



## Legislation Details (With Text)

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**Type:** Action Item    **Status:** Passed  
**File created:** 6/5/2017    **In control:** Board of Port Commissioners  
**On agenda:** 10/10/2017    **Final action:** 10/10/2017  
**Title:** RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH NATURESCAPE SERVICES INC. FOR GRAFFITI REMOVAL SERVICES FROM NOVEMBER 1, 2017 THROUGH JUNE 30, 2022 FOR AN AMOUNT NOT TO EXCEED \$315,413.76

**Sponsors:**

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**Attachments:** 1. 2. 2017-0298 Attachment A, 2. 2. 2017-0298 Draft Resolution

Date	Ver.	Action By	Action	Result
10/10/2017	1	Board of Port Commissioners	adopted as amended	Pass

**DATE:** October 10, 2017

**SUBJECT:**

**RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH NATURESCAPE SERVICES INC. FOR GRAFFITI REMOVAL SERVICES FROM NOVEMBER 1, 2017 THROUGH JUNE 30, 2022 FOR AN AMOUNT NOT TO EXCEED \$315,413.76**

### EXECUTIVE SUMMARY:

The District contracts for graffiti removal services as a matter of cost effectiveness. This agreement provides for roving crews to inspect for and remove all graffiti on District tidelands. The current agreement with Urban Corps of San Diego County (Urban Corps) expires December 31, 2017.

Pursuant to Board of Port Commissioners Policy No. 110, Section II.C, Request for Bids (RFB) 17-06RH was issued February 14, 2017. Eight (8) bids were received and evaluated on March 15, 2017. Staff determined all but one bid to be responsive. Staff recommends the Board select and authorize an agreement (Attachment A) with the lowest, responsive, and responsible bidder, NatureScape Services, Inc. (NatureScape) to provide graffiti removal services from November 1, 2017 to June 30, 2022 in an amount not to exceed \$315,413.76.

### RECOMMENDATION:

Adopt a Resolution selecting and authorizing an agreement with NatureScape Services, Inc. to provide graffiti removal services at all District facilities from November 1, 2017 to June 30, 2022 in an amount not to exceed \$315,413.76.

### FISCAL IMPACT:

Funds for the first year of this expenditure are budgeted for in the proposed FY 17/18 General Services' Facilities Maintenance - Outside Services account. Funds required for future fiscal years will be budgeted for in the appropriate fiscal year and cost account subject to Board approval upon adoption of each fiscal year's budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goals by keeping the tidelands free of graffiti.

- A vibrant waterfront destination where residents and visitors converge.
- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

The District is seeking a service provider to provide graffiti removal services at all District facilities and in public areas throughout the tidelands. Services include graffiti inspection and graffiti removal by chemical cleaning, power washing and painting.

The current Graffiti Removal Services agreement with Urban Corps commencing July 1, 2016 and expiring June 30, 2017 in an amount of \$66,144 was awarded after a Request for Bids. The agreement was amended on June 14, 2017 to extend the agreement through December 31, 2017, increasing the agreement amount by \$33,072, for a new total of \$99,216. This agreement was extended through the end of the year to allow sufficient time for BPC review of the new agreement.

RFB 17-06RH was solicited through Planet Bids on February 14, 2017. Electronic solicitation notifications went to 66 potential service providers, and 28 service providers downloaded the bid package.

On March 15, 2017, the District received eight (8) bids. The bids were evaluated and it was determined that seven (7) bids were responsive and acceptable, as summarized below (lowest to highest bid amount):

<b>Millennial Print Services (Non-Responsive)</b>	<b>\$274,560.00</b>
<b>NatureScape Services, Inc.</b>	<b>\$337,808.64</b>
<b>Urban Corps of San Diego County</b>	<b>\$348,192.00</b>
<b>Singh Group, Inc.</b>	<b>\$349,440.00</b>
<b>Mr. Window Cleaning</b>	<b>\$998,400.00</b>
<b>Anemos Enterprises, Inc.</b>	<b>\$1,372,800.00</b>
<b>AES Property Services</b>	<b>\$1,476,633.60</b>
<b>Cabrillo Enterprises, Inc. dba RW Little Co.</b>	<b>\$1,627,392.00</b>

The bid received from NatureScape was the lowest, responsive, and responsible bid. The bid amount reflects a July 1, 2017 start, which was deferred at the request of the Board of Port Commissioners to allow sufficient time in a BPC meeting to review and discuss the agreement award. The new agreement amount is based on a November 1, 2017 start.

Staff recommends the Board select and authorize an agreement with NatureScape Services, Inc. for Graffiti Removal Services from November 1, 2017 through June 30, 2022 for an amount not to exceed \$315,413.76.

### **General Counsel's Comments:**

Urban Corps filed a bid protest with the District due the staff recommendation for selection of NatureScape. Urban Corps claimed NatureScape's proposal failed to account for the payment of prevailing wages for the work proposed. This matter was investigated and it was determined that NatureScape is signed up with the State Department of Industrial Relations, provides certified payroll and pays prevailing wages for all required categories of work, which includes painting but not all aspects of the scope of work. The Office of the General Counsel has reviewed the agreement with NatureScape Services, Inc., and approves as to form and legality.

### **Environmental Review:**

The proposed Board action to authorize an agreement with NatureScape Services, Inc. for graffiti removal services at all District facilities and public areas throughout tidelands is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 - Existing Facilities) and Section 3.a of the District's Guidelines for Compliance with CEQA because the project in question will involve no expansion of use beyond that previously existing. No further action under CEQA is required.

The proposed Board action complies with Section 87 of the Port Act, which allows for construction, reconstruction, repair, maintenance, and operation of public buildings public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

In addition, the proposed Board action is considered "excluded development" pursuant to Section 8.a (Existing Facilities) of the District's Coastal Development Permit Regulations; therefore, issuance of a Coastal Development Permit is not required.

### **Equal Opportunity Program:**

Due to limited known sub opportunities, no Small Business Enterprise goal was established for this agreement.

### **PREPARED BY:**

Amy Tigri  
Management Analyst, General Services

Attachment:

Attachment A: Agreement No. 83-2017RH with NatureScape Services, Inc. Version 2