

RESOLUTION NUMBER R- 316164DATE OF FINAL PASSAGE APR 22 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR OR HIS
DESIGNEE TO EXECUTE THE SECOND AMENDMENT TO
A MARKETING PARTNERSHIP AGREEMENT WITH AED
BRANDS, LLC.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. The City of San Diego (City) has established a Corporate Partnership Development Program (CPD) to generate revenue and develop resources for the City through partnerships with the corporate community.
- B. On April 20, 2020, The City of San Diego (City) and AED Brands, LLC (AED Brands), entered into a contract (AED Contract) resulting from Request for Proposal (RFP) 10089608-20-K, AED's and Related Supplies and San Diego Project Heart Beat Sponsorship. Pursuant to the RFP award, the City also executed a Marketing Partnership Agreement, which was approved by Council Resolution number R-312906.
- C. Pursuant to the Marketing Partnership Agreement, AED Brands pays the City the following: 1) a marketing rights fee in the amount of \$100,000 per year; 2) a sales stipend in the amount of \$175 per AED sold within San Diego County and by San Diego Project Heartbeat (SDPHB) personnel, at a minimum of \$50,000 per year regardless of the volume of sales of AEDs; and 3) an annual promotional budget of no less than \$7,500 to be used for marketing initiatives that support SDPHB (collectively the "Marketing Fees").
- D. In consideration for the Marketing Fees, AED Brands receives several Marketing Rights and Partnership Benefits, including: 1) the right to be referred to as the "Official AED

Partner of the City of San Diego" and to use such designation in marketing efforts; 2) appearing on the City's Public Access Defibrillation (PAD) program logo; and 3) being named on the promotional materials in connection with the PAD program as the "Official AED Partner of the City of San Diego".

E. The partnership with AED Brands is consistent with the City's Marketing Partnership and Endorsement Policies.

F. The City and AED brands amended the Marketing Partnership Agreement in January 2021, via Mayoral action, to clarify quarterly sales stipend installments (First Amendment to the Marketing Partnership Agreement). Now, the City and AED Brands desire to amend the Marketing Partnership Agreement to extend the term of the agreement (Second Amendment to the Marketing Partnership Agreement).

G. The original term of the AED Contract and Marketing Partnership Agreement was for a term not to exceed five years, unless approved by Council via Ordinance. In October of 2024, the City's CPD and SDPHB issued a joint Request for Sponsorship and a Request for Proposals for AEDs and Related Equipment (RFP/RFS) as the existing AED Contract and Marketing Partnership Agreement were scheduled to expire in April of 2025. All but one RFP/RFS proposals were deemed unresponsive, and the remaining response was deemed not suitable for the needs of the regional program by the City's Purchasing and Contracting Department.

H. To ensure there is no lapse in the current AED Contract and Marketing Partnership Agreement, the City and AED Brands desire to execute the First Amendment to the AED Contract (First Amendment to the AED Contract) and the Second Amendment to the Marketing Partnership Agreement to extend the term of the AED Contract and Marketing

Partnership Agreement through April 20, 2026 (Extension Period). The Extension Period will be for a term retroactive to April 21, 2025, beginning on the effective date and extending through April 20, 2026. The First Amendment to the AED Contract will be presented via Ordinance, which will be heard by City Council at the same time as this Resolution. This Resolution seeks approval for the Second Amendment to the Marketing Partnership Agreement.

I. During the Extension Period, the City's Purchasing and Contracting Department will issue a new RFP/RFS for AED's and Related Supplies and SDPHB Sponsorship.

J. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. Authorizes the Mayor to execute the Second Amendment to the Marketing Partnership Agreement between the City of San Diego and AED Brands, extending the term of the agreement through April 20, 2026.

2. Authorizes the Chief Financial Officer to approve the budget of \$150,000 in the Fire Rescue Department EMS Transportation Fund 200227 Business Area 1913, and appropriate contingent upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year.

APPROVED: HEATHER FERBERT, City Attorney

By 
Daniel Stuart Orloff
Deputy City Attorney

DO1:jdf
03/24/2025
Or.Dept: Economic Development
Doc. No. 4003814

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
APR 15 2025.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 4/21/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 15 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 22 2025.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Diana J. Fuentes* Deputy

Office of the City Clerk, San Diego, California

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