


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Finance Public Works	<b>CEQA:</b> Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment	<b>Coordination:</b> Housing, CAO, CMO-Budget Office	<b>Dept. Approval:</b> /s/ Julia H. Cooper /s/ Matt Cano
<b>Council District(s):</b> Citywide			<b>CMO Approval:</b>  4/1/2021

**SUBJECT: AMENDMENT TO THE COVID-19 PURCHASE ORDER OP 58765 WITH UNITED SITE SERVICES, INC. FOR TEMPORARY FENCING RENTALS & REPAIR SERVICES**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to amend COVID-19 purchase order OP 58765 with United Site Services, Inc. (San José, CA) for temporary fencing rentals and repair services, to add portable restroom and handwashing station rental services, to increase compensation by \$635,000 for a revised maximum compensation not-to-exceed \$955,000, and to retroactively extend the term from April 17, 2020 through December 31, 2021.

**Desired Outcome:** To maintain personal hygiene of homeless population and mitigate the spread of COVID-19.

**BASIS FOR RECOMMENDATION:**

On or about April 17, 2020, the Housing Department and the Department of Public Works (PW) provided portable restrooms and hand washing stations at various homeless encampments to assist the vulnerable homeless population at higher risk of illness from COVID-19 and help reduce the spread of COVID-19. The designated locations were chosen strategically to support the homeless populations that relied on the restroom facilities that public libraries, community centers, and businesses previously provided before COVID-19. Because these sites closed or were closing their restrooms for public use during this pandemic, these measures were taken to ensure these services were still available to the homeless population.

Due to the emergency and exigent circumstances at the time, obtaining a vendor commitment to provide the portable restrooms and hand washing stations, with the necessary quantities and daily maintenance services, was difficult to secure. Public Works staff sought quotes from multiple sources but could only secure a commitment from United Site Services to provide the quantities and the daily maintenance services the City required.

On April 17, 2020, the City issued an emergency purchase order (PO) to United Site Services for temporary fencing rental and repair services for homeless encampments based on the scope of the requisition request. The requisition scope, and the subsequent emergency PO issued, did not include portable restrooms and handwashing station rental services. The United Site Services emergency PO was later extended through November 17, 2020. The missing services was discovered in November 2020. However, due to the pressing need to close out other COVID-19-related procurement activities by December 30, 2020 to meet the Coronavirus Relief Funds eligibility expiration date timely, staff has been unable to present this item to Council until now.

In August 2020, Purchasing completed a competitive procurement for portable restrooms, hand washing stations, and temporary fencing rental services. Through the bid process, the United Site Services bid was rejected for not submitting a signed bidder's certification form, and NorCal Portables was issued OP 59772 for the portable restrooms, hand washing stations and temporary fencing rental services. After the PO was issued, NorCal Portables determined they could not provide the large quantity of portable restrooms and hand washing

units and the daily services required to the various homeless encampment sites and to the South Hall Temporary Shelter Site. AAA Mobile Solutions was given the opportunity to provide the services as the runner up in the bid process. However, AAA Mobile Solutions was unable to accommodate the volume of services required. As there were no other responsive and responsible bidders, Public Works staff has continued to utilize United Site Services for portable restrooms and handwashing station rental services.

Consequently, staff recommends the services at the encampments remain with United Site Services until the City can find a longer-term solution. The recommendation would amend the emergency PO retroactively to increase the compensation and add to the scope of services to reflect the services that were and will be provided during the term. Approval of this recommendation would provide staff sufficient time to complete a new competitive procurement.

These purchases were made in accordance with the San José Municipal Code, Section 4.12.220 for sole sourcing under a public emergency and Federal procurement standards pursuant to 2 C.F.R. § 200.320(f)(2)).

Climate Smart San José: No proposed changes to service delivery, programs or staffing that has significant community/resource impacts, including any negative impact on Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input: There is no commission recommendation or input associated with this action.

This Council item is consistent with the City's 2020-2021 Adopted Operating Budget City Areas Delivery Framework: "Provide prevention and emergency response services for crime, fire, medical, hazardous, and disaster related situations."

**COST AND FUNDING SOURCE:**

Fund #	Appn. #	Appn. Name	Total Appn.	Amt. for Recommendation	2020-2021 Adopted Operating Budget Page*	Last Budget Action (Date, Ord. No)
448	213A	Hygiene/Infection Control	\$3,882,000	\$635,000	N/A	08/11/2020, 30458

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