



It is recommended that the Board of Supervisors:

- a. Award Job Order Contract Roads & Bridges 2013-01 contract to Sea Pac Engineering, Inc., the lowest responsible and responsive bidder for Roads & Bridges Project JOC, with a bid award criteria figure of .9260, for a term of one year with a minimum contract value of \$25,000 and maximum contract value of \$4.43 Million;
- b. Award Job Order Contract Roads & Bridges 2013-02 contract to The Don Chapin Company, Inc., the lowest responsible and responsive bidder for Roads & Bridges Project JOC, with a bid award criteria figure of 1.3057, for a term of one year with a minimum contract value of \$25,000 and maximum contract value of \$4.43 Million;
- c. Award Job Order Contract Facilities 2013-01 contract to Sea Pac Engineering, Inc., the lowest responsible and responsive bidder for Facilities Project JOC, with a bid award criteria figure of .9130, for a term of one year, with a minimum contract value of \$25,000 and maximum contract value of \$4.43 Million;
- d. Approve the two Performance and Payment Bonds executed and provided by Sea Pac Engineering, Inc. in the amount of \$2 Million each; and
- e. Approve the Performance and Payment Bonds executed and provided by The Don Chapin Company, Inc. in the amount of \$2 Million.

SUMMARY:

The recommended actions allow for the issuance of two one-year term Roads & Bridges JOC contracts and one one-year term Facilities JOC contract and approve the Performance and Payment Bonds executed and provided by the two contractors.

DISCUSSION:

Public Contract Code Section 20128.5 provides that counties may award annual contracts for repair, remodeling, or other repetitive work to be done according to unit prices. This is commonly referred to as Job Order Contracting (JOC), and is typically done by developing a construction task catalog that is then competitively bid. JOC is an indefinite quantity contract pursuant to which the Contractor will perform a variety of projects, consisting of specific construction tasks, providing an alternative procurement method for completing public works projects, which improves economy and efficiency in completing many public works projects, including urgent and time-sensitive projects. The price of an individual project will be determined by multiplying the preset unit prices and the appropriate quantities by the appropriate adjustment factor. The adjustment factor will vary depending upon the location of the work, and the time at which the work will be performed (normal working hours versus other than normal working hours).

On April 9, 2013, the Board of Supervisors approved an Agreement between the County of Monterey and The Gordian Group, Inc. to provide assistance to the County in developing a Job Order Contracting (JOC) system. On July 30, 2013, the Board approved the Monterey County Construction Task Catalog, Roads & Bridges and Facilities Project Manuals, and Monterey County Technical Specifications for Job Order Contract Projects, and authorized the advertising of the Notices to Contractors for their respective Bid Nos.: Roads & Bridges 2013-01 and 2013-02, and Facilities 2013-01 and 2013-02. On September 17, 2013, the Board adopted the Monterey County Job Order Contracting Policy Guidelines constituting the order of the Board approving Job Order Contracts pursuant to Public Contract Code Section 20128.5.

The JOC Projects were duly advertised and bids were opened on September 19, 2013. The lowest responsive

and responsible bidder, determined by the award criteria figure, for JOC Roads & Bridges 2013-01 was Sea Pac Engineering, Inc. and for JOC Roads & Bridges 2013-02 was The Don Chapin Company, Inc. The lowest responsive and responsible bidder, determined by the award criteria figure, for JOC Facilities 2013-01 was Sea Pac Engineering, Inc. Each Contractor has certified to make a good-faith effort to employ Monterey Bay Area residents on the Project in compliance with Section 5.08.120 of the Monterey County Code. Each contractor has a staffed office located within the Monterey Bay Area.

For the Roads & Bridges JOC, Resource Management Agency-Public Works (RMA-PW) recommends awarding contracts to two separate contractors to allow RMA-PW staff the option to use the alternate contractor if one of the contractors is deemed nonresponsive or has poor performance and also to have work performed concurrently. At this time, only one JOC Facilities contract award is requested; a second contract award will be requested at a subsequent date depending upon receipt of adequate Bonds from the Contractor.

JOC contracts will provide a 12-month period for the issuance of job orders. The contracts awarded to Sea Pac Engineering, Inc. and The Don Chapin Company, Inc. pursuant to JOC offer a minimum contract value of \$25,000 and maximum of \$4.43 million. Due to that range, contractors were required to provide performance and payment bonds in the amount of \$2 Million in order to provide for JOC efficiency, maintain control of contractor performance, as well as limit potential risk to the County. At the time that cumulative Job Orders in excess of \$2 million are anticipated, RMA-PW will return to the Board for approval of increased payment and performance bonds to cover the amount of the anticipated job orders.

Any Job Order that exceeds \$1 Million will be brought to the Capital Improvement Committee (CIC) prior to issuance of a notice to proceed. RMA-PW will provide quarterly JOC status reports to the CIC summarizing issued Job Orders, including scope, cost, schedule, and source of previously appropriated/expended funds. The JOC contracts will provide another mechanism to accomplish work that fits within the JOC guidelines. Projects that do not meet JOC criteria or are not a good fit for JOC will continue to be completed using other procurement processes, such as the typical design/bid/build process.

OTHER AGENCY INVOLVEMENT:

RMA-PW coordinated preparation of the JOC process and the standard agreement language with Contracts/Purchasing, County Counsel, Auditor-Controller, and Risk Management as to form and the required legal, fiscal, and insurance provisions. The Office of the County Counsel and Contracts/Purchasing attended the bid opening and reviewed all bids for conformance with applicable regulations. RMA-PW reviewed the bids for responsiveness. The Offices of the County Counsel, Auditor-Controller, and Risk Management have reviewed and approved the contract documents as to form and legality, fiscal terms, and insurance provisions, respectively.

FINANCING:

There is no impact to the General Fund. If approved, the three individual JOC contracts, each with a minimum contract value of \$25,000 and maximum contract value of \$4.43 Million, will be issued, for an aggregate cap total of \$13.29 Million. Total expenditures will not exceed the FY2013-14 Adopted Budget. Future fiscal years will be budgeted appropriately. A five-percent (5%) License Fee to utilize the JOC program is payable to The Gordian Group upon issuance of every Job Order to a JOC Contractor.

Prepared by: Paul H. Greenway, P.E., Assistant Director of Public Works, (831) 755-4800

Approved by:

Robert K. Murdoch, P.E., Director of Public Works

Approved by:

---

Benny J. Young, RMA Director

Dated: October 25, 2013

Attachments: Bid Summary Roads & Bridges Project No. 2013-01 and 2013-02; Bid Summary Facilities 2013-01 and 2013-02; Contract Agreement with Sea Pac Engineering, Inc.; Performance and Payment Bonds; Contract Agreement with The Don Chapin Company, Inc.; Performance and Payment Bonds (Attachments on file with the Clerk of the Board)