

DRAFT

RESOLUTION 20xx-xxx

RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$321,306.72 FOR A NEW MAXIMUM AMOUNT OF \$3,218,600. FY 2018 EXPENDITURES ARE BUDGETED. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

WHEREAS, on April 14, 2016, the BPC adopted a resolution authorizing the District to enter into an agreement with NMS Management, Inc. (NMS) for Janitorial Services from July 1, 2016 through June 30, 2021 in an amount not to exceed \$2,458,640.16; and

WHEREAS, this agreement is used to provide janitorial services at various District buildings, offices and public restrooms located in parks and common public areas throughout the tidelands; and

WHEREAS, janitorial services include scheduled cleaning of offices, lunchrooms, kitchens, conference rooms, Board rooms, computer labs, training rooms, exercise rooms, locker rooms, restrooms, shower stalls, break spaces, outside patio areas, interior of elevators, entrance ways, lobbies, corridors, hallways, storage spaces, stairways, and other common spaces within buildings, and scheduled cleaning and sanitizing of public restrooms and drinking fountains; and

WHEREAS, janitorial services may also be requested on an as-needed basis to perform special cleaning requirements associated with public events where normal, scheduled services are not adequate to maintain an acceptable level of cleanliness or sanitation; and

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WHEREAS, four amendments to the agreement have been issued; and

WHEREAS, Amendment No. 1 was issued on July 6, 2016 to change the start date of the agreement to June 5, 2016 as a result of termination of the previous janitorial service provider and an imperative to continue daily janitorial services and increased the maximum expenditure by \$33,982.79 to compensate NMS for the additional service dates; and

WHEREAS, Amendment No. 2 was issued on November 29, 2016 to replace daily cleaning of the District's Harbor Police Investigations Trailer with the District's Harbor Police Investigations Building and increased the maximum expenditure by \$35,856.24; and

WHEREAS, Amendment No. 3 was issued on May 22, 2017 to increase as-needed funds and to add one month of additional daily public restroom cleaning to support higher usage of public restroom facilities during summer months and increased the maximum expenditure by \$55,160.97; and

WHEREAS, Amendment No. 4 was issued on October 23, 2017 as part of the District's response to the Hepatitis A outbreak in an effort to reduce the potential spread of Hepatitis A by increasing the frequency of cleaning and the addition of soap to public restrooms, which increased the maximum expenditure by \$313,653.12; and

WHEREAS, staff is requesting Amendment No. 5 to continue the use of soap in the public restroom facilities for the duration of the agreement, to include daily cleaning of a new guard trailer at Tenth Avenue Marine Terminal, to allow for quarterly cleaning of the Historic Railcar Museum in National City, and to add nine (9) months over three (3) years of additional daily public restroom cleaning to support higher usage of public restrooms during summer months; and

WHEREAS, FY 2018 expenditures are budgeted and anticipated funds for FY 2019 are included in the requested General Services' Facilities Maintenance-Outside Services budget, subject to Board approval; and additional \$31,000 will be funded with anticipated favorable variances in other accounts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director and/or her designated representative is hereby authorized on behalf of the District to enter into Amendment No. 5 with NMS Management, Inc., to increase the maximum amount payable under the agreement by \$321,306.72 for a new maximum amount of \$3,218,600.

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APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Senior/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of June 2018, by the following vote: