RESOLUTION NO. 137-2004

Adopted November 16, 2004
(4 ayes, 2 nays)

RESCINDING RESOLUTION NO. 126-2004 WHICH AUTHORIZED A PERSONAL SERVICES CONTRACT WITH PERSONAL PROTECTIVE SERVICES, INC., A CALIFORNIA CORPORATION AND AUTHORIZING A NEW REQUEST FOR QUALIFICATIONS TO PROVIDE PATROL AND SECURITY SERVICES AT THE HUNTERS POINT SHIPYARD; HUNTERS POINT SHIPYARD REDEVELOPMENT PROJECT AREA

BASIS FOR RESOLUTION

1. On April 29, 2004, the Commission authorized the Agency’s Executive Director to execute the Conveyance Agreement with the United States Department of the Navy (the “Navy”) for the phased transfer of the Hunters Point Shipyard (the “Shipyard”) to the Redevelopment Agency of the City and County of San Francisco (the “Agency”).

2. In accordance with the Security Cooperative Agreement (the “SCA”), an ancillary document to the Conveyance Agreement, the Agency is required to provide security services in accordance with a scope of services mutually approved by the Navy and the Agency.

3. On August 3, 2004, staff issued a Request for Qualifications (“RFQ”) in accordance with the Agency’s Purchasing Policy and Procedures, inviting Statements of Qualifications (“SOQ”) from experienced security contractors to provide security services at the Shipyard.

4. The RFQ asked respondents, among other things, to disclose whether there were “any prior or pending legal proceedings, actions, convictions or judgments that have been filed against applicant.” Attachment 5 of the RFQ (“Disclosure Questions”).

5. Personal Protective Service, Inc. was one of 21 security firms that submitted a SOQ, which included responses to the Disclosure Questions. These responses, as well as all other information in the SOQ, were provided under penalty of perjury. Personal Protective Services, Inc. stated “No” in response to each Disclosure Question.

6. The selection panel reviewed all of the SOQs, interviewed the 21 applicants, and checked the references and licensing of the lead applicants, including Personal Protective Services, Inc. Ultimately, the selection panel recommended that the Agency award Personal Protective Services, Inc. a personal services contract for security services at the Hunters Point Shipyard (“PSC”).
7. At a duly noticed meeting on October 19, 2004, the Commission held a hearing on the authorization of a contract and considered the selection panel’s recommendation of Personal Protective Services, Inc. During public comment on this item, a member of the public alleged that Personal Protective Services, Inc. was the subject of prior lawsuits and investigations and produced newspaper articles in support of his assertions. In response, Agency staff at the hearing informed the Commission that Personal Protective Services, Inc. had denied being the subject of any prior or pending lawsuits or investigations per its response to the Disclosure Questions. Subsequently, the Commission authorized the Executive Director to enter into the PSC by Resolution 126-2004.

8. After the hearing and prior to execution of the PSC, Agency staff did additional due diligence and determined that Personal Protective Services, Inc. had failed to disclose its involvement in numerous prior lawsuits in state and federal court.

9. Due to the failure of Personal Protective Services to disclose its involvement in prior lawsuits, material information was not available to the selection panel, Agency staff, and the Agency Commission when they considered awarding the contract to Personal Protective Services, Inc.

10. The Agency now desires to rescind its prior authorization of the PSC and to issue a new RFQ for a security firm to provide patrol and security services at the Hunters Point Shipyard.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that:

(1) Resolution No. 126-2004 which authorized a personal services contract with Personal Protective Services, Inc., a California corporation to provide patrol and security services at the Hunters Point Shipyard is hereby RESCINDED.

(2) The Executive Director is hereby authorized to issue a new Request for Qualification for a security firm to provide patrol and security services at the Hunters Point Shipyard.

APPROVED AS TO FORM:

[Signature]

James B. Morales
Agency General Counsel