

Adopted  
03/26/19  
Devine/Najarian  
All Ayes

RESOLUTION NO.. 19-27

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DISPENSING WITH COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASING ADMINISTRATOR TO ISSUE A PURCHASE ORDER TO RED WING SHOE COMPANY IN AN AMOUNT NOT TO EXCEED \$366,000 FOR SAFETY FOOTWEAR

**WHEREAS**, Cal/OSHA requires that employers with employees who are exposed to injuries to the foot from crushing, penetrating or other hazards ensure that the employees are wearing protective safety footwear; and

**WHEREAS**, in the past there was some confusion regarding the requirements of the safety footwear and the quality of the footwear purchased by the employees; and

**WHEREAS**, the City desires to have a vendor bring a mobile safety footwear store (boot truck) to the City as the primary method of distribution, and further to have a retail outlet to provide safety footwear to employees who are not available when the truck was scheduled, provide warranty repairs/replacement, or other special circumstances; and

**WHEREAS**, since 2011, the City has been using Red Wing Shoe Company to provide this service and compliance with the Safety Footwear Policy has improved and employees have been satisfied with the selection and quality of the safety footwear; and

**WHEREAS**, Red Wing Shoe Company is known for their high quality safety footwear and their reputation for exceptional customer service; and

**WHEREAS**, Glendale Charter Art. VI, Sec. 9 provides an exemption to competitive bidding where the Council determines it is in the best interests of the city to dispense with competitive bidding.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY  
OF GLENDALE:

1. That the foregoing facts, as well as all facts set forth in the Report to Council dated March 26, 2019 which is incorporated herein by this reference, are deemed to be true and correct

and a basis for dispensing with competitive bidding and authorizing the issuance of a purchase order with a single source.

2. The Council hereby dispenses with competitive bidding and authorizes the Purchasing Administrator to issue a purchase order to Red Wing Shoe Company in an amount not to exceed \$366,000 for a period of five years.

Adopted this 26th day of March, 2019

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA       )  
  ) ss  
COUNTY OF LOS ANGELES )

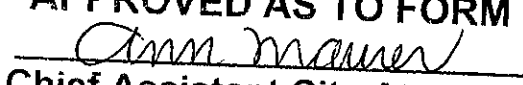
I, ARDASHES KASSAKHIAN, Clerk of the City of Glendale, certify that the foregoing Resolution No. 19-27 was adopted by the Council of the City of Glendale, California, at a regular meeting held on the 26th day of March, 2019, and that same was adopted by the following vote:

Ayes:       Agajanian, Devine, Gharpetian, Najarian, Sinanyan

Noes:       None

Absent:     None

Abstain:   None

**APPROVED AS TO FORM**  
  
\_\_\_\_\_  
**Chief Assistant City Attorney**  
Date: 3/22/19



CITY OF GLENDALE, CALIFORNIA

REPORT TO THE:

Joint ☐ City Council ☒ Housing Authority ☐ Successor Agency ☐ Oversight Board ☐

March 26, 2019

**AGENDA ITEM**

Report: Request to dispense with competitive bidding and to authorize a Purchase Order for up to five years for safety footwear for eligible employees. This footwear will be distributed to employees who are eligible per their respective Memoranda of Understanding (MOUs) or Terms and Conditions of Employment.

- 1) Resolution to dispense with competitive bidding and authorize the execution of a Purchase Order for up to five years, renewable by year, to the Red Wing Shoe Company for a not-to-exceed amount of \$365,750.

**COUNCIL ACTION**

Public Hearing ☐ Ordinance ☐ Consent Calendar ☐ Action Item ☒ Report Only ☐

Approved for March 26, 2019 calendar

**ADMINISTRATIVE ACTION**

Submitted/Prepared by:  
Ann Maurer, Chief Assistant City Attorney

Signature

Ann Maurer

Approved by:  
Yasmin K. Beers City Manager

by Yasmin K. Beers

Reviewed by:  
Matt Doyle  
Director of Human Resources

Matt Doyle

Michael J. Garcia, City Attorney

Ann Maurer for

## **RECOMMENDATION**

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Staff recommends that the City Council dispense with competitive bidding and authorize the City Manager, or her designee, to execute a Motion authorizing a Purchase Order, renewable by year for up to five-years, to provide safety footwear for eligible employees; not-to-exceed \$340,000.

## **BACKGROUND/ANALYSIS**

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Cal/OSHA requires that employers with employees who are exposed to injuries to the foot from crushing, penetrating or other hazards *ensure* that the employees are wearing protective safety footwear. Unlike regulations for other types of personal protective equipment, the standard does not require that the employer provide the footwear.

In the past, compliance with the regulation was difficult to achieve because employees, supervisors, and managers were unclear of the requirements. Additionally, prior to 2005, the City had yet to implement a formalized Safety Footwear Policy.

During the course of the 2005 meet and confer sessions with the Glendale City Employees Association (GCEA) and the Glendale Management Association (GMA), an annual allowance of \$150.00 for safety footwear was negotiated for field employees in specific job classifications exposed to hazards and injuries to the foot. Both groups, particularly the GCEA, had requested this allowance in prior negotiations to help address the compliance issues described above. In conjunction with the allowance, the City required that employees purchase footwear that complied with the regulations required by Cal/OSHA. Approximately 350 employees were eligible for the allowance. , The City's program requirements are outlined in Exhibit 1.

While compliance increased with this program, there was still some confusion regarding the requirements. Additionally, the quality of the footwear purchased by the employees was often questionable. As a result of the meet and confer process in 2010, the City and GCEA negotiated a provision whereby the City would issue appropriate footwear rather than provide the annual monetary allowance. Therefore, the City initiated a Request for Proposal (RFP) to have a vendor bring a mobile safety footwear store (boot truck) to the City. The boot truck only distributed safety footwear that met both the Cal/OSHA regulations and City requirements.

This resulted in substantially improved compliance with the program, but numerous employees were not satisfied with the selection and quality of the safety footwear. After discussions with the Associations, an agreement was made to use a different vendor in 2012.

This vendor, The Red Wing Shoe Company (Red Wing), has a business model where Red Wing distributors carry only Red Wing products, and Red Wing does not allow their products to be sold by other vendors. Red Wing is known for their high quality safety footwear and their reputation for exceptional customer service. Red Wing offers a boot truck and also has several retail stores. In 2012, the City utilized Red Wing to issue the safety footwear. The primary distribution of the footwear is accomplished utilizing the boot truck. Employees who cannot find choices from the truck are issued a voucher and can go to a Red Wing store (on their own time) to select their footwear. In either scenario, the boots met the Cal/OSHA regulations and City requirements. The employees by far preferred Red Wing to the previous vendor. Therefore, Red Wing was used again in 2013 and a five-year Purchase Order was authorized in 2014.

During negotiations with the Associations in 2012 and 2013, the list of employees eligible for the program was re-evaluated, and several job classifications were added. Based on an analysis of

the classifications and job functions, some employees will receive safety footwear annually, and others will receive them every two years (GMA) or every three years (GCEA).

In the negotiations that occurred in 2017, the amount per employee was raised from \$150.00 to \$175.00.

During the next five years, between 382 and 472 employees will be eligible each year.

### **FISCAL IMPACT**

The number of eligible employees for each year is listed below. Total cost is the number of eligible employees multiplied by \$175.00.

	Number of Eligible Employees			Total	Total Cost
	Annually	Every 2 Years	Every 3 Years		
Year 1	382			382	\$66,850
Year 2	382	51	39	472	\$82,600
Year 3	382			382	\$66,850
Year 4	382	51		433	\$75,775
Year 5	382		39	421	\$73,675
			<b>TOTALS</b>	<b>2,090</b>	<b>\$365,750</b>

The cost of the safety footwear is budgeted for, and currently funded, within the Risk Management department's budget.

### **ALTERNATIVES**

Alternative 1: Approve Motion as proposed.

Alternative 2: Negotiate with the Associations to return to the previous model where employees were issued a safety footwear allowance of \$150 annually. The cost would remain the same, and compliance would likely diminish.

Alternative 3: Negotiate with the Associations and conduct another RFP process. The cost would remain the same, and there would be issues with employee satisfaction if the bid was not issued to Red Wing.

Alternative 4: The City Council may consider any other alternative not proposed by staff.

### **CAMPAIGN DISCLOSURE**

In accordance with the City Campaign Finance Ordinance No. 5744, the following are the names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with more than 10% interest in the company proposed for contract in this Agenda Item Report:

Officers of Red Wing Shoe Company, INC.:

Full Name	Title	Business Address	City	State	Zip
David Murphy	CEO/President				
Steve Pilla	Vice President				
Tim Hutchon	Vice President				

Ownership Interest in more than 10% in \_\_\_\_\_:

Full Name	Title	Business Address	City	State	Zip
Privately owned by Sweasy Family					

## EXHIBITS

### Exhibit 1: Safety Footwear Guidelines

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# SAFETY FOOTWEAR GUIDELINES

## A. GENERAL

Pursuant to the terms of the Memorandum of Understanding (MOU) between the City of Glendale and the Glendale City Employees' Association, the Glendale Management Association as well as the Terms and Conditions of employment with the International Brotherhood of Electrical Workers employees in certain classifications are eligible to receive one pair of safety footwear per calendar year. This footwear will primarily be distributed by a vendor who will visit various City worksites. The program will be administered by the City's Safety Section and the following describes the requirements and procedures.

## B. RESPONSIBILITIES

### 1. City Safety Office

- a. Conduct hazard assessments and determine appropriate footwear requirements.
- b. Define requirements for footwear vendor. Administer selection process.
- c. Schedule visits for on-site vendor.
- d. Issue footwear vouchers as necessary.
- e. Process invoices and provide amounts charged to the departments.
- f. Evaluate the program and make changes as necessary.

### 2. Supervisors

- a. Ensure all employees wear protective safety footwear at all work locations where safety footwear is required. The boots must meet the requirements in Section D.
- b. Periodically inspect safety footwear worn by employees.
- c. Assist new employees in obtaining safety boots (see Section E).

### 3. Employees

- a. Wear safety boots that meet the requirements in Section D at all times while on worksites where safety boots are required.
- b. Ensure safety footwear is not damaged or defective.

## C. ELIGIBILITY

Employees who are in the classifications listed in the MOU are eligible to receive one pair of safety footwear per calendar year. Should excessive wear or damage as a result of work-related use of the safety footwear cause the need for premature replacement of the boots, management may authorize their replacement. In these limited cases, the employee should submit a request to their supervisor to have the footwear replaced. If the supervisor deems the request to be

appropriate, he or she will submit a recommendation for replacement to the City Safety Office. The City Safety Office will evaluate the request and authorize replacement if justified.

Routine wear and tear on the safety footwear shall not qualify the employee for a replacement pair within the guidelines of the MOU. Additionally, footwear that is lost, stolen, or damaged unrelated to the employee's job will be replaced at the employee's expense and on their personal time.

#### **D. FOOTWEAR SPECIFICATIONS**

Cal/OSHA requires that protective footwear meet the requirements contained in the American Society for Testing and Materials (ASTM) F 2412-05 and F 2413-05 specifications for foot protection. The regulations also require employers to conduct a hazard assessment and select appropriate personal protective equipment. This assessment was conducted by the Safety Office. Based on the performance requirements and hazard assessment, the footwear shall have a safety toe with a compression rating of 75, shank support, be rated for electrical shock resistance, and be high enough to cover the ankle.

The vendor that is selected by the City provides several boots that meet these requirements within the price range specified in the MOU. The vendor will allow employees to purchase footwear that exceeds the specified amount, as long as it meets the requirements described above. Employees shall be liable for additional costs exceeding the specified amount, and payment will be made directly to the vendor at the time the boots are requested.

If an employee selects boots that cost less than the specified amount, the employee will not be entitled to the remaining amount. Additionally, the employee will not be able to apply the remaining amount to other merchandise such as insoles or extra laces.

#### **E. DISTRIBUTION**

##### **1. Boot Truck**

The vendor will be scheduled to visit designated work locations in the City including the Public Works Corporate Yard and Glendale Water & Power Utility Operations Center. These site visits will occur in the first quarter of the calendar year. The visits will be scheduled to accommodate departmental operational needs as much as possible. Approximately one month later, the vendor will return to distribute footwear to those employees who were unavailable during the initial site visits.

The vendor will provide employees with an opportunity to view and select boots that meet the requirements in Section D, as well as assist with proper size selection. In most cases the vendor will have a sufficient supply of sizes and styles of footwear to distribute to employees during the on-site visit. In the event a size is not available on the truck on regularly stocked safety footwear, the vendor will make arrangements to deliver the footwear to the employee's department at the vendor's expense.

The employee must present their City Identification Card to the vendor and provide a signature to verify that the footwear has been issued.

2. Boot Vouchers

Vouchers will be issued to obtain footwear from the vendor's retail outlet for the following circumstances:

- a. Employees who were unavailable during the on-site visits.
- b. New employees appointed to classifications listed in the MOU.
- c. Premature wear or damage to footwear that warrants replacement; where the replacement is approved by the supervisor and the City Safety Office.

The vouchers are a means to issue footwear to employees for limited circumstances. They are not intended to be used as a substitute for the on-site visits by the boot truck.

In order for a voucher to be issued, a department manager or supervisor must submit a request to the City Safety Office for approval. The City Safety Office will confirm that the employee is eligible to receive the safety footwear, and issue a voucher to the employee's supervisor.

The employee will be allowed to redeem the vouchers at the retail store during regular work hours. The visit to the retail store will be scheduled by the employee's supervisor and will be subject to departmental workload and staffing needs.

Footwear issued with a voucher will meet the guidelines consistent with the specifications in Section D. The employee must present their voucher and City Identification Card to the vendor, and provide a signature to verify that the footwear has been issued.

Employees who are issued footwear through the voucher process will be eligible to receive replacement footwear during the next scheduled visits by the boot truck.

**F. WARRANTY/RETURNS**

Should the footwear need to be exchanged or returned for any reason, it is the employee's responsibility to contact the vendor and resolve any issues. Employees are encouraged to discuss the vendor's return policy with the vendor at the time the footwear is issued.