

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING AGREEMENT FOR CITY WIDE JANITORIAL SERVICE WITH VARSITY FACILITIES SERVICES FOR AN INITIAL TERM OF ONE YEAR IN THE ANNUAL NOT-TO-EXCEED AMOUNT OF \$408,288 AND AUTHORIZING UP TO FOUR ANNUAL OPTIONS FOR RENEWAL**

**WHEREAS**, on October 23, 2013, staff sent out a Request for Proposal (RFP) for City-wide janitorial service at twelve (12) City of Milpitas locations; and

**WHEREAS**, the City of Milpitas (“City”) Purchasing Agent worked closely with Engineering staff to develop the specification and bid package for the RFP, which was advertised in the Milpitas Post, on the City website and through Public Purchase website; and

**WHEREAS**, nine proposals were received and evaluated by a committee of five City staff including the CIP Manager, two Maintenance Custodians II, the Recreation Services Supervisor, and the Public Works Manager, who scored the proposals based on seven criteria including the proposers’ backgrounds, technical abilities, and references; and

**WHEREAS**, interviews of the top three proposers were conducted and the recommendation for award is based on the offering considered to be the most advantageous to the City consistent with Milpitas Municipal Code; and

**WHEREAS**, the City’s Purchasing Agent recommends the City Council approve an Agreement between the City and Varsity Facilities Services for an initial term from January 7, 2014 to January 6, 2015 in the annual not-to-exceed amount of Four Hundred Eight Thousand Two Hundred Eighty-Eight dollars (\$408,288.00) with the authority for the City Manager to exercise up to four annual options with annual fee increases not to exceed five percent (5%) each year.

**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. The City Council approves the Agreement for City-wide janitorial service at twelve (12) City of Milpitas locations with Varsity Facilities Services, an Idaho corporation registered in the State of California, in the annual amount not to exceed Four Hundred Eight Thousand Two Hundred Eighty-Eight Dollars (\$408,288.00), for a total contract not-to-exceed amount of Two Million Forty-One Thousand Four Hundred and Forty dollars (\$2,041,440.00) during the potential five (5) year term of the Agreement.
3. The City Council authorizes the City Manager to extend the term of the Agreement on annual basis for the next four (4) years with an annual increase of no more than five

percent (5%) per year, without further City Council approval except appropriation of funds.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2014, 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



## CITY OF MILPITAS CONTRACT

Project: **City Wide Janitorial Service at Twelve City of Milpitas Locations**

RFP No: 2059

Annual Amount of Contract: \$408,288.00

THIS CONTRACT, made this 7th day of January, 2014, by and between the City of Milpitas, hereinafter referred to as the "City of Milpitas" and **Varsity Facilities Services**, an Idaho corporation registered in California, hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

- a. Notice of Request For Proposals
- b. Background
- c. Scope of Work
- d. Instructions To Proposer
- e. Terms and Conditions
- f. Special Provisions For Services
- g. Addenda
- h. Proposal Form
- i. References
- j. Non-Collusion Affidavit
- k. Proposer's Statement Regarding Insurance Coverage
- l. Worker's Compensation Insurance Certificate
- m. Proposer's Nondiscriminatory Employment Certificate
- n. Janitorial Specifications
- o. City Wide Janitorial Service Schedule
- p. Insurance Requirements – General
- q. Contractor's Proposal

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

1. The initial term of this Contract is for one (1) year from January 7, 2014 to January 6, 2015 (the "Initial Term"), provided the City reserves the right at its sole discretion to extend this

Contact on an annual basis for up to an additional four (4) years by providing written notice to Contractor prior to the expiration of the then applicable term and in the form attached as part of the specification. Additionally, if City elects to exercise any of the annual option, City at its sole discretion may provide an annual increase not to exceed five percent (5%) based on the prior annual contract amount.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

CITY OF MILPITAS,  
A Municipal Corporation

VARSIY FACILITIES SERVICES

\_\_\_\_\_  
Thomas C. Williams, City Manager

\_\_\_\_\_  
Contractor's Authorized Signature

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

Business Tax Compliance: Certificate No. \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Steve Erickson, City Project Manager