



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 14, 2017

Subject: APPROVE and AUTHORIZE Advertisement for Construction Bids for Annual Job Order Contracts 004, 005, 006, and 007 (WW0862)

RECOMMENDATION(S):

- (1) APPROVE the design and bid documents, including the plans and specifications for typical work, contract General Conditions, Technical Specifications, and the Construction Task Catalog for Job Order Contracts 004, 005, 006, and 007.
- (2) AUTHORIZE the Public Works Director, or designee, to solicit bids to be received on or about March 23, 2017 and issue bid addenda, as needed, for clarification of the bid documents, provided the involved changes do not significantly increase the construction cost estimate.
- (3) DIRECT the Clerk of the Board to publish, at least 14 calendar days before the bid opening date, the Notice to Contractors in accordance with Public Contract Code Section 22037, inviting bids for this project.
- (4) DIRECT the Public Works Director, or designee, to send notices by email or fax and by U.S. Mail to the construction trade journals specified in Public Contract Code Section 22036 at least 15 calendar days before the bid opening.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/14/2017** ☐ 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: February 14, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Ramesh Kanzaria,
(925) 313-2000

By: , Deputy

cc:

FISCAL IMPACT:

JOC work orders will only be issued when there is an approved project and funding. The contract value can range from a minimum of \$45,001 to a maximum of \$4.5 million. The maximum contract value of \$4.5 million per annual JOC contract is a maximum limit based on Public Contract Code Section 20128.5 (not actual appropriated dollars), and it is possible that the limit may not be reached. Having this limit allows for efficiency and flexibility in accomplishing work up to the maximum statutory limit.

BACKGROUND:

On March 31, 2015, the Public Works Department participated in a County Building Infrastructure Workshop before the Board. At that time, Capital Projects and Facilities Maintenance staff were reviewing the recommended priority projects from the 2014 assessment of 81 buildings at 48 sites to present the list of projects to be funded with Facilities Life-Cycle Investment Program (FLIP). On May 12, 2015, the Board approved the FLIP project list for the Fiscal Year 2015/2016.

In order to be efficient in delivering projects, the County has employed a variety of project delivery methods. One such method is Public Contract Code Section 20128.5, which authorizes counties to award one or more individual annual contracts for repair, remodeling, or other repetitive work to be done according to unit prices. Once an annual contract is awarded, individual projects are then done through written job orders performed by the job order contractor at the unit prices bid for the annual contract. Such Job Order Contracting (JOC) is a project delivery tool that has been proven to reduce costs, save time, and increase productivity.

The Contra Costa County Board of Supervisors previously approved the use of annual JOC contracts in 2002. From 2002 to 2010, the County successfully utilized JOC as a responsive contracting technique for the accomplishment of maintenance, repair, and remodeling projects totaling more than \$15 million.

On July 28, 2015, the County executed a Consulting Services Agreement with The Gordian Group, Inc. d/b/a The Mellon Group ("Gordian") to provide JOC Program development and implementation services for various County projects.

As part of the Agreement, Gordian developed and maintained a JOC catalog, also known as a unit price book that contained individual construction tasks for all aspects of the repair, remodeling, and other repetitive work including general conditions, driveways, parking lots, and other construction-related components, covered by the annual JOC contracts awarded by the County.

On September 15, 2015, the Board of Supervisors authorized the Public Works Director to solicit bids for job order contracts. On November 10, 2015, the Board of Supervisors awarded three contracts each in the amount of \$2,000,000 to Sea Pac Engineering (JOC 001), John F. Otto, Inc., (JOC 002), and Mark Scott Construction (JOC 003). The California

Public Contract Code (PCC) Section 20128.5 provides that counties may award annual contracts up to a maximum allowable contract value of \$4,659,196 (\$3,000,000 in 1998 increased annually by the California Consumer Price Index). Due to the success of the program, the great need, and the satisfactory performance by John F. Otto Inc. and Mark Scott Construction, on September 20, 2016, the Board approved Change Order No. 1 with John F. Otto, Inc. (JOC 002) and Mark Scott Construction (JOC 003) to increase the contract amount each by \$2,500,000 to a new contract amount of \$4,500,000.

The JOC Program has been a valuable construction project delivery tool for the term of the JOC contracts. Under the JOC program, the Public Works Department has assigned 41 projects; 11 projects completed, 21 projects which are in construction, and 9 projects under review and slated to be completed under the existing contracts. As we near the expiration date and reach maximum contract amounts for the existing job order contracts, other projects are still eligible to be accomplished under the JOC program. There is a great need to continue utilizing the JOC program.

Bid documents for Job Order Contracts 004, 005, 006, and 007, including plans and specifications for typical work, have been updated for the Public Works Department by Gordian. The maximum contract value for each annual JOC contract is \$4.5 million (\$3.0 million adjusted by the Consumer Price Index per Public Contract Code Section 20128.5). The general prevailing wage rates are on file with the Clerk of the Board of Supervisors and will be the minimum rates paid on the projects covered by the annual JOC contracts. The contractors to be awarded the annual JOC contracts will be the lowest responsive and responsible bidders and their good faith effort documentation will have to comply with the County's Outreach Program requirements where appropriate.

California Environmental Quality Act (CEQA) requirements will be determined and addressed on a project-by-project basis as projects occur. If annual JOC contracts are ultimately awarded under this solicitation, each will be for a term of 12 months. The County reserves the right to award one or more of Job Order Contracts 004, 005, 006, and 007. The County is not required to award all four contracts and is not required to award any contract if the bid pricing is unfavorable.

CONSEQUENCE OF NEGATIVE ACTION:

If JOC bid solicitation is not approved and authorized, the County will not have the resources to complete deferred maintenance projects as described in the FLIP report and other County construction projects involving repair, remodeling, and other repetitive work.