

BOARD OF TRUSTEES

UNIVERSITY OF THE DISTRICT OF COLUMBIA

UDC Resolution No.2016 - __

SUBJECT: Approval of Proposed Contract number GF-2016-C-0035 for Janitorial Services for the University of the District of Columbia Facilities

WHEREAS, pursuant to D.C. Official Code § 38-1241.01, the University of the District of Columbia has the authority and responsibility to procure and contract for goods and services; and

WHEREAS, pursuant to 8B DCMR § 205, the Board of Trustees is required to approve all proposed contracts in excess of one million dollars (\$1,000,000) prior to the presentation of such contracts to the Council of the District of Columbia for its approval; and

WHEREAS, the administration has presented a proposed contract for the award of goods and services contract number GF-2016-C-0035 for Janitorial Services for the University of the District of Columbia; and

WHEREAS, the Board has received all terms of the contract, as well as all necessary certifications from the administration; and

WHEREAS, the Board is satisfied that the proposed contract represents the proper culmination of the University's procurement process and represents the best value to the University; and

NOW THEREFORE, BE IT RESOLVED that the University of the District of Columbia is hereby authorized to forward to the Council of the District of Columbia for its approval of the proposed contract number GF-2016-C-0035 for the award of Janitorial Services for the University of the District of Columbia.

Submitted by the Operations Committee

July 20, 2016

Approved by the Board of Trustees

July 26, 2016

Dr. Elaine A. Crider
Chairperson of the Board



Office of Contracting and Procurement
Division of Capital Procurement

COUNCIL CONTRACT SUMMARY

Pursuant to the D.C. Procurement Practices Reform Act of 2010 Section 202(c), the following is provided:

(A) The name of the contractor, contract amount, unit and method of compensation, contract term, and type of contract:

Contractor:	Motir Services Inc.
Contract No.:	GF-2015-C-0035
Contract Amount:	\$11,355,161.48
Unit and Method of Compensation:	Progress payments will be made on the contract based on Executed Schedule of Values
Contract Term:	Commence on the date specified in the Notice to Proceed and complete one (1) year from the starting date for the base period with four (4) one year options for a total not to exceed five (5) years.
Contract Type:	Firm Fixed Price Performance Based

(B) The goods or services to be provided, the method of delivering goods or services, and any significant program changes reflected in the proposed contract:

Goods and services to be provided: The University of the District of Columbia (UDC) has a need for the contractor to furnish all labor, materials, equipment and supervision to provide janitorial services to all of its facilities, including the New Student Center which shall be maintained throughout the contract period of performance at a quality level that supports the building receiving a LEED Platinum rating.

Program Changes: There are no significant program changes in the contract.

- (C) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price and technical components:

The selection process was Competitive Sealed Proposals pursuant to Title 8B DCMR §3017, and Title 8B DCMR §3057 Contractor Responsibility.

On September 24, 2015 the UDC Office of Contracts and Procurement issued Request for Proposals (RFP) No. GF-2015-B-0035 to purchase the services required. The RFP was designated to the Small Business Enterprise (SBE) Market with a 35% Set Aside requirement for DC Department of Small and Local Business Development (DSLBD) Certified Business Enterprises (CBE). It was advertised in the Washington Examiner newspaper and posted on the UDC Website. There were seven (7) amendments to the solicitation. Technical Proposal versus price is the dominant consideration for award. Proposals from the following were received on the due date and time of November 13, 2015 not later than 2:00 p.m. A proposal from Total Quality was not considered because it was delivered at 4:33 p.m. A proposal from The Burks Companies Inc. was not considered because the company is not certified by DSLBD. As shown in Table 1 Motir Services Inc. received the highest evaluated technical and total proposal scores from the Technical Evaluation Panel. Below is an abstract of the proposals received.

Table 1

BIDDER	TECHNICAL SCORE	PRICE	EVALUATED PRICE	DSLBD POINTS	PRICE SCORE	TOTAL SCORE
Motir Services	74	\$11,355,161.48	\$9,971,662.03	12	19.8	105.8
NSC	69	\$11,259,068.00	\$10,245,751.88	9	20	98
Pacific Services	68	\$12,514,221.09	\$11,012,514.56	12	17.99	97.99
Metropolitan Office Products	61	\$12,337,755.70	\$10,857,225.01	12	18.25	91.25
The Look Enterprise	60	\$12,817,401.29	\$11,279,313.13	12	17.56	89.56
RWD	42	\$18,681,255.80	\$16,999,942.77	9	12.05	63.06
Community Bridge	36	\$29,045,225.49	\$25,559,798.43	12	7.75	55.75

NOTE: Motir 's initial offer was for \$17,469,479.35 but subsequently submitted a Best and Final Offer of \$13,102,109.40 for five years and a 3% discount on all invoices that are paid within ten (10) days of receipt of a proper invoice. However, the base period to be awarded will be for only four months which reduces the price to \$11,355,161.48.

- (D) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and prior performance on contracts with the District of Columbia government:

A pre-award survey disclosed that the contractor has:

- a. Adequate financial resources, credit or the ability to obtain such resources as required during the performance of the contract based on an Independent Accountants' Review Report dated June 8, 2015 as of December 31, 2014 and

2013 which states that the contractor has a revolving line of credit at a financial institution with a borrowing limit of \$ 2,000,000.00 and annual interest rates of 7%. The outstanding balance at December 31, 2014 and 2013 was \$1,550,000.00 and \$1,250,000.00 respectively. The contractor submitted a bid bond and has agreed to performance and payment bonds prior to award. Additionally, a Dun & Bradstreet Report dated November 6, 2015 gives the contractor a narrative viability score of "low risk."

- b. **The ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments based on past performance evaluations from:**
 - i. **Frank Mashuda, Quality Control Inspector
Ronald Reagan Washington National Airport
Type of Service Provided: Janitorial
Evaluation: Excellent**
 - ii. **Asim Thomas, General Manager
Walter E. Washington Convention Center
Type of Service Provided: Janitorial
Evaluation: Excellent**
- c. **The necessary organization, experience, accounting and operational control, technical skills or the ability to obtain them based on the rating of "Excellent" on the past performance evaluation submitted by its former clients listed above. Additionally, the contractor is certified by the Department of Small and Local Business Development as a certified business enterprise.**
- d. **Compliance with applicable District licensing and tax laws and regulations based on:**
 - i. **The DC Department of Employment Services' certification that the contractor is in compliance with D.C. Unemployment Insurance tax laws and regulations.**
 - ii. **The DC Office of Tax & Revenue's certification that the contractor is registered to conduct business with the District and that it is in good standing with the District.**
- e. **A satisfactory record of integrity and business ethics based on:**
 - i. **The contractor is not listed on the District Government debarred list;**
 - ii. **The contractor is not listed on the Federal Government debarred list; and**
 - iii. **The UDC Office of Contracts and Procurement has no knowledge that the contractor has an unsatisfactory record of integrity or business ethics.**

- f. The necessary production, construction and technical equipment and facilities or the ability to obtain them based on the past performance evaluations referenced in Section 4(b) above.
- g. Other qualifications and eligibility criteria necessary to receive an award under applicable laws and regulations based on:
 1. Motir Services has entered into a First Source Employment Agreement with the DC Department of Employment Services relative to the contract proposed.
 2. The Office of Human Rights has certified that Motir Services' EEO Employer Information Report and agreements comply with the requirements of Mayor's Order 85-85.
 3. Motir Services is a local small business certified by DSLBD, CBE Number: LSDZX41205112018, expiration 11/20/2018, and has submitted a sub-contracting plan certifying that it will perform 100% of the work required. Consequently no subcontracting is required.

(E) Performance standards and expected outcomes of the proposed contract:

The required performance standards under the proposed contract consist of strict adherence to the terms and conditions of Request for Proposals No. GF-2015-R-0035, including the Standard Contract Provisions for use with the Supplies and Services Contracts, July 2010.

(F) A certification that the proposed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance §§ 47-392.01 and 47-392.02:

The Chief Financial Officer for UDC has certified that the proposed contract is within the appropriated budget authority for the agency for the fiscal years and is consistent with the financial plan and budget adopted in accordance with §§47-392.01 and 47-392.02.
PENDING

(G) A certification that the proposed contract is legally sufficient and has been reviewed by the Office of the General Counsel, including whether the proposed contractor has any currently pending legal claims against the District:

The UDC Office of General Counsel has deemed the proposed contract legally sufficient. UDC has no knowledge of any claim(s) by Motir Services against the District.
PENDING

(H) A certification that the proposed contractor is current with its District and Federal Taxes or has worked out and is current with a payment schedule executed by the District or Federal government:

Verification statements were obtained from DC Office of Tax and Revenue and the Department of Employment Services certifying the contractor's compliance with District tax laws.

- (I) The status of the proposed contractor is a certified local, small, or disadvantaged business enterprise:**

Motir Services is a Local Business Enterprise (LBE), Small Business Enterprise (SBE) and Resident-owned Business (ROB), certification number LSDZX41205112018, expiration date 11/20/2018.

- (J) Other aspects of the proposed contract that the Contracting Officer deems significant:**

There are no other aspects of the proposed contract that the Contracting Officer deems significant.

- (K) Procurement Chronology**

Following receipt of a Statement of Work for Janitorial Services from UDC's Campus Services, and meetings to refine them, UDC's Office of Contracts and Procurement issued Request for Proposals number GF-2015-R-0035 for janitorial services on September 24, 2015 seeking the best comprehensive proposal that offered to improve the quality of janitorial services at a reasonable price at all of the University's facilities while being governed by a performance based contract.

On September 24, 2015 the Request for Proposals was published in the Washington Times Newspaper and on the UDC website.

On October 1, 2015 a Pre-Proposal Conference was conducted at the UDC Van Ness Campus and facilitated a site visit for prospective bidders.

On October 1 Amendment No. 1 to the solicitation was issued to add contract line item number 0003 for Porter Services.

On October 7, 2015 Amendment No. 2 to the solicitation was issued to extend the bid submission date to October 30, 2015 not later than 2:00 p.m.

On October 9, 2015 Amendment No. 3 to the solicitation was issued to notify prospective offerors that a site visit was scheduled for October 14, 2015 beginning at 10:00 a.m.

On October 22, 2015 Amendment No. 4 to the solicitation was issued to provide answers to questions from prospective offerors.

On October 27, 2015 Amendment No. 5 to the solicitation was issued to extend the proposal due date to November 13, 2015 not later than 2:00 p.m.; delete the requirement

for bid bond, and modify the requirement for payment and performance bond from shall be required to may be required.

On November 3, 2015 Amendment No. 6 to the solicitation was issued to provide answers to questions submitted from prospective offerors.

On November 9, 2015 Amendment No. 7 to the solicitation was issued to provide the current Wage Determination rate which included the current Collective Bargaining Agreement.

On November 13, 2015 seven (7) proposals were received timely from the following qualified offerors:

1. Community Bridge
2. Metropolitan Office Products
3. The Look Enterprises
4. Motir Services
5. National Services Contractors, Inc.
6. Pacific Services
7. RWD Consulting, LLC

Proposals from the following were not considered:

1. Total Quality –
2. Late submission
3. The Burks Company Inc. – Not certified by DSLBD

On November 23, 2015, the offerors technical proposals were transferred to the Technical Evaluation Panel (TEP) for review and scoring.

On December 28, 2015 the TEP completed the initial evaluations.

On February 10, 2016 the TEP submitted its final evaluation report. The report documented that Motir Services' proposal received the highest technical score.

Subsequently the Office of Contracts and Procurement evaluated the prices pursuant to the solicitation, allocated DSLBD designated preference points to each proposal and totaled the sub-scores to determine the highest score for each offeror. Motir Services received the highest overall score.

On April 26, 2016 OCP completed a pre-award survey regarding Motir Services that resulted in the Contracting Officer determining Motir Services responsible pursuant to Title 8B DCMR §3057 based on Section (D) above which established the following:

- a. The contractor has adequate financial resources, or the ability to obtain such resources, required to perform the contract;

- b. Is able to comply with the required performance schedule, taking into consideration all existing commercial and governmental business commitments;
- c. Has a satisfactory performance record;
- d. Has a satisfactory record of integrity and business ethics;
- e. Has a satisfactory record of compliance with the applicable District licensing and tax laws and regulations;
- f. Has a satisfactory record of compliance with labor and civil rights laws and rules, and the First Source Employment Agreement Act of 1984, as amended, D.C. Official Code §2-219-01 et seq;
- g. Has the necessary organization, experience, accounting, and operational control, and technical skills;
- h. Has not exhibited a pattern of overcharging the District;
- i. Does not have an outstanding debt with the District or Federal Government in a delinquent status; and
- j. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

On (*PENDING*) the Chief Financial Officer certified that funds are available for the services required.

On (*PENDING*) the UDC General Counsel certified that the contract proposed is legally sufficient.

On (*PENDING*) the UDC Chief Operating Officer approved the proposed contract.

On (*PENDING*) the UDC President approved the proposed contract.

On (*PENDING*) the UDC Board of Trustees approved the proposed contract.

A statement indicating whether the proposed contractor is currently debarred from providing services to any governmental entity (federal, state or municipal), the dates of the debarment, and the reason for debarment.

As of May 6, 2016, Motir Services name does not appear on the Federal or District Excluded Parties List/System.



FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Managing Director of Finance *David L. Franklin*
DATE: June 13, 2016
SUBJECT: Custodial Contract with Motir Services Inc.

Conclusion

It is concluded that the custodial contract with Motir Services Inc. will incur costs to the University of the District of Columbia in the sum \$11,355,161 over a period of four (4) months and four (4) option years beginning June 2016 through September 2020. It should be noted that the contract contains a provision for a 3% discount on payments made to the vendor within ten (10) days of receiving an invoice. The sum of the 3% discount over the life of the contract is \$340,655.

Background

The process employed by the Office of Contracts and Procurement in awarding the contract to Motir Services Inc. involved a competitive sealed proposal process. The contract is performance based with clear performance standards that will make for easier monitoring and enforcement of performance standards. For example, poor performance may result in a reduction of contractor's payments. As a result, it is incumbent upon the contractor to maintain a standard of performance that meets with the satisfaction of the University.

The monthly and annualized costs of the janitorial contract with Motir Services Inc. are outlined below:

NEW JANITORIAL CONTRACT FINANCIAL TERMS	
Campus-Wide Monthly Costs	162,063
Student Center Monthly Costs	39,000
Porter's Monthly Costs	17,306
Total Monthly Costs without 3% Discount	218,369
Annualized Costs - without 3% Discount	2,620,428
Base/Four Month & Four Option Years - without 3% Discount	11,355,161
Total Monthly Costs with 3% Discount	
	211,817
Annualized Costs - with 3% Discount	2,541,804
Base/Four Month & Four Option Years - with 3% Discount	11,014,484
3% Discount on Four Month & Four Option Years	340,655
3% Discount Monthly Rate Over 52 Months	6,551

Financial Impact

This request has been approved based upon the information provided. The financial impact to be borne by the University through September 2017 is estimated at \$3,493,896. The funding to support the janitorial contract with Motir Services Inc. through September 2017 was identified and set-aside by the university. Future annualized funding for the remaining years of the contract will be subject to availability and earmarked as part of the budget development process.

Risks and Impacts

Risk Assumptions	Impacts
Monthly Late Payments	Late payments incur a penalty of 3% per month, in lieu of the discount, in the sum of \$6,551. Quarterly this sum amounts to \$19,653 and to \$78,612 on an annual basis



OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

**To: Ronald F. Mason, Jr.
President**

**From: Karen Hardwick
General Counsel**

Re: Legal Sufficiency Certification – Proposed Contract Number GF-2015-C-0035 by and between the University of the District of Columbia (“University”) and Motir Services, Inc, pertaining to Janitorial Services to the University of the District of Columbia facilities.

Date: June 1, 2016

Description of Proposed Contract

The proposed contract is for Motir to provide all labor, materials, equipment and supervision to provide janitorial services to all of its facilities, including the new Student Center which shall be maintained throughout the contract period of performance at a quality level that supports the building receiving a LEED Platinum rating.

The contract for janitorial services was procured by the competitive sealed proposal procurement process (Request For Proposals (RFP) No. GF-2015-B-0035) conducted pursuant to the University’s procurement regulations in 8B DCMR §§ 3000 *et seq.* Proposed Contract No. GF-2015-C-0035 was awarded to the offeror whose offer was most advantageous to the University based upon specified evaluation criteria.

The terms of the proposed contract are detailed in the Council Contract Summary attached. The proposed contract is a Firm Fixed Price Performance Based contract and the University will make progress payments based on an Executed Schedule of Values. The University is seeking approval by the Council of the District of Columbia for Proposed Contract No. GF-2015-C-0035 in the amount of (\$11,355,161.48).

Legal Review

The University, through its Board of Trustees, has the authority pursuant to section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code §38-1202.01(a)) to make contracts; to make, deliver, and receive deeds, leases and other instruments and to take title to real and other property in its own name; and to adopt, prescribe, amend, repeal, and enforce such bylaws, rules, and regulations as it may deem necessary for the governance and administration of the University. In addition, pursuant

to D.C. Code § 38-1202.01(b), the University is authorized to operate as an independent agency of the government of the District of Columbia.

Further, pursuant to Council legislation, the "University of the District of Columbia Board of Trustees Quorum Amendment Act of 2010," the University is authorized to conduct business through University Procurement Rules, such Act providing that the University may procure all goods and services necessary to operate the University independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Reform Act of 2010 (consistent with University procurement regulations approved by Council). Section 201 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Official Code § 2-351.01) permits the Board of Trustees of the University to operate its own procurement process, subject to the applicability of Title IX of that Act to contract protests, appeals and claims arising from procurements of the University of the District of Columbia Board of Trustees.

The University is thus authorized to enter into the Contract, subject to submission of the Contract to the Council of the District of Columbia for review and approval, pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), stating that prior to the award of a multiyear contract or a contract in excess of \$1 million during a 12-month period, the Mayor or executive independent agency or instrumentality shall submit the proposed contract to the Council for review and approval in accordance with the criteria established in this section.

Council further enacted special criteria governing the submission of multiyear contracts and contracts in excess of \$1 million during a twelve-month period as part of the Procurement Practices Reform Act at D.C. Code § 2-352.02, with such criteria specifically enumerated at D.C. Code §§ 2-352.02(c), including this legal sufficiency certification.

This certification also specifies that the University is not aware of any claim(s) by Motir against the District. Subject to submission of the required materials identified in the Council's special criteria for contract approval and to Council approval as set forth herein and otherwise required by law, the proposed Contract is legally sufficient in that it complies with applicable law.

Please let me know if you have any questions. I may be reached at (202) 274-5604.

Financial Impact

This request has been approved based upon the information provided. The financial impact to be borne by the University through September 2017 is estimated at \$3,493,896. The funding to support the janitorial contract with Motir Services Inc. through September 2017 was identified and set-aside by the university. Future annualized funding for the remaining years of the contract will be subject to availability and earmarked as part of the budget development process.

Risks and Impacts

Risk Assumptions	Impacts
Monthly Late Payments	Late payments incur a penalty of 3% per month, in lieu of the discount, in the sum of \$6,551. Quarterly this sum amounts to \$19,653 and to \$78,612 on an annual basis