



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: September 11, 2018

Subject: APPROVE and AUTHORIZE Advertisement for Construction Bids for Annual Job Order Contracts, Countywide.

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 (JOC) 008, 009, 010 & 011.
- (2) AUTHORIZE the Public Works Director, or designee, to solicit bids to be received on or about October 11, 2018 and issue bid addenda, as needed, for clarifications 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: **09/11/2018** ☒ 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: September 11, 2018

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

By: June McHuen, Deputy

Contact: Ramesh Kanzaria
925-957-2480

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 \$25,000 to a maximum of \$4.9 million. The maximum contract value of \$4.9 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:

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. dba The Mellon Group ("Gordian") to provide JOC Program development and implementation services for various County projects. The Board of Supervisors amended the Consulting Services Agreement with Gordian on April 25, 2017 to extend the termination date to July 28, 2020, to continue to provide Job Order Contracting Program development and implementation services for various County projects.

As part of the Agreement, Gordian develops and maintains 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 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.

On February 14, 2017, the Board of Supervisors authorized the Public Works Director, or designee, to solicit bids for job order contracts for repair, remodeling, and other repetitive work, and bring to the Board recommendations to award four contracts. On February 17, 2017, bids were invited by the Public Works Director. On March 23, 2017, the Public Works Director received 6 bids for the job order contracts.

On April 18, 2017, job order construction contracts were awarded to the four lowest, responsive bidders: Federal Solutions Group (JOC 004), Aztec Consultants (JOC 005), Mark Scott Construction (JOC 006), and Anderson Group (JOC 007) for job orders under the JOC's in amount not less than \$25,000 nor more than \$2,500,000.

On December 5, 2017, the Board approved Change Order No. 1 with Federal Solutions Group, Aztec Consultants, Mark Scott Construction, and Anderson Group in the amount of \$2,000,000, to increase the payment limit from \$2,500,000 to a new maximum contract value of \$4,500,000, as allowed by Public Contract Code. Change Order No. 1 has only been executed with Aztec Consultants and Mark Scott Construction at this time. Two of the current JOC contracts with Aztec and Mark Scott have expired. The current JOC contract with Federal Solutions will expire in early January 2019 and Anderson Group International's contract will expire in March 2019.

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 008, 009, 010 and 011. 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:

The JOC program has been a valuable construction project delivery tool for projects. 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 Facilities Lifecycle Investment Program (FLIP) report and other County construction projects involving repair, remodeling, and other repetitive work.