



Contra
Costa
County

To: Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: August 16, 2022

Subject: Payment for Services Provided by Summit Building Services, Inc.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, or his designee, to pay \$1,411,354.22 to Summit Building Services, Inc., for cleaning services provided at County department buildings during the period May 26, 2021 through July 14, 2022, as recommended by the Public Works Director, Countywide.

FISCAL IMPACT:

Costs for cleaning services are charged to user departments. (100% User Departments)

BACKGROUND:

Summit Building Services, Inc. (Summit) is contracted to provide general cleaning for many County department buildings at various locations that are specialized and/or typically serviced after normal work hours. The current contract with Summit is for the period May 1, 2021, through April 30, 2024, with an amount not to exceed \$7,500,000. The contract amount was based on the cost per square foot for cleaning services at 34 building sites and a flat rate for specialized sites such as park restrooms and mobile medical clinics. The average cost for this cleaning service is approximately \$80,000-\$100,000 per month. While the monthly general cleaning service accounts for approximately \$3 million in the contract, an

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/16/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 16, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: Joe Yee (925)
313-2104

cc:

additional \$4.5 million was included in anticipation that emergency COVID-19 deep cleaning services would continue for an estimated six (6) months

BACKGROUND: (CONT'D)

of the contract. This estimated additional amount was based on data from previous COVID-19 deep cleaning services requested by departments and arranged by Public Works custodial services over the course of the pandemic.

COVID-19 deep cleaning services were required until about mid-June 2022, therefore the emergency cleaning provided by Summit continued substantially longer than anticipated, resulting in the depletion of the original \$7.5 million in the contract. Due to continued surges in COVID-19, the frequency for deep cleaning services throughout county facilities continued at a much higher rate than originally anticipated. Between approximately February/March 2022 and June 2022 alone, the county expended over \$1 million to complete deep cleaning services throughout our county facilities. This level of service over the extended period of time that COVID-19 has continued to impact our community and operations was not fully anticipated. Therefore the costs have exceeded our current contract with Summit Building Services, Inc.

Given the County's revised deep cleaning protocols in mid-June 2022, Public Works has reduced the current services provided by Summit, limiting the work to those general cleaning items identified in the contract and typically done after normal work hours and on specialized areas. We will review the needs of this work and determine the recommended course of action to address the ongoing needs and bring necessary actions before the Board to ensure the services continue for customer departments. Upon recognition that the approved funds for this contract were being expended more rapidly than anticipated, Public Works engaged labor in early April 2022 to inform them of the need to amend the current Summit contract for additional funding to allow for the general cleaning services identified in the original contract to continue to the end of the current contract through April 30, 2024. At that time labor requested additional information regarding the current contract and as a result any proposed amendment has been delayed until we can address labors inquiries related to this contract amendment. Public Works will schedule any amendment before the Board of Supervisors once we address labors inquiries related to this contract.

Summit has continued to provide regular cleaning and emergency COVID-19 deep cleaning services as requested even though the original contract funds have been fully depleted and they have a substantial amount in unpaid invoices as of July 14, 2022. Summit Building Services, Inc., is entitled to payment for the reasonable value of its services under the equitable relief theory of quantum meruit. That theory provides that where a person has been asked to provide services without a valid contract, and the provider does so to the benefit of the recipient, the provider is entitled to recover the reasonable value of those services. Therefore, Public Works is legally obligated to reimburse Summit Building Services, Inc., for the reasonable value of the services it provided. While attempts continue to amend the current contract to restore funds for regular cleaning services during the time period remaining in the contract and since Summit Building Services, Inc., performed services at the request of Public Works, and with the full expectation and understanding that it would receive payment for those services, Public Works recommends that the Board

authorize the Auditor-Controller to issue a payment in the amount of \$1,411,354.22.

CONSEQUENCE OF NEGATIVE ACTION:

If this proposed payment is not approved, Summit Building Services, Inc., will not be paid for service already provided and regular cleaning services at various County buildings will stop.