



Legislation Text

File #: 2019-0384, **Version:** 1

DATE: November 5, 2019

SUBJECT:

RESOLUTION AUTHORIZING AMENDMENT NO. 7 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$80,000 FOR A NEW MAXIMUM AMOUNT OF \$3,298,600 FOR ADDITIONAL AS NEEDED JANITORIAL SERVICES. FUNDS FOR FISCAL YEAR 2020 HAVE BEEN 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.

EXECUTIVE SUMMARY:

The San Diego Unified Port District (District) contracts for janitorial services at all District facilities and at 20 Public Restroom Facilities located in parks and common public areas throughout the tidelands. The current agreement for janitorial services with NMS Management, Inc. (NMS) expires June 30, 2021.

This amendment request provides additional as-needed janitorial services to the National City Aquatic Center; Tenth Ave Marine Terminal temporary construction office spaces; and cleaning of the Administrative Building's 8th floor.

Staff requests Board authorization to execute Amendment No. 7 to the agreement with NMS for janitorial services, increasing the total amount by \$80,000 for a new total agreement maximum amount of \$3,298,600.

RECOMMENDATION:

Adopt a Resolution authorizing Amendment No. 7 to the agreement with NMS Management, Inc. for Janitorial Services, increasing the maximum amount payable under the agreement by \$80,000 for a new maximum amount of \$3,298,600.

FISCAL IMPACT:

Funds for Fiscal Year 2020 are budgeted in the General Services' Facilities Maintenance-Outside Services budget. Anticipated funds for FY 2021 are included in the requested General Services' Facilities Maintenance-Outside Services budget, subject to Board approval. Staff estimates an annual cash requirement of approximately \$652,000 during Fiscal Year 2020 and \$653,000 during Fiscal Year 2021. The 5-year total agreement amount is \$3,298,600 after all amendments are incorporated.

Funds required for future fiscal years will be budgeted in the appropriate year subject to Board approval upon adoption of each fiscal year's budget.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

On April 14, 2016 the Board of Port Commissioners (Board) adopted a resolution authorizing the District to enter into an agreement with NMS for Janitorial Services from July 1, 2016 through June 30, 2019 with two 1-year options in an amount not to exceed \$2,458,640.16. The current agreement is in Term 4 (Option Year 1) and will terminate June 30, 2020. Term 5 (Option Year 2), if granted, shall commence on July 1, 2020, and shall terminate on June 30, 2021.

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. 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.

The six previous amendments have been issued to cover additional unforeseen janitorial service requirements including the Hepatitis A outbreak and addition of District assets to include the Harbor Police Investigations Building, Tenth Avenue Marine Terminal Tiger Project, and Historic Railcar Museum in National City. These amendments have increased the maximum expenditure from \$2,458,640.16 to \$3,218,600.

Staff is requesting Amendment No. 7 to provide additional as-needed janitorial services at the National City Aquatic Center; Tenth Ave Marine Terminal temporary construction office spaces; and cleaning of the Administrative Building's 8th floor. Each requires periodic janitorial services that are met through as-needed Task Authorizations.

Staff requests Board authorization to execute Amendment No. 7 to the agreement with NMS for Janitorial Services, increasing the total amount by \$80,000 for a new total agreement not-to-exceed amount of \$3,298,600.

General Counsel's Comments:

The Office of the General Counsel has reviewed the agenda and attachment, as presented to it, and approves them as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution authorizing an amendment to an agreement for janitorial services, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines section 15378 because it would not have a potential to result in a direct or indirect physical change in the environment and therefore, is not subject to CEQA. The Board’s authorization of Amendment No. 7 to the agreement with NMS Management, Inc. would allow for additional as needed janitorial services. No further action under CEQA is required.

The proposed Board action is consistent with Section 81 of the Port Act which allows for the use of funds for necessary expenses of conducting the District. 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.

The proposed Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

Equal Opportunity Program:

Due to unknown subcontracting opportunities, no Small Business Enterprise (SBE) goal was established for this agreement. The recommended company is a registered SBE.

PREPARED BY:

Allen Broughton Business Manager, General Services

Attachment(s):

Attachment A:	Agreement No. 62-2016 with NMS Management, Inc.
Attachment B:	Amendment No. 1 to Agreement No. 62-2016
Attachment C:	Amendment No. 2 to Agreement No. 62-2016
Attachment D:	Amendment No. 3 to Agreement No. 62-2016
Attachment E:	Amendment No. 4 to Agreement No. 62-2016
Attachment F:	Amendment No. 5 to Agreement No. 62-2016
Attachment G:	Amendment No. 6 to Agreement No. 62-2016
Attachment H:	(Draft) Amendment No. 7 to Agreement No. 62-2016