



## Legislation Text

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### REQUEST FOR CITY COUNCIL ACTION

DATE: 06/16/2021

TO: Honorable Mayor and City Council Members

FROM: Police Department

SUBJECT:

Authorize the issuance of a Purchase Order to Dooley Enterprises, Inc. for Range ammunition.

#### EXECUTIVE SUMMARY:

The Police Department operates and maintains an indoor shooting range at 710 Public Safety Way, Corona, to comply with County, State, and Federal regulations. The Range Staff facilitates quarterly firearms qualification for officers, annual firearms inspections, Special Response Team qualifications, and Advanced Officer Training as required by the State of California Commission on Peace Officer Standards and Training. Additionally, the range staff issues ammunition to officers for external Advanced Officer Training and the police academy.

#### RECOMMENDED ACTION:

##### That the City Council:

- a. Authorize the Purchasing Manager to issue a purchase order to Dooley Enterprises, Inc., in the amount of \$198,443.
- b. Determine, under Corona Municipal Code (CMC) Section [3.08.140\(B\)](#), that competitive bidding is not required based upon the reason provided in the "Basis for Exception to Competitive Bidding" section of this report.
- a. Authorize the City Manager or his designee to approve change orders up to 10% of the original price quote amount as provided by Corona Municipal Code Section [3.08.080\(I\)](#).

#### BACKGROUND & HISTORY:

The Police Department has used Winchester ammunition, one of the largest and most trusted law enforcement ammunition manufacturers globally, for many years for all Department ammunition needs.

Winchester ammunition established itself as the best suited for the Police Department's needs, considering tactical, safety, and liability issues. There have never been any problems with legality associated with this brand. The Police Department uses roughly a dozen different types and calibers of ammunition. Winchester supplies them all, even our highly sophisticated long-range rifle ammunition. The Corona Police weapons systems are equipped to function properly with the proposed ammunition, and any other type of ammunition would cause damage to the weapons. The range and tactical staff have conducted ballistic tests with this law enforcement ammunition with excellent results.

Some previous significant incidents caused the Police Department to reassess and implement changes to the Department's ammunition.

On December 2, 2015, 14 victims perished, and 22 were seriously wounded during a domestic terrorist attack in San Bernardino. Four hours after the initial attack, the suspects exchanged gunfire with law enforcement. Two law enforcement officers were injured in the exchange. One key learning point from the After-Action report was that the patrol rifle ammunition the agencies deployed were underpowered and could not penetrate the vehicle's frame to stop the on-going threat.

Similarly, on October 8, 2016, Palm Springs Police Officers Lesley Zerebny and Gil Vega were shot and killed responding to a domestic dispute. One of the lessons learned in the After-Action report was the inability of the current ammunition to penetrate intermediate barriers effectively. Meaning, the 55-grain rifle ammunition Palm Springs Police Department was using was underpowered and could not be shot through the front door, from where the suspect was shooting.

Until late 2018, the Corona Police Department issued similar ammunition used in the San Bernardino and Palm Springs incidents. To provide a higher level of safety to our community and officers, in September of 2018, the Corona Police Department started issuing heavier, 77-grain match ammunition. This ammunition is also utilized by other law enforcement agencies in the region.

#### **ANALYSIS:**

In 2017, the Police Department had ample ammunition, but due to budget constraints, the surplus has diminished. Additionally, the Police Department is hiring more officers, and the police academy requires 3,750 rounds of ammunition per recruit. Moreover, the State of California Commission on Peace Officer Standards and Training (POST) requires officers to maintain their firearms proficiency, and the Police Department must provide for the training. The Department currently meets the minimum POST requirements. However, training has recently been limited due to the lack of ammunition. Due to the limited supply, the Department cannot host a Patrol Rifle Course for the officers who are not qualified for a patrol rifle.

The Police Department needs to maintain an adequate surplus of both practice and duty ammunition. This action will support the City Strategic Plan goal to Promote Public Safety: Protect our Residents and Businesses through adequate police and fire services funding. Additionally, the stock of ammunition needs to be kept at appropriate levels when considering quarterly qualifications, annual

duty ammunition replacement, and supplemental/advanced law enforcement firearms training for officers. Currently, the Department's ammunition stock level needs to be replenished and is below functioning levels. The Department is challenged by the demand for ammunition and the current lead time to order and receive ammunition, which can be up to nine calendar months.

#### BASIS FOR EXCEPTION TO COMPETITIVE BIDDING

Staff believes that an exception to competitive bidding is warranted for this purchase under Corona Municipal Code ("CMC") Section [3.08.140\(B\)](#), which states as follows:

**(B) No Competitive Market.** A competitive market does not exist, and that no competitive advantage will be gained by bidding.

Dooley Enterprises is the official authorized law enforcement distributor for Winchester ammunition in the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. For this reason, staff believes this purchase qualifies as an exception to competitive bidding.

The Police Department has purchased Winchester ammunition from Dooley Enterprises in Anaheim, Ca, for several years. The vendor always goes out of the way to meet the City's needs. The Police Department also saves on shipping charges by picking up the ammunition directly from Dooley Enterprises. Winchester ammunition has proven to be an exceptional product, and Dooley Enterprises has been a professional company.

The 77-grain ammunition has performed as expected, but the cost is over double the amount of our old, under-powered 55-grain ammunition. The current price of 55-grain 5.56 ammunition is \$344 per thousand rounds, and the 77-grain 5.56 ammunition is \$706 per thousand rounds.

Staff recommends approval of a purchase order for \$198,443 for Fiscal Year (FY) 2021 from the Police Department's Operating Budget.

#### **FINANCIAL IMPACT:**

Funding for the recommended action is available in the FY 2021 Police Department's Operating Budget. No additional appropriation is needed.

#### **ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action is the purchasing of supplies and in their delivered state and it will not have a significant effect on the environment. Therefore, no environmental analysis is required.

**PREPARED BY:** JASON PEREZ, ACTING LIEUTENANT

**REVIEWED BY:** ROBERT NEWMAN, CHIEF OF POLICE

**Attachments:**

1. Exhibit 1 - Dooley Enterprises, Inc. Quote #015656
2. Exhibit 2 - Winchester Law Enforcement Ammunition Letter