



Board Agenda Item 48

DATE: May 23, 2023

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 ACTIONS:

1. **Adopt specifications for Contract Nos. 22-24-J, 22-25-J, 22-26-J, and 22-27-J Class A (General Engineering) Job Order Contracts; and**
2. **Award Contract No. 22-24-J to the bidder with the lowest bid, Emmett's Excavations Inc., 1477 Menlo Avenue Clovis, CA, total not to exceed \$3,000,000; and**
3. **Award Contract No. 22-25-J to the bidder with the second lowest bid, Terra West Construction Incorporated, 1030 Gettysburg Ave Ste 107, Clovis, CA, total not to exceed \$3,000,000; and**
4. **Award Contract No. 22-26-J to the bidder with the third lowest bid, Exbon Development Inc., 13831 Newhope St., Garden Grove, CA 92843, total not to exceed \$3,000,000; and**
5. **Award Contract No. 22-27-J to the bidder with the fourth lowest bid, Avison Construction Inc., 40434 Brickyard Dr., Madera, CA 93636, total not to exceed \$3,000,000; and**
6. **Adopt specifications for Contract Nos. 22-J-02, 22-J-03, and 22-J-04 Class B (General Building) Job Order Contracts; and**
7. **Award Contract No. 22-J-02 to the bidder with the lowest bid, Exbon Development Inc., 13831 Newhope St., Garden Grove, CA 92843, total not to exceed \$5,700,000; and**
8. **Find that Durham Construction Company Inc., 1025 Holland Avenue Clovis, CA, is the second lowest responsible bidder for Contract No. 22-J-03, Class B (General Building) Job Order Contract, and that the deviation from strict bidding requirements is immaterial and is hereby waived, in the discretion of the Board and in furtherance of the best interests of the County; and**
9. **Award Contract No. 22-J-03, to the bidder with the second lowest bid, Durham Construction Company Inc., 1025 Holland Ave. Clovis, CA, total not to exceed \$5,700,000; and**
10. **Award Contract No. 22-J-04 to the bidder with the third lowest bid, Better Enterprises, Inc., 1148 N. Cypress Avenue, Fresno, CA, total not to exceed \$5,700,000.**

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 2022-23 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 2022-23 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. Three JOC contracts are recommended for award for Class B (General Building) projects and another four are recommended for Class A (General Engineering) projects based upon anticipated need in the next 12 months. Multiple JOC for each licensure type will allow the Department flexibility to respond to urgent County department project requests while being less reliant on any particular contractor's availability. It is anticipated that many of the projects to be completed under these contracts will be general construction repairs required due to flooding caused by storms in early 2023 and anticipated flooding caused by snow melt in the coming months. Although the solicitation for bids stated that the Department intended to award three Job Order Contracts, the estimated amount of work available to be performed by the JOC's caused by flooding necessitates the awarding of an additional contract. Awarding contracts to four bidders will also ensure that the Department has the capacity to complete work in more locations simultaneously.

The amount of each Class A contract is \$3,000,000, and the amount of each Class B contract is \$5,700,000. The amounts of the Class A contracts may be increased by your Board up to the statutory limit authorized by the California Public Contract Code (PCC) Section 20128.5 at any time during the 12-month term. The maximum amount allowable under PCC Section 20128.5 for each contract is adjusted annually based on the California Consumer Price Index, and is currently \$5,700,000. There is no minimum value

guaranteed in the JOC. A list of projects to be performed using is included as Attachments A and B.

A bid opening was held on April 18, 2023 for JOC Class A and April 13, 2023 for JOC Class B. The Department advertised three Class A JOC and three Class B JOC for bids; four bids were received for the Class A JOC and four bids were received for the Class B JOC contracts. All bidders have been deemed responsive. Based on the anticipated need, all contractors are recommended for award, 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
Emmett's Excavation Inc	0.9790	22-24-J
Terra West Construction Incorporated	1.1375	22-25-J
Exbon Development Inc.	1.1465	22-26-J
Avison Construction Inc.	1.1875	22-27-J

Class B

Contractor	Award Criteria Figure	Contract Recommended for Award
Exbon Development Inc.	0.9480	22-J-02
Durham Construction Company	1.0017	22-J-03
Better Enterprises Inc.	1.1717	22-J-04
Heritage General	1.1833	None

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.

There was one irregularity in the bid package submitted by the second lowest bidder for Class B (General Building) Job Order Contract which may be waived in your Board's discretion, as immaterial deviations from strict bidding requirements.

Durham Construction Company's bid was missing a checkbox on a form to state whether they did or did not file reports on previous contracts subject to the Equal Opportunity Clause. Subsequent to the bid opening, Durham confirmed that they had in fact, filed all required reports. As the missing checkbox did not confer any competitive advantage on this bidder, it is the Department's recommendation to waive the minor irregularity as immaterial and in the best interest of the County.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
Attachment B

CAO ANALYST:

Salvador Espino