



GENERAL SERVICES DEPARTMENT MEMO

Date: December 12, 2016

To: Honorable Peter Adam, Chair and Members of the Board of Supervisors

From: Janette D. Pell *Janette D. Pell*
General Services Director

Subject: Item A-24, December 13, 2016 Board Agenda, Award Contracts for Countywide Janitorial Services to Big Green Cleaning Company; All Supervisorial Districts

cc: Mona Miyasato, County Executive Officer
Michael Ghizzoni, County Counsel
Matthew P. Pontes, Assistant CEO



Please be advised that General Services Department, Purchasing Division, has rejected protests from ServiceMaster Commercial Building Maintenance ("ServiceMaster") and JaniCare, bidders for item A-24, December 13, 2016, Countywide Janitorial Services to Big Green Cleaning Company ("Big Green"). General Services resolved both protests according to the County's Protest and Appeals Procedure. Under the County's Protest and Appeals Procedure, General Services' decision is final and the Board has no appeal authority.

Timeline:

1. November 30, 2016: Received bid protest from ServiceMaster, challenging County's Notice of Intent to Award to Big Green the North and South County contract for Countywide janitorial services.
2. December 1, 2016: Received bid protest from JaniCare, challenging County's Notice of Intent to Award to Big Green the South County contract for Countywide janitorial services.
3. December 5, 2016: Buyer Mark Masoner responded to ServiceMaster and JaniCare's bid protests, upholding the Intent to Award to Big Green Cleaning Company.
4. December 8, 2016: Received ServiceMaster's appeal of Buyer's decision.
5. December 8, 2016: Received JaniCare's appeal of Buyer's decision.
6. December 12, 2016: Purchasing Manager Joe De La Cerda responded to ServiceMaster and JaniCare, upholding the Intent to Award to Big Green Cleaning Company.

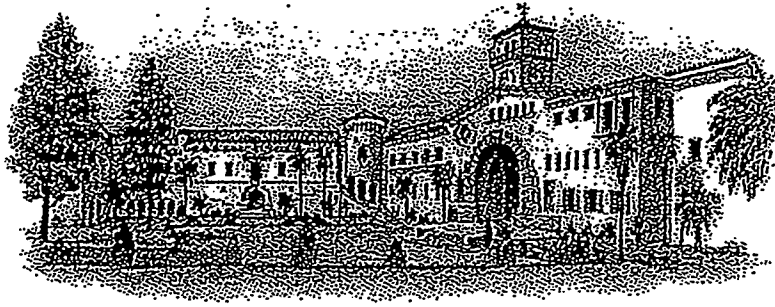
Recommended Action:

General Services recommends that the Board of Supervisors approve item A-24, Award Contracts for Countywide Janitorial Services to Big Green Cleaning Company, as proposed and with no changes.

Attachments: December 5 Response to JaniCare
December 5 Response to ServiceMaster
December 12 Response to JaniCare
December 12 Response to ServiceMaster

COUNTY OF SANTA BARBARA

Janette D. Pell
Director



General Services Department

Skip Grey
Assistant Director
Support Services Division

Janette Pell
Assistant Director
Support Services Division

Jennifer Slayman
Assistant Director
ICT Division

Joseph Toney
Assistant Director
Finance Division

December 5, 2016

JaniCare
100 Adams Road, Suite A
Goleta, CA 93117
Attention: Dwayne Walker, Vice President

Re: Response to JaniCare Bid Protest dated December 1, 2016

Dear Dwayne,

Thank you for taking the time to respond to the County of Santa Barbara's Request for Proposal (RFP) 01-2017 for Janitorial Services in South County. In accordance with the Protest and Appeals Procedure posted on the County's Purchasing website, below is the response from the County Buyer to JaniCare's bid protest of the Intent to Award under RFP 01-2017.

JaniCare claims:

1. "November 7th, we were not notified by you or any County employee with all bid amounts as promised the day the packets were submitted. I left a voicemail to you, Traci on November 22nd requesting any new information regarding the status of the bidding process which was never returned. I was not notified by any County employee until November 29th via email from Scott Hosking announcing they awarded the contract to Big Green, again with no numbers published."

County Response. In accordance with RFP Section 1.4 Questions Regarding RFP and Addenda, "Oral communications regarding this RFP will NOT be valid or binding, nor excuse the successful Contractor of any obligations hereunder, unless set forth in writing by County."

2. "Previous bid (2013) we lost because our numbers were "too high" and Big Green took over the buildings we had been servicing. Pretty sure our numbers were considerably lower and competitive this round."

County Response. In accordance with RFP Section 2.6 Proposal Evaluation/Award and Addenda, evaluation of the proposals was based on proven performance, support and cost.

3. "We see no reason why we would not be competent or capable to assume the care and administration of the contract. We meet and hold all the qualifications. And have proven that from previous decades we have served the County."

County Response. In accordance with RFP Section 2.6 Proposal Evaluation/Award and Addenda, evaluation of the proposals was based on proven performance, support and cost.

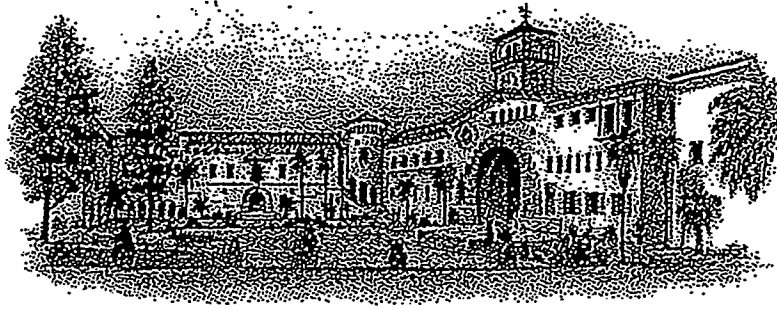
Sincerely,



Mark Masoner
Departmental Business Specialist (County Buyer)

COUNTY OF SANTA BARBARA

Janette D. Pell
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Skip Grey
Assistant Director
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Joseph Toney
Assistant Director
Finance Division

General Services Department

December 5, 2016

ServiceMaster Commercial Building Maintenance
3130 Skyway Drive Suite #701
Santa Maria, CA 93455
Attention: Jeff Hopson, President

Re: Response to ServiceMaster Bid Protest dated November 30, 2016

Dear Jeff,

Thank you for taking the time to respond to the County of Santa Barbara's Request for Proposal (RFP) 01-2017 for Janitorial Services in South County and the Request for Proposal 02-2017 for Janitorial Services in North County. In accordance with the Protest and Appeals Procedure posted on the County's Purchasing website, below is the response from the County Buyer ServiceMaster's bid protest of the Intent to Award under RFP 01-2017 and 02-2017.

ServiceMaster claims:

1. "On November 6 at 4:24 p.m. an addendum #3 for the North county RFP 02-2017 was emailed to us. This was the Sunday evening before the Monday that the bids were due. We requested for an extension of the deadline and were denied. The price sheet that was sent to us was formatted so that the grand total would not print but showed on the screen as complete. If we were eliminated due to not having a grand total on the addendum or our Santa Maria price being used as a total this was an error by County Staff. I do hope it was an error and not collusion."

County Response. The email sent from Jeff Hopson to Scott Hosking on November 6, 2016 at 4:17 p.m. did not request an extension, Mr. Hopson asked, "Are you extending the bid deadline?" ServiceMaster's failure to comply with Addendum 3 and the missing grand totals on ServiceMaster bid sheets did not influence the County's Intent to Award decision.

2. "On November 7th Jeff Hopson was told by Scott Hosking that the numbers would be sent to all bidders that evening. To this day I have had no communication in this matter."

County Response. In accordance with RFP Section 1.4 Questions Regarding RFP and Addenda, "Oral communications regarding this RFP will NOT be valid or binding, nor excuse the successful Contractor of any obligations hereunder, unless set forth in writing by County."

3. "I was notified by my competitor on November 21st of the bid result. He seemed surprised that I hadn't heard the result. This is evidence of collusion."

County Response. On November 16, 2016, the evaluation committee selected a potential awardee for the RFP. On November 29, 2016, Notices of Intent to Award were sent to all bidders. Prior to issuing the Notice of Intent to Award the County requested the potential awardee provide evidence of contract requirements, such as insurance, so that County could proceed issuing the Notice of Intent to Award. In accordance with RFP Section 1.4 Questions Regarding RFP and Addenda, "Oral communications regarding this RFP will NOT be valid or binding, nor excuse the successful Contractor of any obligations hereunder, unless set forth in writing by County."

4. "The contact person listed on both RFPs was removed from the entire process after bid opening. There was no input from North county staff on the selection committee which also points to collusion."

County Response. The contact person was not part of the evaluation committee. Although there is no requirement for County to create an evaluation committee based on geographical representations, Scott Hosking has countywide facilities responsibilities representing both North and South County and was a member of the evaluation committee.

5. "The protest procedure was removed entirely from the RFP boiler plate for this year."

County Response. The Protest and Appeals procedure is posted on the County of Santa Barbara website, General Services Department, Purchasing Division, Protest and Appeals Procedure.

6. "We sent several emails to county personnel regarding these issues and have had no response until we received an emailed letter on November 29 notifying us that we were not the successful bidder on either RFP."

County Response. On November 14, 2016, Mr. Hopson sent an email to Traci Lothery, carbon-copied to Scott Hosking, asking when the bid response numbers would be sent. On November 29, 2016, via email, the results of the Intent to Award were sent to all bidders.

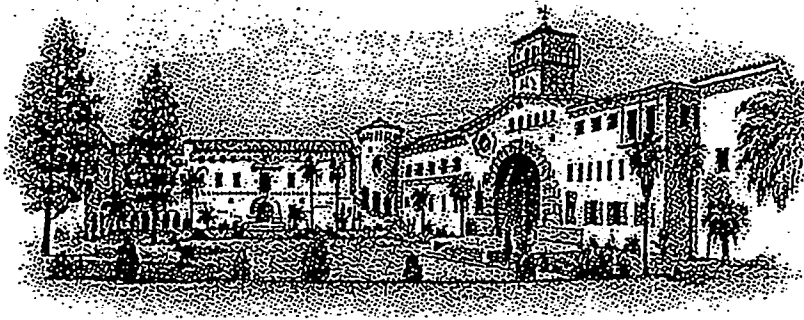
Sincerely,



Mark Masoner
Departmental Business Specialist (County Buyer)

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Finance Division

General Services Department

December 12, 2016

JaniCare
100 Adams Road, Suite A
Goleta, CA 93117
Attention: Dwayne Walker, Vice President

Re: Response to JaniCare Letter dated December 8, 2016

Dear Dwayne,

This letter is in response to your letter of December 8, 2016 regarding JaniCare's bid protest to the County of Santa Barbara's Request for Proposal (RFP) 01-2017 for Janitorial Services in South County.

JaniCare claims:

1. "JaniCare was the lowest responsible bidder at \$31,372/month for RFP 01-2017."

County Response. In accordance with RFP 01-2017 Section 2.6 (b) Award, "The County reserves the right to award a contract to other than the Contractor submitting the lowest total price..." Evaluation of the proposals was based on proven performance, support, and cost. I find that JaniCare has had previous contracts with the County and did not consistently provide satisfactory services.

2. "Further more, upon receiving the bid amounts after the intent to award Big Green both County contracts it heightened JaniCare's suspicion because the annualized contract amount is substantially higher than the other two vendors."

County Response. In accordance with RFP 01-2017 and RFP 02-2107 Section 2.6 Proposal Evaluation/Award and Addenda, evaluation of the proposals was based on proven performance, support, and cost.

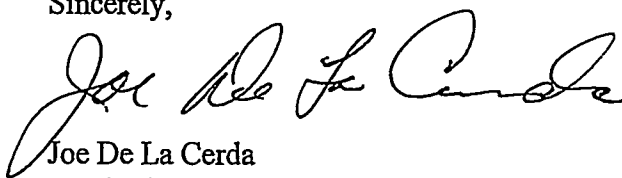
I accepted JaniCare's bid protest as a valid written protest. After careful analysis of JaniCare's reason for the protest and after reviewing the financial statements of the bidders, the County is concerned about the ability of JaniCare to provide service at the monthly rate stated in its bid while meeting the on-going

needs of the County. My decision is to support the evaluation committee's recommendation of the Intent to Award.

Please reference the attached General Services Department, Purchasing Division, Protest and Appeals Procedure, section 1.2. Should JaniCare disagree with the Purchasing Manager's final decision set forth here, JaniCare may pursue the matter under Section 2-100 of the County Code which provides that the Code of Civil Procedure Section 1094.6, as may be amended from time to time, shall be applicable to the judicial review of any decision of the County of Santa Barbara or of any commission, board, officer, or agent thereof.

Please note the contract has not been awarded, in accordance with the Protest and Appeals Procedure section 1.3. This approval process is scheduled for the Board of Supervisors meeting on Tuesday, December 13, 2016, in Santa Barbara.

Sincerely,

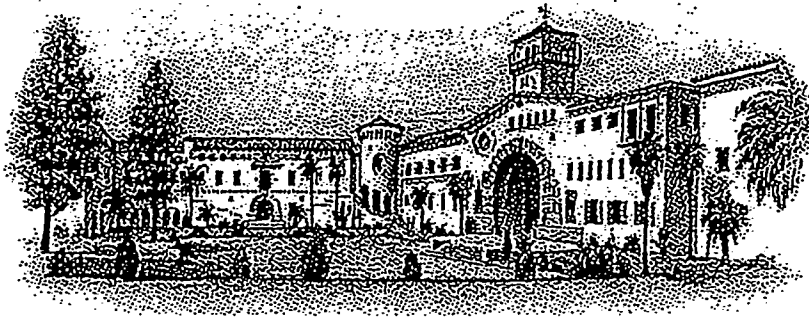


Joe De La Cerda
Purchasing Manager

Attachments:

General Services Department, Purchasing Division, Protest and Appeals Procedure

COUNTY OF SANTA BARBARA



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Joseph Toney
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General Services Department

December 12, 2016

ServiceMaster Commercial Building Maintenance
3130 Skyway Drive Suite #701
Santa Maria, CA 93455
Attention: Jeff Hopson, President

Re: Response to ServiceMaster Letter of December 8, 2016

Dear Jeff,

This letter is in response to your letter received on December 8, 2016 (erroneously dated December 6, 2016) regarding ServiceMaster's bid protest to the County of Santa Barbara's Request for Proposal (RFP) 01-2017 for Janitorial Services in South County and the Request for Proposal 02-2017 for Janitorial Services in North County.

ServiceMaster claims:

1. "ServiceMaster was the lowest responsible bidder at \$32,017 per month for RFP 02-2017."

County Response. In accordance with RFP 02-2017 Section 2.6 (b) Award, "The County reserves the right to award a contract to other than the Contractor submitting the lowest total price..." I find that ServiceMaster's bid was not responsible. The proposed annual base bid amount is \$192,000 less than current annual invoices. ServiceMaster is currently charging \$44,650/month for service in the North County and your bid was \$32,017/month. RFP 02-2017 included seven new locations and new services that are not covered under the current contract such as enhanced break room cleaning, cleaning within a 20' radius of exterior doors, and cleaning interior window sills. I believe that it is not a reasonable bid response and would pose a high risk to the County. The bid was significantly underbid.

2. "ServiceMaster is the current vendor on the North County contract and has been for the past 20 years; and based on this experience ServiceMaster bid RFP 02-2017 at cost for the strategic reason that it was aware that there was possible collusion between the South County based bidder and County staff when the contact person listed in the RFP was dismissed from the process

immediately after the bid opening and the bid opening was not made public as promised and by law.”

County Response. I find no evidence that your bid “at cost was for the strategic reason that [ServiceMaster] was aware that there was possible collusion between the South County based bidder and County staff when the contact person listed in the RFP was dismissed from the process immediately after the bid opening.” The contact person listed in the RFP opened the bids on November 7, 2016. ServiceMaster had already submitted their cost before bids were opened, so the claim of collusion is problematic especially by tying your concerns to the contact person listed in the RFP being dismissed from the process. The contact person listed *did* open the bids. There is no requirement that the RFP contact person is part of the evaluation team.

3. “ServiceMaster has not been made aware of any ongoing service issues with its services or complaints about its performance.”

County Response. In accordance with RFP 02-2017 Section 2.6 Proposal Evaluation/Award and Addenda, evaluation of the proposals was based on proven performance, support and cost. I find that ServiceMaster has provided satisfactory janitorial services in North County. However, the significant reduction in your bid from current costs for increased services seems likely to result in reduced levels of service to the County.

4. “ServiceMaster has also received numerous emails from the owner of the South County bidder demanding that ServiceMaster turn its employees over to it [*sample emails included*].” “These emails demanding our employees and stating that contract have already been signed is evidence of collusion and untrue. ServiceMaster understands that these contracts have not been awarded and all purchasing action has been stayed as a result of our protest, yet the South County bidder insists it has a signed contract with the County.”

County Response. The County has no influence on the behavior of the South County bidder. For clarification, the contract for janitorial services for South and North County must be approved by the County of Santa Barbara’s Board of Supervisors before it can be executed. Board approval has not yet occurred, pending resolution of all bid appeals.

I accepted ServiceMaster’s bid protest as a valid written protest. After careful analysis of ServiceMaster’s reasons for the protest and after reviewing the financial statements of the bidders, the County is concerned about the ability of ServiceMaster to absorb a drastic cut to their monthly income and continue to meet the on-going needs of the County. My decision is to support the evaluation committee’s recommendation of the Intent to Award.

Please reference the attached General Services Department, Purchasing Division, Protest and Appeals Procedure, section 1.2. Should ServiceMaster disagree with the Purchasing Manager’s final decision set forth here, ServiceMaster may pursue the matter under Section 2-100 of the County Code which provides that the Code of Civil Procedure Section 1094.6, as may be amended from time to time, shall be applicable to the judicial review of any decision of the County of Santa Barbara or of any commission, board, officer, or agent thereof.

Please note the contract has not been awarded, in accordance with the Protest and Appeals Procedure section 1.3. This approval process is scheduled for the Board of Supervisors meeting on Tuesday, December 13, 2016, in Santa Barbara.

Sincerely,

A handwritten signature in black ink that reads "Joe De La Cerda". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joe De La Cerda
Purchasing Manager

Attachments:
General Services Department, Purchasing Division, Protest and Appeals Procedure

