

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE POLICE CANINE TRAINING CONTRACT WITH JAMES FAGGIANO, AN INDIVIDUAL DBA JAFCO CANINE MANAGEMENT, FROM DECEMBER 1, 2013 TO NOVEMBER 30, 2014 IN THE ANNUAL NOT-TO-EXCEED AMOUNT OF \$20,260.00 AND AUTHORIZING THE CITY MANAGER TO EXERCISE UP TO FOUR (4) ANNUAL OPTIONS WITH ANNUAL FEE INCREASES NOT TO EXCEED 5% PER YEAR, SUBJECT TO APPROPRIATION OF FUNDS AND WITHOUT FURTHER CITY COUNCIL APPROVAL

WHEREAS, the City of Milpitas conducted a competitive solicitation on October 21, 2013, for the purchase of Police Canine Training Services and awarded a contract James Faggiano, an individual doing business as JAFCO Canine Management, on November 19, 2013, which becomes effective on December 1, 2013 (the "Agreement"); and

WHEREAS, the City's Purchasing Agent recommends the City Council approve the Agreement between the City and James Faggiano for a term period from December 1, 2013 to November 30, 2014 in the annual not-to-exceed amount of Twenty Thousand Two Hundred Sixty dollars (\$20,260.00) and the total not-to-exceed amount of One Hundred One Thousand Three Hundred Dollars (\$101,300.00) during the term of the Agreement: and

WHEREAS, the City of Milpitas reserves the right to extend the Agreement for one (1) year increments, not to exceed five (5) years; and

WHEREAS, City staff also requests authority for the City Manager to renew the Agreement on an annual basis for the next four (4) years with an annual increase of no more than 5% per year, without further City Council approval except appropriation of funds.

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 Council approves the Agreement for Police Canine Training with James Faggiano, an individual doing business as JAFCO Canine Management, in the annual not-to-exceed amount of Twenty Thousand Two Hundred Sixty dollars (\$20,260.00) and the total not-to-exceed amount of One Hundred One Thousand Three Hundred Dollars (\$101,300.00) during the term of the Agreement, a copy of which is attached hereto as **Exhibit A**; and
3. The City Council authorize the City Manager to extend the term of the Agreement on annual basis for the next four (4) years with an annual increase of no more than 5% per year, without further City Council approval except appropriation of funds.

PASSED AND ADOPTED this ____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



CITY OF MILPITAS CONTRACT

Project: Police Canine Training

Bid No: IFB 2056

Annual Not-To-Exceed Amount of Contract: \$20,260.00

THIS CONTRACT, made this 20th day of November, 2013, by and between the City of Milpitas, hereinafter referred to as "the City of Milpitas" and **James Faggiano an individual DBA JAFCO Canine Management**, hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

- Part A – Invitation For Bids
- Part B - Background
- Part C – Scope of Work
- Part D – Minimum Basic Requirements
- Part E – General Conditions and Instructions to Bidders
- Part F – Special Conditions
- Part G – Schedule
- Part H – Terms and Conditions for Receipt of Bid
- Part I – Addenda
- Part J – Bid Form
- Part K – Experience Statement
- Part L – Sample Contract
- Part M – Bidders Statement Regarding Insurance Coverage
- Part N - Non-Collusion Affidavit
- Part O – Worker's Compensation Insurance Certificate
- Part P – Contractor's Nondiscriminatory Employment Certificate
- Part Q – Local Purchasing Preference Certificate
- Part R - Insurance Requirements – General

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Bid;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Bid, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees

to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

1. The term of the contract shall be for a one year period from December 1, 2013 to November 30, 2014, with four (4) annual options. The City of Milpitas reserves the right to exercise the annual options by providing written notice to contractor in the form attached as Exhibit A, and in the amount that may be adjusted as set forth in Invitation for Bid No. 2056 for Police Canine Training.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation



Thomas C. Williams, City Manager

Contractor's Signature

Approved As To Form:

___ **James R. Faggiano** _____
Name of Authorized representative

Michael J. Ogaz, City Attorney

Title of Authorized Representative

Approved As To Content:

Sandy Holliday, K9 Unit Manager

Business Tax Compliance: Certificate No. **32232**

EXHIBIT A - NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	
CONTRACTOR Name and Address:	
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to Section ____ of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
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NEW OPTION TERM

Begin date:	
End date:	

CHANGES IN RATE OF COMPENSATION

Percentage change in CPI upon which adjustment is based:	
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Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:

(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
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For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF Milpitas a municipal corporation By _____ Name: Title:
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