



# Agenda Item

## City Council

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**Item #:** 9.1.

11/9/2021

**File #:** 21-0624

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**TO:** Honorable Mayor and Members of the City Council

**THRU:** Thomas R. Hatch, Interim City Manager

**FROM:** Dan Adams, Chief of Police

### 1. SUBJECT

Approval of the Orange Police Department's recommendation not to award a Towing and Storage Services Agreement to Alberto's Towing based upon its failure to meet the requirements and standards set forth in the Request for Proposal No. 20-21.39 dated March 4, 2021.

### 2. SUMMARY

The Orange Police Department utilizes private towing companies for the removal, storage and impounding of vehicles during the course of business.

The prior Towing and Storage Services Agreement with the private tow companies expired on July 1, 2021. On March 1, 2021, the Police Department began the Request for Proposal (RFP) process for towing and storage services agreements with local tow companies. The Police Department received four proposals from applicants including Archie's Towing, Tows R Russ, Southside Towing, and Alberto's Towing. The Police Department conducted a review of the proposals and conducted onsite evaluations of each of the four applicants in order to determine whether they met the requirements and standards set forth in the RFP and the Police Department Policy Manual, Policy No. 502 (Policy 502). Based upon the Police Department's evaluation, it was recommended that Archie's Towing, Tows R Russ, and Southside Towing be approved for towing and storage services agreements by the City. The Police Department determined that Alberto's Towing did not meet the requirements set forth in the RFP and Policy 502. Therefore, the Police Department concluded it would not recommend the approval of a towing and storage services agreement with Alberto's Towing to City Council.

The Police Department placed its recommendations regarding the towing contracts, including its recommendation not to award Alberto's Towing a contract, on the City Council Agenda for the regular meeting on June 8, 2021, as Item 3.14 on the Consent Calendar. This agenda item was posted for the public on June 3, 2021, on the City's website as well as physically posted at City Hall, the City's Main Library and the Orange Police Department.

During the June 8, 2021 City Council meeting, the City approved awarding towing and storage services agreements with the following tow companies based upon the recommendations of the Police Department: Archie's Towing, Tows R Russ, and Southside Towing. The City Council awarded the tow companies with three year agreements with a possible extension of two years. Alberto's

Towing was not awarded a towing and storage services agreement by the City Council based upon the recommendation of the Police Department as referenced above.

On September 7, 2021, a law firm representing Alberto's Towing contacted the City by letter alleging that Alberto's Towing did not properly receive notice regarding the City Council meeting on June 8, 2021, in order to address the City Council at that time regarding its application for a tow agreement. While the City believes adequate notice of the meeting and agenda item were provided prior to the June 8 meeting, the City is again placing the denial of a towing and storage services agreement award to Alberto's towing on the agenda to allow Alberto's Towing another opportunity to specifically address deficiencies that were the subject of the original recommendation of denial.

### **3. RECOMMENDED ACTION**

Approve the Orange Police Department's recommendation not to award a Towing and Storage Services Agreement to Alberto's Towing based upon its failure to meet the requirements and standards set forth in the Request for Proposal No. 20-21.39 dated March 4, 2021, as detailed in the staff report.

### **4. FISCAL IMPACT**

None.

### **5. STRATEGIC PLAN GOALS**

1a. Provide for a Safe Community: Provide staffing and resources to deliver services that ensure public safety.

### **6. DISCUSSION AND BACKGROUND**

The responsibility of the City and its Police Department to provide for the safety of the public and to ensure smooth traffic flow often requires the removal of vehicles from the roadway via towing service. During the normal course of business, the Police Department responds to numerous traffic collisions and disabled or abandoned vehicles where removal is necessary. The Police Department is authorized to remove certain vehicles from the roadway and off-street parking facilities pursuant to provisions of the California Vehicle Code. Some vehicles need to be stored in a controlled environment to preserve evidence of crimes still being investigated. These services are provided through contract with independent towing companies licensed to conduct business in the City.

The Official Police Towing and Storage Agreement outlines the equipment, vehicle, and performance requirements for those companies who desire to contract with the City to provide towing and storage services. The Agreement also provides for oversight of the services provided and fees charged for services, including insurance and indemnification of the City, as well as provisions for the review and investigation of complaints, and suspension or termination of individual agreements.

On March 4, 2021, RFP No. 20-21.39 was announced for Police Towing and Storage Services on the City's website as well as in the Orange County Register newspaper. Four tow companies submitted proposals for the City's RFP for towing and storage services agreements. Pursuant to the terms of the RFP, a selection committee was established to evaluate the proposals and conduct site visits based upon the criteria set forth in the RFP. The selection committee makes the final recommendations for selection of an award for a tow agreement and the City reserves the right to

reject any and all of the proposals and to make its selection on the basis of the evaluator's criteria.

The selection committee conducted unannounced on-site inspections of the applicant's trucks and facilities. Each rater independently evaluated the tow companies according to the requirements and standards set forth in the RFP and Policy 502.

Based upon the evaluation results, the Orange Police Department recommended the following tow companies: Archie's Towing, Tows R Russ, and Southside Towing. These three tow companies met the requirements as outlined and set forth in the RFP to provide tow services.

Alberto's Towing was a tow company the Police Department did not recommend for the following reasons:

- As part of the RFP and Policy 502, "The perimeter wall or fence of the storage/impound lot shall be at least six feet high and be made of block, wrought iron or chain link. There shall be a minimum of three strands of barbed wire or razor ribbon around entire fenced area." The west side yard of Alberto's Towing property had a chain link fence without any razor ribbon or barbed wire and was not properly secured to the ground. The fence was also too close to large containers and a trailer from a neighboring business. The close proximity of the fence could easily facilitate someone gaining access to the tow yard and potentially accessing stored vehicles.



- The storage of vehicles for evidence in criminal cases is critical to the successful prosecution, integrity, and thoroughness of police investigations. As indicated in the RFP and Policy 502, "The towing service must have an inside enclosure for the purposes of vehicles impounded for evidence. This area must contain four walls, a roof and a door with a locking device." The owner was constructing an area for evidence holds, but it was not completed at the time of the inspection. Alberto's evidence hold area had several pieces of sheet metal hung near a building, however, there were no doors or locks and the roof was not completed. Additionally, the inside of the area had pedestrian doors that were unsecured and led into a different, adjacent, sub-leased business. Per the Planning Division, Alberto's Towing would need permits to modify any structures on their property. The City has not received any permit requests from Alberto's Towing.

- Policy 502 states, "Adequate open storage space shall be provided to accommodate stored, impounded and disabled vehicles resulting from police calls for tow vehicles. The minimum capacity of such a lot shall be 100 vehicles." The property lot has been subdivided by three other businesses. As such, the small lot size controlled by (or exclusive to) Alberto's Towing does not meet the

requirements of Departmental Policy and is unable to hold 100 vehicles.

Aside from the Departmental Policy deficiencies, additional considerations included:

- Alberto's Towing property lot was subdivided into to three separate businesses. All three businesses list a suite for their address. Alberto's Towing lists an address of 593 N. Batavia #B, however, the City has not approved adding a suite "B" to the address. In addition, there was no business sign posted on the gate at the time of the inspection.
- On March 6, 2021, Orange Police Department officers responded to Alberto's Towing regarding a "keep the peace" call. During the call, and while officers were standing nearby, Alberto (the owner) apparently assaulted a male causing him to fall to the ground.
- At the time of the inspection conducted by the selection committee, Alberto's Towing did not have their tow trucks inspected by the California Highway Patrol (CHP), which was a requirement set forth by the RFP and Policy 502. The Police Department later learned that the CHP inspected six tow trucks at Alberto's Towing facility on June 10, 2021. On this date, five of the six trucks failed the initial inspection which tow trucks must pass in order to get on the CHP Rotation Tow Program. Further, during the second inspection conducted by the CHP in order to approve a CVSA sticker as a requirement for being on the tow rotation program, only two of the trucks passed the inspection.
- Alberto's Towing did not have any prior police towing and storage experience.

Therefore, based on the low scores Alberto's Towing accrued in the evaluation of their tow yard, tow trucks, and evidence hold area, they received a score of 56%, which is below the core that could be recommended for a contract. The three tow truck companies who were awarded contracts pursuant to the RFP all received scores based upon their evaluation by the Police Department in the 90th percentile. A copy of the June 8 Agenda Item 3.14, including the analysis of the three tow companies recommended for approval, is attached for reference.

Overall, the Police Department did not recommend Alberto's Towing be awarded a Towing and Storage Services Agreement based upon their failure to meet the requirements and standards set forth in the Request for Proposal No. 20-21.39 dated March 4, 2021.

## **7. ATTACHMENTS**

- Staff Report for Agenda Item 3.14 dated June 8, 2021
- Request for Proposal No. 20-21.39 dated March 4, 2021