



# City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 6/21/2011

**Report Type:** Consent

**Title:** Purchase/Cooperative Agreement: BSN Sports/US Games

**Report ID:** 2011-00485

**Location:** Citywide

**Recommendation:** Adopt a Resolution: 1) approving the use of a U.S. Communities cooperative purchasing agreement number 10-JLH-001 with BSN Sports/US Games for the purchase of sports equipment, uniforms, and other recreational supplies for the Department of Parks and Recreation through June 30, 2012; and 2) authorizing the City Manager or the City Manager's designee to issue the required purchase orders under the referenced cooperative purchasing agreement for fiscal year 2012 provided that sufficient funds are available in the Department of Parks and Recreation approved budget adopted for the applicable fiscal year, and each purchase order shall not exceed the City Manager's delegated authority.

**Contact:** Bernadette Cheek, Administrative Analyst, (916) 808-6097, David Mitchell, Operations Manager, (916) 808-6076 and Alan Tomiyama, Division Manager, (916) 808-8958, Department of Parks and Recreation

**Presenter:** None

**Department:** Parks & Recreation Department

**Division:** Recreation Administration

**Dept ID:**

**Attachments:**

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- 1-Description/Analysis
- 2-Exhibit A-U.S. Communities contract with BSN Sports/U.S. Games
- 3-Resolution

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### City Attorney Review

Approved as to Form  
Sheryl N. Patterson  
5/18/2011 10:09:23 AM

### City Treasurer Review

Prior Council Financial Policy Approval or  
Outside City Treasurer Scope  
Russell Fehr  
5/12/2011 5:04:39 PM

### Approvals/Acknowledgements

Department Director or Designee: Jim Combs - 5/16/2011 3:03:56 PM

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk

**William H. Edgar, Interim City Manager**

Russell Fehr, City Treasurer

Assistant City Manager: Cassandra Jennings - 5/17/2011 11:22:47 PM



## Description/Analysis

**Issue:** The Department of Parks and Recreation, Recreation Division has ongoing needs to purchase sports equipment, uniforms, and supplies for all of its recreation programs and services such as: tennis balls, softballs, baseballs, basketballs, soccer balls, and footballs; cheerleading, soccer, basketball, and baseball uniforms; football flags, and exercise supplies. Using existing cooperative purchasing agreements for these purchases is advantageous to the City as the agreement meets the needs of the Department of Parks and Recreation's specifications and will result in cost and time savings.

**Policy Considerations:** In accordance with City Code 3.56.240, the City Manager may, by cooperative purchasing agreements approved by City Council, purchase supplies or nonprofessional services through contracts of other governmental jurisdictions without separate competitive bidding, where it is advantageous to the City.

In accordance with Sacramento City Council Resolution No. 2010-346, BSN Sports/US Games is headquartered in the state of Texas. The proposed contract award is consistent with Resolution 2010-346 prohibiting the City from entering into any contract to purchase goods or services from any business or entity headquartered in Arizona.

## Environmental Considerations:

### California Environmental Quality Act (CEQA):

This report concerns the purchase of sports equipment, uniforms, and supplies for the Department of Parks and Recreation. Continuing administrative activities, such as the purchase of supplies, is not a "project" for the purposes of CEQA pursuant to section 15378(b)(2) of the CEQA Guidelines (Title 14 Cal. Code Reg. § 15000 et seq.) and is exempt from CEQA pursuant to section 15601(b)(3) of the CEQA Guidelines.

**Sustainability Considerations:** Approval of the purchase of sports equipment, uniforms and supplies for recreation programs is not applicable to the goals, policies and targets of the Sustainability Master Plan or the 2030 General Plan, and its impact on the City's sustainability efforts cannot be evaluated at this time.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** U.S. Communities is a buying group of full service government agencies. The Lead Public Agency prepares and issues a nationwide competitive solicitation on behalf of U.S. Communities and all 90,000 public agencies. These solicitations include language allowing states, local governments, school districts, and higher education institutions, or other government agencies and nonprofit organizations to use or "piggyback" on contracts. The use of the U.S. Communities cooperative purchasing agreement number 10-JLH-001 with BSN Sports/US Games to purchase recreational equipment will provide a cost-effective alternative to purchasing individual items from different vendors. The consolidation of purchasing these items into one major vendor will allow the department to better monitor expenditures in this area.

In an ongoing effort to maximize cost savings and staff resources, many government agencies share contracting efforts through cooperative purchasing. This procurement approach increases pricing competitiveness and lowers operating costs through volume buying. When comparing the administrative costs of procurement, staff considers product research, source selection, specifications, advertising, staff reports, awarding, protest, and administration of the contract. It is more cost-effective to eliminate the cost and time spent on these administrative processes and purchase items and services through a cooperative purchasing program.

The City has used both regional and national cooperative purchasing agreements to complement its own contracting initiatives. Cooperative purchasing enables City departments and the Procurement Services Division to evaluate a broader range of contracting opportunities and to share resources with other jurisdictions. Cooperative purchasing also leverages internal and external resources to maximize cost saving opportunities for the City.

**Financial Considerations:** Purchases after June 30, 2011 through June 30, 2012, are subject to funding availability in the adopted operating budget of the applicable fiscal year.

**Emerging Small Business Development (ESBD):** Cooperative purchasing agreements are created, evaluated and awarded by other government agencies that may or may not have similar emerging and small business programs. However, the Department of Parks and Recreation and Procurement Services divisions will consider other alternatives if it is determined that using cooperative contracts may have a negative impact on small businesses.



Home Products & Suppliers



REQUEST CONTACT

BSN SPORTS US Games - Athletic Supplies & P.E. Equipment

Website: BSN Sports/US Games

Phone: (800) 527-7510

Fax: (800) 899-0149

E-mail: uscommunities@bsnsports.com

OVERVIEW BENEFITS PRICING SHIPPING CONTRACT DOCS FAQs HOW TO ORDER

BSN Sports/US Games Contract Information

Harford County Public Schools, Maryland

5 years, Oct. 1, 2009 to Sep. 30, 2014

Option to renew for two (2) additional one (1) year terms.

Contract Documents

- Contract 10-JLH-001
- Contract 10-JLH-001 Price List
- Contract 10-JLH-001 Amendment
- Contract 10-JLH-001 Amendment 2

RFP Documents

- Request for Proposal
- Request For Proposal Amendment # 1
- Request For Proposal Posting Document

Postings

No. of suppliers participated in the solicitation process: 3 suppliers responded; posted on the Internet

- Purchasing Department of Harford County Public Schools  
June 10, 2009 to July 4, 2009
- Association of Oregon Counties  
June 10, 2009 to July 4, 2009
- State of Hawaii and Oregon  
June 10, 2009 to July 4, 2009

KEY PRODUCTS



**CONTRACT**

**RFP #10-JLH-001**

THIS AGREEMENT, made this 1st day of October, 2009, by and between Harford County Public Schools acting herein through its Superintendent, hereafter called "Owner" and Sport Supply Group, a corporation at 1901 Diplomat Drive, in the City of Dallas and State of Texas, hereinafter called "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, the CONTRACTOR, hereby agrees with the OWNER to commence and complete the services described as follows:

**RFP: Physical Education Supplies and Equipment**

Furnish, supply and deliver physical education and athletic supplies, equipment, uniforms and related physical education items in accordance and compliance with all specifications, terms and conditions set forth in RFP #10-JLH-001.

Hereinafter called the contract, for the estimated annual sum of One hundred thousand dollars (\$100,000) for the period October 1, 2009 through September 30, 2014, and all extra work in connection therewith, under the terms as stated in the General and Special Conditions of the RFP Document; and at his (its or their) own proper cost and expense to furnish all the materials, supplies, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the Proposal, the General Conditions and Special Conditions of the Bid Document, and printed or written explanatory matter thereof, the specifications and contract documents therefore as prepared by the Board of Education, and as enumerated in the General Conditions, all of which are made a part hereof and collectively evidence and constitute the Contract.

The OWNER agrees to pay the CONTRACTOR in current funds for the performance of the Contract, subject to additions and deductions, as provided in the General Conditions of the Contract, and to make payments on account thereof as provided in Paragraph "Payments to Contractor," of the General Conditions.

IN WITNESS WHEREOF, the parties to these presents have executed this Contract in three (3) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

ATTEST: (Seal)

Board of Education of Harford County

Kornelia M. Wilmoth  
Secretary (Harford County Public Schools)

Robert M. Tomback  
Robert M. Tomback, Ph.D., Superintendent of Schools

(Seal)

Sport Supply Group Inc  
Company Name

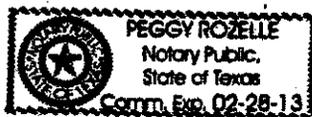
Al  
Company Representative

1901 Diplomat Farms Branch, TX 75234  
Address

Sworn to before me by  
Adam Blumenfeld this  
23rd day of September, 2009.

Address

Peggy Rozelle





## Harford County Public Schools

Price List - RFP #10-JLH-001

Product Discount Schedule	
Product Category	Discount
<b>Physical Education</b> <i>Key Product Categories:</i> Playground Balls, Scooters, Voit Activity Balls, Cones, Bowling, Floor Mats, Gymnastics, Hoops, Juggling, Jump Ropes, Parachutes, Pinnies & Vests, Spots, Tinkling, Toss and Catch	22%
<b>Athletic Equipment</b> <i>Key Product Categories:</i> Baseball/Softball, Basketball, Benches & Bleachers, Coaches Aids, Field Maintenance, Football, Hockey, Lacrosse, Scoreboards, Soccer, Tennis, Track & Field & Windscreen	18%
<b>Fitness Equipment</b> <i>Key Product Categories</i> Dumbbells, Kettlebells, Olympic Weight Sets, Plyometrix Platforms, Weight Plates	15%
<b>Electronics</b> <i>Key Product Categories</i> Blood Pressure Testers, Body Fat Scales, Heart Rate Monitors, Pedometers, Radios, Electronic Scales	10%
<b>Uniforms &amp; Apparel</b> Alleson & Rawlings team uniforms and staff apparel	35%
<b>Drop Ship</b> Discount applies to items direct shipped from vendors	8%
<p><b>All Products shipped FOB Destination within Continental U.S.A. w/ the following exclusions: Field Dirt, Poly Cap, Weight Plates &amp; Dumbbells</b></p> <p><b>Add 10% of the product cost for freight to Alaska and Hawaii</b></p> <p><b>Actual Shipping charges apply to all shipments outside the United States</b></p> <p><b>Discounts apply to most current BSN and US Games</b></p>	
<p><b>Detailed Price List Attached</b></p>	

Rebate Schedule	
Sport Supply Group agrees to the following customer volume rebate schedule based on 12 month purchases made between July-June. Rebates will be issued as an account credit.	
<b>Annual Volume</b> \$100,000-\$199,999 \$200,000-\$299,000 \$300,000 and above	1% Rebate 2% Rebate 3% Rebate

**MASTER PURCHASE AGREEMENT**

by and between

**HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND**

**AND**

**SPORT SUPPLY GROUP, INC.**

**CONTRACT AMENDMENT # 1 TO THE MASTER PURCHASE AGREEMENT/U.S.COMMUNITIES  
GOVERNMENT PURCHASING ALLIANCE**

The Master Purchase Agreement executed by both parties on the 1<sup>st</sup> day of October, 2009 is hereby amended to reflect the addition of the following offering pursuant to Article VI, Section 6.8, Contract Modifications as follows:

ADD, the Tomark Sports, Corona California, Multi-Sport Catalog to the existing Contract offerings between Harford County Public Schools, Maryland on behalf of U.S. Communities Government Purchasing Alliance and Sports Supply Group, a corporation at 1901 Diplomat Drive, Dallas Texas. The current Product Discount Schedule will apply to products available through Tomark Sports. All existing terms, conditions and provisions of the existing contract as executed are applicable to this additional offering.

**IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AMENDMENT IN THE YEAR AND DAY SO NOTED:**

**HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND**

By John R. Miller  
*Director of Purchasing*

Date: 9-15-2010

**SPORT SUPPLY GROUP, INC.**

By Jim C. Bae  
*Vice President/Sales*

Date: 9/13/10

**MASTER PURCHASE AGREEMENT**  
**By and between**  
**HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND**  
**AND**  
**SPORT SUPPLY GROUP, INC.**

**CONTRACT AMENDMENT #2 TO THE MASTER PURCHASE AGREEMENT/U.S. COMMUNITIES  
GOVERNMENT PURCHASING ALLIANCE**

The Master Purchase Agreement executed by both parties on the 1<sup>st</sup> day of March, 2011 is hereby amended to reflect the addition of the following offering:

ADD, the "Core List" of items to the existing Contract offerings between Harford County Public Schools, Maryland on behalf of U.S. Communities Government Purchasing Alliance and Sport Supply Group, a corporation at 1901 Diplomat Drive, Dallas, Texas. The core list items, attached and recognized as Exhibit A, will carry additional discounts ranging from 4% - 20% and will be marketed and, or promoted by Sport Supply Group as per the specifications in the original contract agreement. All existing terms, conditions and provisions of the existing contract as executed are applicable to this additional offering.

**IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AMENDMENT IN THE YEAR AND DAY SO NOTED:**

**HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND**

By: Jeffrey LaLanta

Date: March 21, 2011

**SPORT SUPPLY GROUP, INC.**

By: 9426E1841A554EA...  
Terrence M. Babilla  
DocuSigned By: Terrence M. Babilla  
Terrence M. Babilla

Date: 3/18/2011

President, COO, General Counsel and Secretary

## **RESOLUTION NO. 2011-**

Adopted by the Sacramento City Council

**JUNE 21, 2011**

### **APPROVING THE USE OF THE U.S. COMMUNITIES COOPERATIVE PURCHASING AGREEMENT WITH BSN SPORTS/US GAMES FOR RECREATIONAL EQUIPMENT FOR FY 2012**

#### **BACKGROUND**

- A. The Department of Parks and Recreation, Recreation Division has ongoing requirements to purchase sports equipment, uniforms and supplies for recreation programs and services. The City has an opportunity to obtain lower pricing for these items through the use of U.S. Communities cooperative purchasing agreement with BSN Sports/US Games, as opposed to paying regular retail prices when equipment is purchased throughout the year on an as needed basis.
- B. In accordance with City Code 3.56.240, the City Manager may, by cooperative purchasing agreements approved by City Council, purchase supplies through contracts of other governmental jurisdictions without separate competitive bidding, where it is advantageous to the City.
- C. Using existing cooperative purchasing agreements available from U.S. Communities to purchase sports equipment, uniforms and other recreational supplies is advantageous to the City as the agreement meets the needs of the Department of Parks and Recreation's specifications and will result in cost and time savings because of the elimination of conducting our own competitive bidding process.
- D. The estimated cost of procuring sports equipment, uniforms and other recreational supplies through June 30, 2012 under the BSN Sports/US Games contract is approximately \$140,820.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The use of the U.S. Communities cooperative purchasing agreement number 10-JLH-001 with BSN Sports/US Games for the purchase of sports equipment, uniforms and other recreational supplies for the Department of Parks and Recreation through June 30, 2012 is approved.
- Section 2. The City Manager or the City Manager's designee is authorized to issue the required purchase orders under the referenced cooperative purchasing agreement for fiscal year 2012 provided that sufficient funds

are available in the Department of Parks and Recreation approved operating budget adopted for the applicable fiscal year, and each purchase order shall not exceed the City Manager's delegated authority.

Section 3. The master contract executed by Hartford County Public Schools in Maryland with BSN Sports/US Games. This agreement is available to all U.S. Communities members through its cooperative purchase agreement program. This agreement as described in Section 1, is attached as Exhibit A and made part of this Resolution.

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Exhibit A – U.S. Communities contract with BSN Sports/ U.S. Games through Hartford County Public School, Maryland