Legislation Text

File #: 26-304, **Version:** 1

TITLE:

APPEAL AND AWARD A MAINTENANCE SERVICES AGREEMENT FOR JANITORIAL SERVICES TO CCS FACILITY SERVICES - ORANGE COUNTY, INC.

DEPARTMENT: **PUBLIC WORKS DEPARTMENT/GENERAL SERVICES DIVISION**

PRESENTED BY: **RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**

CONTACT INFORMATION: **PATRICK BAUER, DEPUTY PUBLIC WORKS DIRECTOR, (714) 754- 5029**

RECOMMENDATION:

Staff recommends the City Council:

1. Deny Executive Facilities Services, Inc. appeal from the Purchasing Officer's rejection of the bid protest filed against the proposed award to CCS Facility Services - Orange County, Inc.

2. Award the Maintenance Services Agreement (MSA) to CCS Facility Services - Orange County, Inc., 3001 Red Hill Avenue, Building #6-220, Costa Mesa, CA 92628, for a period of two (2) years with the option for three (3) one-year renewal periods for janitorial services for City buildings, parks, and facilities in an annual amount not to exceed $577,973.

3. Authorize a ten percent (10%) contingency annually for emergency response, special events and other unforeseen costs, and approval for Consumer Price Index (CPI) escalation and de-escalation.

4. Authorize the City Manager or designee to execute the agreement and any future amendments to the agreement.

BACKGROUND:

The scope of work of the Janitorial Services contract encompasses the complete and comprehensive custodial cleaning and trash disposal at all of the City's major facilities: Balearic Community Center, City Hall, Communications Center, Corporation Yard, Downtown Recreation Center, Norma Hertzog Community Center, Police Department, Westside Police Substation, Bridge Shelter, City Parks, Senior Center, Fairview Park, Costa Mesa Tennis Center, Police Department Warehouse, Code Enforcement Substation and Fire Stations 1 through 6. The City's current agreement for janitorial services with Executive Facilities Services is expiring on June 30, 2026.

ANALYSIS:

On February 10, 2026, the City issued a Request for Proposal (RFP) on PlanetBids for janitorial services. A mandatory job walk was conducted on February 18, 2026, and another one scheduled on February 24, 2026. A total of (11) eleven proposals were received on March 11, 2026.

The proposals were screened for compliance with the City's RFP process. Two proposals did not meet the minimum requirements, the third did not attend the mandatory job walks and therefore all were deemed non-responsive to the City's RFP process. The remaining eight were compliant and submitted to the evaluation committee.

All eight (8) proposals were evaluated based on each company's ability to respond and satisfactorily define their ability to meet the following criteria:

- Qualifications of Entity & Key Personnel
- Approach to Providing the Requested Scope of Services
- Price Proposal - Completed by Finance
- Innovative and/or Creative Approaches to Providing the Services

After a thorough review and analysis of each proposal, the evaluation committee, which consists of City staff from the Economic and Development Services Department, Parks and Community Services Department and Public Works Department recommend CCS Facility Services - Orange County, Inc. (CCS) to provide janitorial services. Regarding the other seven (7) remaining proposers, their proposals were also deemed qualified by the evaluation committee. However, they did not exceed CCS in the criteria mentioned above.

PROPOSERS	SCORES
CCS Facility Services - Orange County, Inc.	1155
MasterCorp Commercial Services	1045
Executive Facilities Services	1010
Base Hill	910
Santa Fe Janitorial Maintenance	885
Uniserve Facilities Services	885
Omni Enterprise	840
Coast 2 Coast Preservations	770

CCS Facility Services - Orange County, Inc. understands the importance of providing thorough janitorial and disinfecting services for the aforementioned locations and maintaining the safety and integrity of the City's working and recreational environments. This ensures that the City of Costa Mesa's staff, residents, and the business community are confident that their City facilities will maintain a high level of cleanliness.

CCS has been providing janitorial services for over 15 public agencies in Southern California, along with over 1,000 local government facilities nationwide, for over 40 years. CCS Facility Services - Orange County, Inc. has 650 professional cleaners and will retain/transition the current janitorial employees assigned to the City's facilities to ensure the continuity of service while preserving the experience and institutional knowledge. CCS has identified expert staff for specialized tasks and has a dedicated team for parks, as well as a night crew for specific facilities.

Therefore, staff recommends the approval of the MSA to CCS Facility Services - Orange County, Inc. in the amount of $577,973 with an additional 10% contingency annually for emergency response, special events, and unforeseen costs.

BID PROTEST AND APPEAL:

On May 4, 2026, following the City's notice of intent to award the RFP to CCS Facility Services - Orange County, Inc., the City's current vendor and a proposer on this RFP, Executive Facilities Services, Inc. (EFS), filed a bid protest and appeal against the notice of intent to award the RFP based on twelve 12 separate issues. (See Attachment 1) On May 7th, the City Manager acting as the Purchasing Officer denied the protest and appeal. (See Attachment 2) On May 13th, EFS submitted a formal appeal of the City Manager's decision focused on two of these 12 separate issues. (See Attachment 3)

The procedures for appealing the intent to award a bid (commonly referred to as a "bid protest") for other than public construction projects are governed solely by the provisions of the City's Purchasing Policy and the appeal and review procedures of the Costa Mesa Municipal Code (CMMC). Under the Purchasing Policy, the protest must include the specifics of the nature of the protest and "any and all documentation to support the appeal." (See CMMC § 2-168(3)&(4)) The Purchasing Officer's denial of the bid protest may be appealed to the City Council pursuant to the appeal provisions of CMMC Title 2 Chapter IX. The City Council's review on appeal is de novo. The admissible evidence on this appeal is limited to "all relevant evidence" submitted to the Purchasing Officer and at the City Council appeal hearing, and the findings of the purchasing officer. (See CMMC § 2-303(4))

In brief summary, the instant appeal, like the initial bid protest alleges: 1) that CCS failed to disclose the fact that it was fined by the U.S. Immigration and Customs Enforcement (ICE) in Colorado in 2025; and 2) that there were "significant scoring discrepancies" between the City's RFP evaluators. In addition, the appeal raises a new allegation that CSS also failed to disclose that in 2022 the U.S. EEOC found reasonable cause to "believe that CCS failed in its obligation to provide a workplace free from unlawful harassment and discrimination and, in so doing, violated Title VII of the Civil Rights Act of 1964" in the state of Washington.

In denying the bid protest regarding the first allegation, the Purchasing Officer in summary found, based on information received from CCS that the alleged failure to disclose was related to an ICE audit and settlement specific to CCS Denver, Inc., as opposed to CCS Facility Services - Orange County, Inc. The Purchasing Officer found CCS' clarification acceptable and noted that the "proposer" on the RFP is "CCS Facility Services - Orange County, Inc." not "CCS Denver, Inc." (See Attachment 2) Regarding the alleged "scoring discrepancies", the Purchasing Officer found these allegations to be without merit. (See Attachment 2)

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The third allegation regarding a failure to disclose a workplace violation in the state of Washington was not raised in the initial bid protest and appeal, and therefore was not considered by the Purchasing Officer, as required by the Purchasing Policy. (See CMMC § 2-168(3)&(4)) However, the City Council has the discretion on appeal to consider this new evidence should it desire to do so. CCS provided a response to this allegation on June 3, 2026, which is included as Attachment 4.

ALTERNATIVES:

The alternatives to this Council action would be to: 1) sustain the appeal; 2) reject all bids and direct staff to re-advertise the RFP; or 3) deny the appeal, reject all bids and direct staff to re-advertise the RFP. However, it is not anticipated that any of these alternatives would result in selecting a more qualified firm or a lower cost for service.

FISCAL REVIEW:

Funding for this agreement, inclusive of the contingency, in the amount of $635,771 is included in the Adopted FY 2026-27 Operating Budget in the General Fund (Fund 101).

LEGAL REVIEW:

The City Attorney's Office has reviewed this report, prepared the Maintenance Services Agreement (Attachment 5) and approves them both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council goals:

- Strengthen Public Safety and Keep the Community Safe.
- Maintain and Enhance the City's Infrastructure, Facilities, Equipment, and Technology.

CONCLUSION:

Staff has evaluated the proposals to provide janitorial services for City facilities and recommend the City Council:

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