



Date: May 7, 2013

To: Thomas J. Bonfield, City Manager

Through: W. Bowman Ferguson, Deputy City Manager

From: Joel V. Reitzer, Jr., Director, General Services Department

Subject: Purchase contract between Musco Sports Lighting, LLC and the City of Durham for stadium lighting at the Durham Bulls Athletic Park

Executive Summary

Field lighting replacement was identified as part of the City's obligation for deferred maintenance under the terms of the Development Agreement between the Durham Bulls Baseball Club, Inc. (Club) and the City of Durham (City) for the Durham Bulls Athletic Park (DBAP) approved by City Council on May 6, 2013.

In order to expedite the delivery and installation of long lead procurement items, and in accordance with the Development Agreement and CMAR Contract for the DBAP project, the City proposes to execute a direct purchase contract for the Musco Sports Cluster Green Lighting System without competitive bidding. This purchase contract may be assigned to the project CMAR for the Project, if it is determined to be in the best interest of the project. Purchase of the lighting system is permitted under the exceptions to public contracting authorized by NCGS 143-129 (e) (6) on the basis of one or more of the following: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.

Recommendation:

That the City Council:

1. Approve the purchase of new Musco Sports Cluster Green Lighting System without competitive bidding on the basis of the following: (a) performance and price competition for critical elements of the patented lighting technology are not available; (b) The Musco Sports Cluster Green Lighting System is available from only one source of supply; and (c) The integral remote monitoring system is compatible with systems already in place on (35) other City of Durham fields and facilities, which will help to standardize citywide remote monitoring systems.
2. Authorize the City Manager to enter into a contract with Musco Sports Lighting, LLC, in the amount of \$444,500.00 for Musco's Sports Cluster Green Lighting System which

includes (5) new pole top and (1) roof mounted fixtures, accompanying ballast boxes and providing electrical connections for the remote Control Link monitoring system.

Background

Replacement of DBAP Stadium Lights

The current light levels and uniformities at DBAP are below Minor League Baseball (MiLB) lighting standards. Due to the age of the field lighting, high usage and use of conventional technology, this system, while originally intended to meet minor league lighting standards, has experienced the normal effects of system deterioration and is incapable of achieving the original design standard even with re-lamping and system cleaning. The proposed new system replacement includes (5) new pole top and (1) roof mounted fixtures accompanying ballast boxes and electrical connections for the remote Control Link monitoring system.

In order to rectify the ongoing issue, it is recommended that the existing lighting system be replaced with a new system that can meet the high performance standards required by the DBAP operations. Of the lighting systems that are capable of meeting the required MiLB lighting standards, only the proprietary stadium lighting product and system manufactured by Musco Sports Lighting, LLC (“Musco”) performs at a standard to provide consistently reliable lighting performance over the useful life of the product. Specifically, the “Sport Cluster Green Lighting System” by Musco achieves greater product performance over other competitive lighting systems in the following ways:

Musco’s Smart Lamp Technology:

Musco’s Light Structure Green System guarantees light levels over the life of the lamp using a proprietary Smart Lamp technology that is fully patented. Musco Sports Lighting is the only manufacturer that can provide an independent test report certifying the system meets the lumen maintenance control strategy and has verified the field performance of the system for the duration of the useful life of the lamp based on lamp replacement hours

Musco’s Control Link System:

Control link is a reliable, cost effective system that will help to control, proactively monitor, and manage the DBAP facility. This system is already in place on City of Durham facilities controlling DAP and 35 other fields. Musco is the only manufacturer that can provide the Control Link Central team—staffed 24/7 to assist with scheduling and reporting needs. Musco’s Control Link is the only patented system that both controls and monitors the system performance remotely which is essential to the 10 year warranty. From a functional perspective, utilizing the same Control Link System citywide allows for standardization of stock parts for repair and replacement. Other benefits include:

- Saves energy and staff costs
- Allows flexible control
- Integrates with existing Control Link System throughout the City
- Increases security

Musco's Z-Lamp:

Musco utilizes a patented lamp design technology that keeps the arc tube in a horizontal position regardless of the aiming angle of the fixture. The Z lamp has a 5000 hour useful lamp life compared to 1700 hours of useful lamp life for conventional lamp technology at 70% of rated lamp life.

Further, Musco's Cluster Green Lighting System will provide additional benefits to the City including the following:

Musco's Environmental Approach:

- Reducing energy consumption by 50% over traditional lighting systems;
- Life cycle cost savings (energy and maintenance costs) of over \$200,000 when compared to conventional lighting systems when designed to MiLB standard; and
- Using 40% fewer fixtures with a 60% increase in lamp life which reduces materials needing to be recycled over the life of the system

Musco's Warranty:

- Musco is the only manufacturer who can supply a signed warranty covering the entire system for 10 years. Warranty guarantees light levels; lamp replacements; system energy consumption; monitoring, maintenance and control services and spill light control. This is the same warranty in place for DAP.

Issues and Analysis:

Purchasing without competitive bidding is allowed in certain instances under North Carolina law as an exception to public contracting in accordance with NCGS 143-129 (e) (6) when it can be shown that "(i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."

Purchase of the Musco Cluster Green Lighting System meets the exception criteria above on the basis of: (a) performance and price competition for critical elements of the patented lighting technology are not available; (b) The Musco Sports Cluster Green Lighting System is available from only one source of supply; and (c) The integral remote monitoring system is compatible with systems already in place on (35) other City of Durham fields and facilities, which will help to standardize citywide remote monitoring systems.

Alternatives

There are no known alternatives at this time if the schedule for construction completion, (prior to opening of 2014 baseball season) is to be maintained.

Financial Impact

The cost of the Musco Lighting contract is \$444,500.00. Funding for this contract is available from the Durham Bulls Athletic Park Improvement fund (4700C000 – 731000 -

CC017). In accordance with the development agreement between the City and Club, the purchase of the lights will be credited toward the City's \$12 million deferred maintenance and new improvements investment.

SDBE Summary

This is a sole source item that was not reviewed by the Department of Equal Opportunity/Equity Assurance for compliance with the Ordinance to Promote Equal Business Opportunities with City Contracting.

Attachment:

- Musco Sports Lighting, LLC Purchase Contract