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To: Culver City Council  
From: Jered Reid  
Subject: Process for Direct Award to Dreamland Skateparks, LLC for Construction of City of Culver Skatepark  
Date: March 18, 2024

Dear Council,

There has been discussion regarding directly awarding the contract to Dreamland Skateparks, LLC for the construction of the skatepark within the Culver City Park. This memorandum sets forth the legal requirements for the City of Culver ("City") if the Council decided to pursue that option.

The City's contracting rules are codified in Chapter 2.12 of the Culver Municipal Code. Per the rules, unless approved for an exemption, public improvement contracts are pursuant to an invitation bid. Nonetheless, the Council acting as the Contract Review Board can approve an exemption or a special solicitation method, e.g. a direct award. To do so, a public hearing is required. That hearing must be after notice in The Madras Pioneer and publication in a trade newspaper of general statewide circulation at least 14 days prior to the hearing. At the hearing, the City must offer an opportunity for any interested party to appear and present comment. The Council will then consider the findings and may approve the exemption as proposed or as modified by the Council after providing an opportunity for public comment. The approval of a special solicitation method or exemption from competition must be based upon a record before Council that contains the following:

1. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
2. The estimated contract price or cost of the project, if relevant;
3. Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;

5. A description of the proposed alternative contracting methods to be employed; and
6. The estimated date by which it would be necessary to let the contract(s).

Accordingly, if the Council so directed, then I could prepare material for a public hearing scheduled for the week of April 8, 2024. This would need to be pursuant to a Special Meeting of the Council. If the Council approved the exemption after the public hearing, then a Resolution would be prepared for the April 15, 2024 regular meeting.

Very Truly Yours,

Jered Reid  
Attorney at Law

Enclosure (per text)