



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: November 29, 2022

Subject: APPROVE and AUTHORIZE Amendment No. 5 to Consulting Services Agreement with The Gordian Group d/b/a The Mellon Group

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a contract amendment with The Gordian Group d/b/a The Mellon Group, to extend the term from December 31, 2022 through February 29, 2024 and increase the payment limit by \$750,000 to a new payment limit of \$3,250,000, to provide Job Order Contracting program development and implementation services for various County facilities projects, Countywide.

FISCAL IMPACT:

Projects will be assigned to JOC contractors and serviced by The Gordian Group if and when there is an approved project and funding. Gordian charges a 5% License and Job Order Development Fee based on the value of the job order. (100% Various Funds)

BACKGROUND:

Since 2015, Public Works Capital Projects Management Division has relied on JOC (Job Order Contractor) contracting for execution of a large portion of its construction projects.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **11/29/2022** ☒ 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: November 29, 2022

, County Administrator and Clerk of the Board of Supervisors

Contact: Jeffrey K. Acuff
925-9570-2487

By: Laura Cassell, Deputy

cc:

The JOC program is managed by Gordian using their proprietary system and pricing catalog. The current contract with Gordian has been continuous since 2015 and has been subject to four contract amendments which have collectively increased the

BACKGROUND: (CONT'D)

maximum fee under the agreement from \$500,000 to \$2,500,000 and have extended to contract term through end of 2022.

With the Gordian contract set to expire on December 31, 2022, action is required to keep the County's JOC program functional. Public Works currently has JOC contracts based on the Gordian system with four general contractors. Those contracts extend to various dates in February 2023. The contract duration of these JOC contracts dictates the time period in which Public Works can initiate job orders with each JOC contractor. Projects initiated within the contract duration often last well beyond the termination date of the JOC contract, forming a "tail" to each JOC contract duration. Therefore, it is reasonable to anticipate that the "tail" of the current JOC contracts will extend well into 2024.

To cover completion of job order construction projects assigned under the current JOC contracts, the current Gordian contract needs to be amended to cover completion of those jobs. In addition, for Public Works Capital Projects Management Division to effectively administer and construct County Department requested projects, it needs to be able to initiate new job orders under the Gordian system well into 2023. The timeframe required to execute a new contract with a JOC Program Manager and to potentially solicit new JOC contractors for work based on a new job order contracting system is likely six to nine months. Thus, a new system would not be functional until at least summer 2023.

To prevent an extended time period without JOC contracting capabilities, Public Works Capital Project Management has initiated a JOC contractor solicitation for contracts to be in place the after expiration of the current set of JOC contracts in February 2023. Public Works will only be able to execute contracts based on this solicitation if there is a Gordian JOC program management contract in place to manage those contracts. Amendment No. 5 will allow the existing JOC program to remain functional until a new JOC Program Management contract can be executed. Eventually, to resolve all job orders executed under the current Gordian contract, this additional amendment is required to cover the "tail" period of those job orders.

Concurrent with those projects being resolved under current contract and this amendment, Public Works Capital Projects Management will be initiating a new solicitation for a JOC program manager in Spring 2023, with the timing coordinated for the best transition from one program to another.

CONSEQUENCE OF NEGATIVE ACTION:

If Amendment No. 5 is not approved, it is unclear how, or if, existing construction under executed job orders will be maintained and managed such that the work can be completed. Furthermore, Public Works will be unable to initiate any new construction projects using job order contracting as the delivery method until such time that a new program is established. Both of these operational consequences would result in delay and added cost to multiple construction projects.

