

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

July 23, 2024

**FROM**

**DON DAY, Director, Project and Facilities Management Department**

**SUBJECT**

Contracts with Pacific Coast Elevator dba Amtech Elevator Services for Vertical Transportation System Services

**RECOMMENDATION(S)**

1. Approve **Contract No. 24-688** with Pacific Coast Elevator dba Amtech Elevator Services, including non-standard terms, in an amount not to exceed \$1,624,560 for vertical transportation system maintenance services for 30 county-owned facilities, for the period of August 1, 2024, through July 31, 2029.
2. Approve **Contract No. 24-689** with Pacific Coast Elevator dba Amtech Elevator Services, including non-standard terms, in an amount not to exceed \$500,000 for non-routine/unforeseen repair services of vertical transportation systems for 30 county-owned facilities for the period of August 1, 2024, through July 31, 2029.
3. Authorize the Chief Executive Officer to direct the Purchasing Agent to approve contract amendments adding new locations to the contracts in Recommendation Nos. 1 and 2 as needed, subject to review by County Counsel and the County Administrative Office - Finance and Administration, at a not-to-exceed annual cost of \$50,000 per additional location.
4. Direct the Director of the Project and Facilities Management Department to transmit all amendments to the contracts in Recommendation Nos. 1 and 2 to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Don Day, Director, 387-5000)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total cost of the contract with Pacific Coast Elevator dba Amtech Elevator Services (Amtech) for routine maintenance services of vertical transportation systems is \$1,624,560, at an annual cost of \$324,912. The total contract cost for non-routine/unforeseen repair services of vertical transportation systems is a not-to-exceed amount of \$500,000.

Costs under the maintenance contract are set as a monthly cost specific to each of the 30 locations. Costs for non-routine/unforeseen repair services are hourly and no minimum amount of work is guaranteed. Costs are set forth in Attachment A for each contract. The cost for vertical transportation system services is included in the Project and Facilities Management

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Department (PFMD) maintenance charges and are reimbursed by county departments that occupy each facility. Payments for the contracts will be made from the PFMD cost center (7302001000). Sufficient appropriation is included in the Facilities Management Division (FMD) 2024-25 budget for both routine maintenance services and non-routine/unforeseen repair services on vertical transportation systems and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

FMD oversees the maintenance of the vertical transportation systems for the 30 county-owned facilities. Approval of the recommended maintenance contract will allow for continued routine maintenance and repair services. The on-call contract will be used for non-routine/unforeseen repair services that fall outside the routine maintenance contract. To ensure compliance with the California Public Contract Code, costs for individual projects must be less than \$60,000.

The contracts with Amtech contain non-standard contract terms that differ from the standard County terms. The non-standard terms include the following:

1. The contracts contain a general indemnity provision rather than the County's standard indemnification provision. Amtech's indemnification obligation applies only to damages or losses arising out of the contract and caused by Amtech's acts.
  - The County standard contract indemnity provision requires the contractor to indemnify, defend and hold the County harmless from third party claims arising out of the acts, errors or omissions of any person.
  - Potential Impact: The indemnity provision is narrower than the standard indemnity provision. Amtech agrees to provide indemnity only for its own actions rather than those of the County or "any person".
2. The contracts contain a limited warranty which states it shall perform services in a workmanlike manner using the highest industry standards. The warranty is limited to repair or replacement of defective materials and the correction of defective workmanship.
  - County Policy requires a contractor to fully warrant its services and products.
  - Potential Impact: The County's ability to recover for damages caused by defective workmanship may be limited.
3. The contracts contain a provision prohibiting either party from recovery of special, indirect, liquidated or consequential damages.
  - The County standard contract does not limit the County's ability to recover damages from the contractor.
  - Potential Impact: Should the County incur damages from work performed by Amtech, the County's ability to recover all of its damages is limited. Amtech is also limited in recovery all of its damages from the County.
4. The contracts contains a provision which provides neither party shall be liable for damages or delay due to any cause beyond its control, including but not limited to acts of government, strikes, and natural disasters.
  - The County standard contract does not contain this provision.
  - Potential Impact: This provision prohibits either the County or Amtech from recovering damages due to delays caused by these types of incidents.

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PFMD recommends approval of these contracts, including non-standard terms, as the proper maintenance and repair of these systems ensures optimal performance and provides for the safety of county residents.

PFMD is requesting approval from the Board of Supervisors to authorize the Chief Executive Officer to direct the Purchasing Agent to approve amendments, in the not-to-exceed annual cost of \$50,000 per additional location to the Contracts, adding any newly acquired buildings/locations that require immediate vertical transportation services.

**PROCUREMENT**

On May 16, 2024, PFMD issued Request for Proposal No. FMD124-FM-5282 for vertical transportation system services through the County Electronic Procurement Network (ePro). Between May 30, 2024, through June 1, 2024, two vendors attended the mandatory job walks for the County-owned locations. On June 19, 2024, only the bid proposal below was received:

<b>Vendor</b>	<b>Annual Cost</b>	<b>Total Cost</b>
Pacific Coast Elevator dba Amtech Elevator Services	\$324,912	\$1,624,560

An evaluation committee composed of staff from PFMD reviewed the proposal from Amtech. The criteria used to evaluate the bid included cost, technical, proficiency and references. The evaluation committee determined Amtech met the minimum requirements and recommended the maintenance contract and the on-call contract be awarded to Amtech to provide vertical transportation system services based on the best value and service to the County. The appeal process is not relevant as Amtech was the only proposer.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on July 8, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on July 10, 2024; Purchasing (Ariel Gill, Supervising Buyer, 777-0722) on July 8, 2024; Project and Facilities Management (Jennifer Costa, Chief of Facilities Management, 387-2920) on July 8, 2023; Finance (Garrett Baker, Administrative Analyst, 387-3077) on July 8, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 9, 2024.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman Seconded: Joe Baca, Jr.  
Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: July 23, 2024



cc: PFMD - Ayala w/agrees  
Contractor - c/o PFMD w/agree  
File - w/agree  
CCM 08/1/2024