



City of Arts & Innovation

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL                      DATE: NOVEMBER 7, 2023**

**FROM: CITY MANAGER'S OFFICE                                      WARD: ALL**

**SUBJECT: MEASURE Z – SERVICES AGREEMENT CORRECTION WITH MULTIPLE VENDORS FOR HOMELESS ENCAMPMENT CLEAN-UP SERVICES RFP NO. 2158 FOR A NOT-TO-EXCEED AMOUNT OF \$1,250,000 PER VENDOR**

**ISSUES:**

Approve the Services Agreement Amendments for multiple vendors for Homeless Encampment Clean-Up Services as awarded through RFP No. 2158 for a not-to-exceed amount of \$1,250,000 per vendor.

**RECOMMENDATIONS:**

That the City Council:

1. Approve the First Amendment to the Services Agreement with Landscape Maintenance of America dba California Highway Adoption Company, for Homeless Encampment Clean-Up Services to extend until December 21, 2024 with three (3) additional one-year extension in a total contract amount not-to-exceed \$1,250,000 for the entire term including extensions with no annual limit;
2. Approve the First Amendment to the Services Agreement with Woods Maintenance Services, Inc, for Homeless Encampment Clean-Up Services to extend until December 21, 2024 with three (3) additional one-year extension in a total contract amount not-to-exceed \$1,250,000 for the entire term including extensions with no annual limit;
3. Approve the Second Amendment to the Services Agreement with DeAngelo Contracting Services, LLC, for Homeless Encampment Clean-Up to extend until December 21, 2024 with three (3) additional one-year extension in a total contract amount not-to-exceed \$1,250,000 for the entire term including extensions with no annual limit;
4. Approve the Second Amendment to the Services Agreement with Hunter Consulting, Inc. dba HCI Environmental & Engineering, for Homeless Encampment Clean-Up Services to extend until December 21, 2024 with three (3) additional one-year extension in a total contract amount not-to-exceed \$1,250,000 for the entire term including extensions with no annual limit; and
5. Authorize the City Manager, or designee, to execute all agreement amendments for

Homeless Encampment Clean-Up Services, including making minor and non-substantive changes, and to execute the remaining optional one-year extensions.

**BACKGROUND:**

On August 2, 2022, the Purchasing Division issued Request for Proposals (RFP) No. 2158 for Homeless Encampment Clean Up Services. A total of 393 vendors were notified of the RFP and there were 51 prospective bidders. The RFP closed on August 23, 2023 with 12 submitted proposals of which nine were found responsive.

A selection committee of three City staff members reviewed and scored the proposals based on qualifications, experience, references, approach, and methodology outlined in RFP No. 2158. After careful review and consideration, the evaluation committee determined that the following five service providers are most qualified to perform the services outlined in RFP No. 2158.

<b>Vendor Name</b>	<b>Score</b>
DeAngelo Contracting Services, Inc.	917.72
Clean Harbors Environmental Services, Inc.	852.77
Woods Maintenance Services, Inc.	849.36
Hunter Consulting Inc., dba HCI Environmental & Engineering	766.58
Landscape Maintenance of America, dba California Highway Adoption Company	752.09

On December 20, 2022, the City Council approved all five vendor contracts for a one-year term with an annual compensation of \$250,000.

In approximately June 2023, DeAngelo Contracting Services, Inc. and Hunter Consulting Inc. began to approach the compensation threshold and a First Amendment to the respective Services Agreements were drafted. Both agreements were executed by the City Manager with Hunter Consulting Inc. (HCI) executed on August 14, 2023, and DeAngelo Contracting Services, Inc. (DeAngelo) executed on August 17, 2023.

**DISCUSSION:**

A mistake was recently discovered on the original agreements with all five vendors listed on the table above that were executed on December 21, 2022 (Attached), which does not accurately reflect the negotiated and agreed-upon not-to-exceed compensation of \$1,250,000 over the term of the agreement including any options to extend. The original Agreement included a compensation in the amount of \$250,000 annually; however, based on the negotiated and agreed-upon compensation, the total compensation should have been in amount not-to-exceed \$1,250,000 for the initial one-year term including any options to extend. Additionally, the original agreements did not identify the four one-year options to extend as identified in RFP No. 2158.

As such, the amount currently authorized for payment under the original Agreement(s) and the subsequent Second Amendment(s) with DeAngelo and HCI do not match the amount the City identified in RFP No. 2158.

In order to authorize the actual expenditures needed to pay for services rendered during the contract term, amendments are needed for each vendor to correct the mutual mistake of the parties in the original Agreement, confirm the negotiated and agreed-upon not-to-exceed compensation of \$1,250,000 for the term of the agreement including any options to extend, and to identify the remaining one-year options to extend, not to exceed a five-year period. The term of amendments associated with this report provide Homeless Encampment Clean-Up Services through December 21, 2024, with three one-year options to extend.

Purchasing Resolution 23914 Section 1104 states that “Change Orders. Modifications to a Purchase Order shall be made only by Change Order. Subject to the availability of funds, Change Orders may be utilized for purposes of ... (3) modifying scope of work/services being provided, where the modification is reasonably related to the original scope of work/services ... c) 10% of the original contract price for Contracts and/or Purchase Orders previously approved by the Awarding Entity and the total Change Order amount will not exceed \$150,000, d) A Contract amendment which extends the term of the agreement beyond one year of the original expiration date.”

The Purchasing Manager concurs that the recommended action complies with Purchasing Resolution 23914, section 1104 (3) (c and d).

**FISCAL IMPACT:**

The fiscal impact of this action is \$1,250,000 per vendor over a five-year term. Sufficient funding is budgeted annually and available in the Measure Z Fund, Public Safety Engagement Team Urban Administration Professional Services Account No. 8003901-421000 and Measure Z Fund, Public Safety Engagement Team Wildland Administration Professional Services Account No. 8004901-421000.

Prepared by:	Megan Stoye, Principal Management Analyst
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:

1. DeAngelo Contracting Services, Inc. Original Agreement
2. Hunter Consulting Inc. Original Agreement
3. Landscape Maintenance of America Original Agreement
4. Woods Maintenance Services, Inc. Original Agreement
5. DeAngelo Contracting Services, Inc. First Amendment
6. Hunter Consulting Inc. First Amendment
7. Landscape Maintenance of American First Amendment
8. Woods Maintenance of America First Amendment
9. DeAngelo Contracting Services, Inc. Second Amendment
10. Hunter Consulting Inc. Second Amendment