and the acceptance of the FY 2019 SHSGP fund award is contingent upon purchasing interoperable mobile crash barriers and portable bollards compatible with those purchased by four other neighboring law enforcement agencies in Santa Clara County including Campbell, Los Gatos-Monte Sereno, Morgan Hill and Santa Clara, as provided for under the Agreement Between the County of Santa Clara and the City of Milpitas Granting Program Funds for the 2019 State Homeland Security Grant Program (the "Agreement"), attached hereto as **Exhibit A**; and

**WHEREAS**, the City of Milpitas Police Department has been approved for a grant of \$102,000.00 to cover the cost of two mobile crash barriers and five portable bollards for a collaborative, regional project. SHSGP funding does not augment the General Fund budget; nor is there any obligation on the part of the City for matching funds. The cost to purchase the equipment will be fully funded through the FY 2019 SHSGP grant. The equipment procured will be shared on a regional basis and therefore must be interoperable with the equipment procured by the aforementioned police agencies in the County; and

**WHEREAS**, Delta Scientific Corporation is the sole manufacturer of the MP5000 mobile crash barrier and is the only portable barricade system of its type that is completely removed from its transportation device before being deployed. In conjunction with five TB100 portable bollards, it is the only barricade system that carries an American Standard Test Method (ASTM) M50 rating; and

**WHEREAS**, after conducting a good faith review of the available sources and pursuant to Milpitas Municipal Code Section I-2-3.09 (Sole Source Procurement), the City's Purchasing Agent has determined that Delta Scientific Corporation is the only source for the purchase of the MP5000 mobile crash barrier and TB100 portable bollard system.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager, or his designee, is hereby authorized to execute, deliver, and perform the Agreement Between the County of Santa Clara and the City of Milpitas Granting Program Funds for the 2019 Homeland Security Grant Program Funds, attached hereto as **Exhibit A**, and to accept the grant funds distributed to the City of Milpitas pursuant to the Agreement.
3. The City Council hereby approves Delta Scientific Corporation as the sole source provider for the procurement of two MP5000 mobile surface mounted barrier systems and five TB100 portable bollards from Delta Scientific Corporation per quotation JA0509195R2 pursuant to Milpitas Municipal Code Section I-2-3.09 (Sole Source Procurement).
4. The City Council hereby approves the purchase of the equipment from Delta Scientific Corporation and authorizes the City Manager, or his designee, to execute the contract and related documents for the purchase in the amount of \$101,995.30.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney