

RESOLUTION NO. 16-115

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
REJECTING BOTH BIDS FROM ALL WAYS CLEAN, ALLOCATING \$9,724 FROM
GENERAL FUND RESERVES, AND AUTHORIZING THE CITY MANAGER TO ENTER
INTO A CONTRACT WITH BRENDLER JANITORIAL FOR JANITORIAL SERVICES FOR
CITY FACILITIES AND TO ENTER INTO A CONTRACT WITH SERVICE MASTER TO
CLEAN PARK RESTROOMS

WHEREAS, the adopted City budget for Fiscal Year 2016/17 includes \$140,000 for janitorial services at (1) City facilities and (2) park restrooms. Because of dissimilar service requirements, two separate bid document and specification packages were prepared; and

WHEREAS, both maintenance contracts were advertised for bid, and at the bid opening on August 16, 2016, three bids were received for each project:

Janitorial Services for City Facilities

All Ways Clean	\$102,660
Brendler Janitorial	115,440
Service Master	125,832

Cleaning Park Restrooms

All Ways Clean	\$ 75,000
Service Master	109,932
Brendler Janitorial	131,460; and

WHEREAS, Section 7 of the Instruction to Bidders provides that bid forms shall be completely filled out with strict conformity to the requirements of the bid and contract documents. Based on this language, each bidder was required to complete correctly and submit the bid forms included in the bid specifications in order for their bid to be deemed responsive. As a threshold matter, the City has broad discretion to determine responsiveness and accept a responsive bid even if there are minor irregularities or mistakes, as long as such mistakes are immaterial. (See *Menefee v. County of Fresno* (1985) 163 Cal. App. 3d 1175; *Ghilloti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897.) However, the City has no authority to waive errors that make the bid materially different than intended. (See *Valley Crest Landscape, Inc. v. City of Davis* (1996) 41 Cal.App.4th 1432.) A bid is materially different than intended if the discrepancy affects the amount of the bid. (*Ghilloti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897.); and

WHEREAS, All Ways Clean did not submit correct bids in accordance with bid specifications and should be deemed non-responsive. All Ways Clean failed to submit the correct Bid Addendum with the bid for cleaning park restrooms and failed to complete each bid schedule with a yearly contract cost. Additionally, All Ways Clean made mathematical errors on its bid for janitorial services for City facilities, thus creating an ambiguity as to the actual intended bid amounts. These mathematical discrepancies affect the amount of the bids and are, therefore, material bid errors that renders All Ways Clean's bids nonresponsive; and

WHEREAS, the bids submitted by Brendler Janitorial for City facilities and Service Master for park restrooms are correct and responsive bids; and

WHEREAS, bid documents included deductive alternate amounts. Deductive alternates were developed to allow the City to meet budget constraints if base bids were higher than expected. The following deductive alternates were specified:

Janitorial Services for City Facilities

Delete City Hall Annex
Delete Senior Center
Delete Veterans Center
Delete Public Safety Center

Cleaning Park Restrooms

Delete Train Station; and

WHEREAS, City staff will continue to cover the janitorial for any deductive alternates not included in the final contracts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. An additional \$9,724 from General Fund Reserves is allocated to cover contract costs.

Section 2. Both bids from All Ways Clean are rejected as non-responsive due to material errors.

Section 3. Authorizing the City Manager to enter into a contract with Brendler Janitorial in the amount of \$54,600 to provide janitorial services for City facilities.

Section 4. Authorizing the City Manager to enter into a contract with Service Master in the amount of \$105,444 to clean City parks restrooms.

Section 5. Authorizing the City Manager to make minor changes in each agreement, if necessary, to best meet City needs.

APPROVED this 6th day of September, 2016, by the following vote:

AYES: Strong, Gregory, Hamon, Reed, Martin

NOES:

ABSENT:

ABSTAIN:



Steven W. Martin, Mayor

Attest:



Kristen L. Buxkemper, Deputy City Clerk

<u>Approvals/workflow</u> 1. Dept Head 2. Admin Svcs 3. City Manager 4. City Council	City of Paso Robles BUDGET ADJUSTMENT REQUEST	Budget JE # BAR # 16-115 AGENDA DATE 09/06/2016
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DESCRIPTION	ORG #	OBJECT #	PROJECT #	AMOUNT
REVENUE SOURCES				
Library-City Hall	1003257F	52215		\$140,000
General Fund Reserves	100	99999		\$9,724
Custodial Services - see attached		52243		\$10,320
TOTAL REVENUES				\$160,044
EXPENDITURE USES				
Library-City Hall	1003257F	52215		\$31,200
Centennial Park	1003201F	52215		\$23,400
Neighborhood Parks	1003206	52215		\$105,444
TOTAL EXPENDITURES				\$160,044

JUSTIFICATION: (attach letter if required)

REQUESTED BY: 09/06/2016 _____ Date Dick McKinley, Director	REVIEWED & APPROVED BY: 09/23/2016 Jim Throop _____ Date Administrative Services
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APPROVED BY:

Date City Manager

PASSED AND ADOPTED by the City Council of the City of Paso Robles, State of California, this 6th day of September 2016 Agenda Item No. 7

ATTEST: _____

Deputy City Clerk

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