

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

October 8, 2024

FROM

DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District

SUBJECT

Facility Rental Application/Facility Use Agreement with DoubleTree by Hilton San Bernardino for the Use of the Banquet Hall and Kitchen

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District:

1. Approve the Facility Rental Application template, with DoubleTree by Hilton San Bernardino, including non-standard terms, for the use of the banquet hall for an Awards Ceremony event and other events held at the facility, for a period of October 8, 2024, through October 7, 2027.
2. Authorize the Fire Chief/Fire Warden or the Director of Purchasing to complete and execute the Facility Rental Application template, with DoubleTree by Hilton San Bernardino for an Awards Ceremony event and other events held at the facility, for a period of October 8, 2024, through October 7, 2027, subject to the Purchasing Agent's limits as defined in County Policy 11-04 and review by County Counsel.

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this Facility Rental Application template (Agreement) will not result in the use of Discretionary General Funding (Net County Cost). San Bernardino County Fire Protection District's (SBCFPD) Awards Ceremony event has an estimated cost of \$15,670. Sufficient appropriation for the facility rental costs associated with the SBCFPD's Awards Ceremony event is included in SBCFPD's 2024-25 budget and will be included in future recommended budgets, as necessary.

BACKGROUND INFORMATION

SBCFPD regularly hosts events to recognize staff performance, ensuring alignment with organizational goals. This includes the coordination of Awards Ceremony events for SBCFPD's staff to ensure people are recognized for their exceptional performance and alignment with organizational goals.

Upon Board approval, SBCFPD would use the DoubleTree by Hilton San Bernardino (Vendor) facility for the SBCFPD Awards Ceremony on November 14, 2024. The Vendor will provide the

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facilities, sound and light equipment, tables and chairs, and dinner for all attendees. Estimated facility rental costs will be finalized upon the approval of the Agreement.

The Vendor's standard Agreement template does not include all SBCFPD standard terms. The non-standard and missing terms include the following:

1. The Agreement provides that SBCFPD shall protect, indemnify, defend and hold harmless the Vendor, Owner, Management Company, their respective employees and agents against all claims, losses or damages to persons or property, governmental charges or fines, and costs (including reasonable attorney's fees), arising out of or connected with the function, except those claims arising out of the sole negligence or willful misconduct of the hotel.
 - The SBCFPD standard indemnification language for use agreements is not as broad, does not include the defense obligation, and is limited to the negligent acts or omissions of SBCFPD and its officers, employees, agents or volunteers in connection with venue.
 - Potential Impact: SBCFPD will be required to not only indemnify and hold harmless the Vendor for SBCFPD's negligent acts, but also indemnify, defend, and hold the Vendor harmless for any claims, actions, liability, etc. directly or indirectly arising out of or resulting in any way from the occupancy or use of the facility by SBCFPD and/or SBCFPD's invitees.

2. The prevailing party is entitled to recover attorneys' fees and costs.
 - The County standard contract requires each party to bear its own costs and attorney fees, regardless of who is the prevailing party.
 - Potential Impact: If either party demands arbitration related to the Agreement, the arbitrator may award reimbursement of reasonable expenses, including attorneys' fees, to the prevailing party, which could exceed the total Agreement amount.

SBCFPD recommends approval of the Agreement template with the Vendor, including non-standard and missing terms, because this Vendor is centrally located and can accommodate SBCFPD's needs with regard to space, equipment, and technology. In addition to providing the necessary space and media resources, the venue also offers in-house catering services, making it the most efficient option for SBCFPD's Awards Ceremony. Approval of the delegation of authority will allow SBCFPD to use this venue for the SBCFPD Awards Ceremony event or other events as needed, subject to County Counsel review.

PROCUREMENT

The Agreement template with the Vendor is a non-competitive procurement. The Purchasing Department supports the non-competitive procurement and Agreement template with the Vendor for events held during the period of October 8, 2024, through October 7, 2027, due to functional specifications. SBCFPD visited the venue before selecting this location for the event. The contract value of the contract issued under the recommended template will be subject to the Purchasing Agent's limits as defined in County Policy 11-04. SBCFPD will return to the Board for approval of any contract that exceeds these limits.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Rick Luczak, Deputy County Counsel, 387-5455) on September 13, 2024; Purchasing (Alberto Cazares, Lead Buyer, 387-3376) on

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September 10, 2024; Risk Management (Greg Ustaszewski, Staff Analyst II, 386-8623) on September 16, 2024; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on September 17, 2024, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 23, 2024.

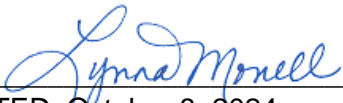
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Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, SECRETARY

BY  _____
DATED: October 8, 2024



cc: File - SBCFPD w/attachment
MBA 10/11/2024