



Board Agenda Item 57

DATE: January 28, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Award Class A and Class B Job Order Contracts

RECOMMENDED ACTION(S):

1. **Adopt specifications for Contract Nos. 24-19-J, 24-20-J, and 24-21-J Class A (General Engineering) Job Order Contracts;**
2. **Award Contract No. 24-19-J to the bidder with the lowest bid, Papich Construction, 398 Sunrise Terrace, Arroyo Grande, CA 93420, total not to exceed \$6,023,368;**
3. **Award Contract No. 24-20-J to the bidder with the second lowest bid, Walsh Montgomery Construction, Inc., 1477 Menlo Avenue, Clovis, CA 93611, total not to exceed \$6,023,368;**
4. **Award Contract No. 24-21-J to the bidder with the third lowest bid, Yarbs Grading and Paving, Inc., 11339 S. Peach Avenue, Fresno CA 93725, total not to exceed \$6,023,368;**
5. **Adopt specifications for Contract Nos. 24-J-10, 24-J-11, 24-J-12, and 24-J-13 Class B (General Building) Job Order Contracts;**
6. **Award Contract No. 24-J-10 to the bidder with the lowest bid, Durham Construction Company, Inc., 1025 Holland Avenue, Clovis, CA 93612, total not to exceed \$6,023,368;**
7. **Award Contract No. 24-J-11 to the bidder with the second lowest bid, Newton Construction and Management, Inc., 2436 Broad Street, San Luis Obispo, CA 93401, total not to exceed \$6,023,368;**
8. **Find that Simile Construction, Inc., 4725 Enterprise Way Modesto, CA 95356 is the third lowest bidder for Contract No. 24-J-12, and the deviation from strict bidding requirement is immaterial and is hereby waived, at the discretion of the Board and in furtherance of best interest of the County, and award Contract No. 24-J-12, total not to exceed \$6,023,368; and**
9. **Award Contract No. 24-J-13 to the bidder with the fourth lowest bid, Aventus NV, Inc., 1600 Carse Drive, Boulder City, NV 89005, total not to exceed \$6,023,368.**

Approval of the recommended actions would allow construction services for small to medium sized repair, remodel and maintenance projects to be provided on an on-call basis through Job Order Contract (JOC). The projects are related to requests from County departments and will be funded with the departments' adopted budget appropriations. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may elect not to approve some or all of the recommended actions, in which case, the Department will be required to spend additional staff time and resources to prepare County department projects for construction that could have been accomplished with greater expediency and efficiency using JOC.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Funding for work performed under the JOC will be on a per-job basis as requested by County departments in accordance with their budgeted appropriations. Funds for the work covered by the Class A (General Engineering) JOC will come primarily from Road Fund 0010. Sufficient appropriations and estimated revenues for Class A JOC are included in the Department of Public Works and Planning - Roads Org 4510 FY 2024-25 Adopted Budget. Additionally, the Class A JOC may be used and funded through other divisions and/or departments that require construction services such as parking lot maintenance and repair.

Funding for the work covered by the Class B (General Building) JOC will come from various sources as the Department's Capital Projects Division provides services to the Department and to other County departments as requested. Allocations for budgeted projects are included in various Departmental - Capital Projects Orgs for FY 2024-25 Adopted Budget.

DISCUSSION:

A JOC is an indefinite work order quantity contract pursuant to which the awarded contractor will perform an ongoing series of individual projects at different locations throughout the County during the 12-month period. The bid document for the JOC includes a Construction Task Catalog containing detailed construction tasks with preset unit prices. All unit prices are based on local labor, prevailing wages, material, and equipment prices, and are for the direct cost of construction. Each contractor's bid includes adjustment factors to the established unit prices based on various funding sources, facility types, and/or normal and non-normal working hours.

Since 2015, the Department has issued annual solicitations for JOC to facilitate construction services for various road maintenance and capital improvement projects. On November 5, 2024, the Department advertised three Class A JOC and four Class B JOC contracts. Three JOC contracts are recommended for award for Class A (General Engineering) projects and four are recommended for Class B (General Building) projects based upon anticipated need in the next 12 months. Multiple JOC for each licensure type allows the Department flexibility to respond to urgent County department project requests while being less reliant on any specific contractor's availability.

The total amount for each Class A and Class B contract is \$6,023,368. This is the maximum amount allowable under California Public Contract Code (PCC) Section 20128.5. There is no minimum value guaranteed in the JOC. A list of projects to be performed using is included as Attachment A.

A bid opening was held on December 12, 2024. Eight bids were received for the Class A JOC contracts and seven bids were received for the Class B JOC contracts. All bidders have been deemed responsive. Based on the anticipated need, seven contracts are recommended for award to the lowest bids submitted in their respective licensure class.

The bidders and their respective Award Criteria Figures are shown below:

Class A

Contractor	Award Criteria Figure	Contract Recommended for Award
1. Papich Construction Heritage General	1.1099	24-19-J
2. Walsh Montgomery Construction, Inc.	1.1120	24-20-J
3. Yarbs Grading and Paving	1.1230	24-21-J
4. American Paving Co.	1.2500	
5. Exbon Development Inc.	1.2910	
6. Juarez Brothers General Engineering, Inc.	1.1410	
7. Terra West Construction Incorporated	1.1585	
8. Teichert	1.1795	

Class B

Contractor	Award Criteria Figure	Contract Recommended for Award
1. Durham Construction Company, Inc.	1.1360	24-J-10
2. Newton Construction and Management, Inc	1.1495	24-J-11
3. Simile Construction, Inc.	1.1518	24-J-12
4. Aventus NV, Inc.	1.1667	24-J-13
5. Heritage General	1.1750	
6. Better Enterprises, Inc.	1.1772	
7. Exbon Development Inc.	1.2865	

Technical specifications and the Construction Task Catalog were prepared by the Department's consultant, Gordian Group, and were reviewed by Department staff. Boilerplate specifications describing various County administrative and contractual requirements were prepared by Department staff.

Public Contract Code § 20483 requires bid bonds be submitted with bids. Typically, the County requires bid bonds valued at ten percent of the bid amount. Because JOC contracts are of uncertain total value, we have typically required \$25,000 bid bonds. Simile Construction, the third lowest bidder for Class B JOC, submitted bid bonds in the amount of ten percent, which we assume the ten percent is based on the maximum contract value of \$6,023,368. Staff's assessment is that this irregularity likely resulted in a heavier than requested bid bond, assuming the ten percent is based on the \$6,023,368 million maximum value of the contract, and that no competitive advantage was gained by the deviation, and that your Board may therefore waive the discretion as immaterial and accept Simile's bid. The sixth lowest bidder for Class A JOC, Juarez Brothers General Engineering, Inc., has a similar issue with their bid, however the placement of Juarez' award criteria figure below the number of awarded contracts means the Board needn't waive or otherwise address the validity of their bid.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

CAO ANALYST:

Salvador Espino