



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: June 16, 2020

Subject

Authorization to extend the 2015 Contractual Crossing Guard Services Agreement, (Second Amendment) by one year due to the impacts of COVID-19.

Recommended Action

Approve the Second Amendment of the 2015 Contractual Crossing Guard Services Agreement, Project No. 2015-25 with All City Management Services, Inc. (ACMS), to extend the term of the agreement by one year due to the impacts of COVID-19.

Background

The current agreement with ACMS was entered into in August 2015 and provides for crossing guard services at up to sixteen sites on public streets in the City for a period of three years, with the option to extend the agreement for two years. During the first year of service, ACMS provided twelve crossing guards, but was unable recruit more guards due to nearby cities paying higher wages. The First Amendment to the agreement was authorized in October 2016 to provide for increased wage compensation in compliance with the City minimum wage ordinance issued that same month. With the increase in wages, ACMS was able to hire sixteen guards. After three years of service, in October 2018 the City exercised the option to extend the agreement for two years and the current agreement is due to expire on June 30, 2020.

The agreement with ACMS includes flexibility for the City to place crossing guards where they are needed most, as determined by periodic crossing guard warrant studies. Below are the anticipated crossing guard locations for the 2020-21 school year, and the schools they serve:

Table 1: Anticipated Crossing Guard Locations

| School(s) Served | Intersection |
|------------------------------------|------------------------------|
| Collins Elementary | N Blaney Ave/Forest Ave |
| Collins Elementary & Lawson Middle | N Blaney Ave/Merritt Dr |
| Eaton Elementary | S Blaney Ave/Suisun Dr |
| Cupertino High | Stevens Creek Blvd/Finch Ave |
| Cupertino High | Stevens Creek Blvd/Finch Ave |
| Garden Gate Elementary | Greenleaf Dr/S Stelling Rd |

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|---|----------------------------------|
| Kennedy Middle | Bubb Rd/Hyannisport Dr |
| Kennedy Middle & Monta Vista High | Hyannisport Dr/Fort Baker Dr |
| Lincoln Elementary & Kennedy Middle & Monta Vista High | McClellan Rd/Bubb Rd |
| Lawson Middle | N. De Anza Blvd./Mariani Ave. |
| Lawson Middle | Vista Dr./Merritt Dr. |
| Lawson Middle | Vista Dr./Stevens Creek Blvd. |
| Lincoln Elementary | McClellan Rd./Lincoln Elementary |
| Lincoln Elementary & Monta Vista High | McClellan Rd./Orange Ave. |
| Stevens Creek | Ainsworth / Bahl |
| Sedgwick Elementary | Barnhart Ave./S. Tantau Ave. |

Compensation to ACMS increases every year as Cupertino's minimum wage increases, with this year being an exception. The cost of services for FY 20 was projected to be \$264,650, but school closures due to COVID-19 resulted in the cessation of crossing guard services and associated costs since mid-March, for a savings of \$81,450.

Fremont Union High School District contributes \$12,000 per year toward crossing guard services at high schools, in accordance with a cost-sharing agreement they entered with the City in November 2016. Cupertino Unified School District does not contribute to the payment of crossing guard services.

Discussion

While in the process of preparing a Request for Proposals (RFP) for a new agreement, the County of Santa Clara (County) issued a Shelter in Place order (Order) due to COVID-19, which has resulted in unfavorable conditions for issuing an RFP of this nature. As part of the procurement process, crossing guard companies are advised to tour City streets to examine the sites and their conditions. The Order has resulted in public schools being closed for the remainder of the school year, which has made observations of conditions, including the volume of pedestrian, bicycle and vehicular traffic at sites, impossible. These site visits are an integral part of the procurement process. The proposed Second Amendment (Attachment A) will extend the existing agreement for a period of one year, beginning June 30, 2020. In addition to extending the term of the existing agreement, the proposed second amendment will reduce the unstaffed site penalty fee from \$500/day to \$140/shift with a maximum of \$280/day if both a morning and afternoon shift are missed. In the five years ACMS has provided crossing guard services for the City of Cupertino, the unstaffed site penalty fee has never been charged. The Second Amendment will otherwise retain the same provisions as the original agreement, as amended on October 4, 2016.

If schools have a delayed opening or do not open for next school year, crossing guard services will not be rendered and the City will not be charged.

The cost of services for FY21 is projected to be \$294,900. This projection includes longer hours than previously served at three locations to account for a bell time shift at Monta Vista High School, and assumes a minimum wage increase on January 1, 2021.

By extending our contract with ACMS, the City retains a qualified and knowledgeable professional contractor to facilitate continuity of operations when Cupertino schools reopen and crossing guard services can resume. These services are needed to ensure the safety of students walking or biking to school. ACMS has agreed to the second amendment and has submitted a letter agreeing to the extension (Attachment B).

Sustainability Impact

This contract encourages walking and bicycling by providing safe passage across streets for students traveling to school. This is consistent with both the Mobility Element of the General Plan, Goal M-3 (“Support a Safe Pedestrian and Bicycle Network for People of All Ages and Abilities”) and Measure C-T-1 of the Climate Action Plan (“Encourage multi-modal transportation, including walking and biking, through safety and comfort enhancements in the bicycle and pedestrian environment”). Furthermore, students walking and bicycling to school reduces traffic congestion and leads to reduced vehicle emissions, helping the City achieve its air quality and greenhouse gas emissions reduction goals.

Fiscal Impact

No fiscal impact. The budget allocation for this extension is included in the FY 20-21 proposed budget.

Prepared by: Cherie Walkowiak, Safe Routes to School Coordinator

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Second Amendment

B – ACMS Letter Agreeing to 2020 Contract Extension Terms