

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REJECTING ALL BIDS FOR REQUEST FOR PROPOSAL NO. 2048 FOR CITYWIDE JANITORIAL SERVICE, AND APPROVE AMENDMENT NO. 7 TO THE CONTRACT WITH UNIVERSAL BUILDING SERVICE TO EXTEND THE CONTRACT FROM OCTOBER 1, 2013 TO DECEMBER 31, 2013 IN THE NOT-TO-EXCEED AMOUNT OF \$121,848.36 FOR JANITORIAL AND CUSTODIAL SERVICES

WHEREAS, on August 27, 2013, the City of Milpitas issued Request for Proposal (“RFP”) No. 2048 for Citywide janitorial services and received only one proposal from Universal Building Services, the current service provider; and

WHEREAS, the proposed one year contract from Universal Building Services is for \$683,412 per year, which is 42% more than the current annualized contract price of \$480,035.04 and is much more than the amount budgeted in the Public Works Department for this service; and

WHEREAS, staff needs additional time to consider methods by which lower bids can be obtained for janitorial services and in order to accomplish this and report back to Council will need a contract extension with the current provider to allow re-bidding of the janitorial contract.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Staff is authorized to reject all bids for Request For Proposal No. 2048 for Citywide Janitorial Service and to re-bid at some future date.
3. Amendment No. 7 to the contract with Universal Building Service to extend the contract from October 1, 2013 to December 31, 2013 in the not-to-exceed amount of \$121,848.36 for janitorial and custodial services is hereby approved, a copy of which is attached hereto as Exhibit A.

PASSED AND ADOPTED this _____ day of _____ 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Exhibit A



Universal Building Services, Inc.
Amendment #7

AMENDMENT NO. 7 TO THE AGREEMENT
WITH
UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY
FOR
CITY BUILDING JANITORIAL SERVICES

This Amendment is entered into this 4th day of October, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **Universal Building Services and Supply Company**, a California corporation (hereafter referred to as "CONTRACTOR").

RECITALS

- A. WHEREAS, the parties entered into an agreement entitled "Janitorial Service on September 22, 2010" ("Agreement"). This is a three (3) year agreement with two (2) one (1) year options. The total first year contract amount was One Hundred Seventy-Three Thousand Eight Hundred and Eight dollars (\$173,808.00); and
- B. WHEREAS, the parties entered into Amendment No. 1 to the Agreement on October 11, 2010 to provide a one time increase of Ten Thousand (\$10,000.00) as a contingency for unscheduled janitorial services for a total year one contract amount of One Hundred Eighty-Three Thousand Eight Hundred and Eight dollars (\$183,808.00); and
- C. WHEREAS, the parties entered into Amendment No. 2 to the Agreement on June 22, 2011 to align the contract dates with the City's fiscal year, change the contract to an annual contract with City's option for renewal, and prorate the first year to nine months for a reduced total of One Hundred Thirty-Seven Thousand Eight Hundred Fifty-Five dollars and Ninety-Nine cents (\$137,855.99); and
- D. WHEREAS, Amendment No. 2 also added Five Thousand dollars (\$5,000.00) per year for each of the remaining four years to cover incidental services and unscheduled events, and added Five Thousand Five Hundred Thirty-Two dollars (\$5,532.00) for each of the remaining four years to cover additional cleaning services at the Great Mall Police Substation II, and allowed a rate increase of Six Thousand Nine Hundred Sixty dollars (\$6,960.00) for each of the remaining four years for a new year two total of One Hundred Ninety-One Thousand Three Hundred dollars (\$191,300.00); and
- E. WHEREAS, the parties entered into Amendment No. 3 to the Agreement on July 1, 2012 for a second rate increase of Five Thousand Five Hundred Eighty-Nine dollars (\$5,589.00) for a new year three total of One Hundred Ninety-Six Thousand Eight Hundred Eighty-Nine dollars (\$196,889.00); and
- F. WHEREAS, the parties entered into Amendment No. 4 to the Agreement on February 5, 2013 to add six more City buildings in the amount of Ninety-

Seven Thousand Nine Hundred Forty-Eight dollars (\$97,948.00) for the period March 1, 2013 to June 30, 2013 for a new year three total contract amount of Two Hundred Ninety-Four Thousand Eight Hundred Thirty-Seven dollars (\$294,837.00); and

- G. WHEREAS, the parties entered into Amendment No. 5 to the Agreement on April 16, 2013 to extend the janitorial services for the same six buildings in the amount of Seventy-Three Thousand Four Hundred Sixty-One dollars (\$73,461.00) for the period July 1, 2013 to September 21, 2013; and
- H. WHEREAS, the parties entered into Amendment No. 6 to the Agreement on September 22, 2013 to extend the Agreement for twelve (12) days from September 22, 2013 to October 3, 2013 in the amount of Nine Thousand Eight Hundred Seventy-Five Dollars and Eighty-Six cents (\$9,875.86), which provided additional time for the next City Council meeting on October 1, 2013 to consider a longer term extension; and
- I. WHEREAS, the parties now desire to further amend the Agreement to extend the Agreement for an additional ninety (90) days from October 4, 2013 to January 3, 2014 in the amount of One Hundred and Twenty-One Thousand Eight Hundred Forty-Eight dollars and Thirty-Six cents (\$121,848.36) based on the daily rates listed below, which includes a contingency for unanticipated janitorial services in the amount of Two Thousand Five Hundred dollars (\$2,500.00).

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to further amend the Agreement as follows:

- 1. Notwithstanding any other provision of the amended Agreement, City agrees to pay Contractor for all services performed in accordance with the rates listed below and the amended Agreement for the period of October 4, 2013 to January 3, 2014 in the amount not-to-exceed One Hundred Twenty-One Thousand Eight Hundred Forty-Eight dollars and Thirty-Six cents (\$121,848.36).

Location	Frequency	Daily Cost	90 Day Cost
Original 6 Buildings			
City Hall Complex	5XWk	\$325.40	\$20,500.20
Sports & Teen Center	7XWk	\$210.60	\$18,743.40
Fire Administration	5XWk	\$23.53	\$1,482.39
Police Substation	5XWk	\$22.01	\$1,386.63
Police Raceway	5XWk	\$21.91	\$1,380.33
Library Garage	7XWk	\$38.66	\$3,440.74
Additional 6 Buildings			
Community Center	7XWk	\$194.10	\$17,274.90
Police Department	7XWk	\$227.60	\$20,256.40
Public Works Department	5XWk	\$168.20	\$10,596.60
Fire Department Trailer	2XWk	\$36.10	\$938.60
Jose Higuera Adobe	5XWk	\$18.18	\$1,145.34
Senior Center	7XWk	\$249.47	\$22,202.83
Contingency			\$2,500.00
Total			<u>\$121,848.36</u>

2. CONTRACTOR agrees to continue to maintain and pay for all insurance policies as stated in "Exhibit C – Insurance Requirements General" throughout the term of the Agreement and shall provide the City with renewal certificate and endorsements of the insurance policy.
3. All other provisions of the amended Agreement not amended by this Amendment No. 7 shall remain in full force and effect.

This Amendment is executed as of the date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

UNIVERSAL BUILDING SERVICES AND
SUPPLY, COMPANY

Thomas C. Williams, City Manager

Name of Authorized Representative

Title of Authorized Representative

Approved As To Content:

Approved As To Form:

Steve Erickson, Project Manager

Michael J. Ogaz, City Attorney