



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 22-639, Version: 1

- a. Adopt the Monterey County 2022 Construction Task Catalogs, Job Order Contracting (JOC) 2022 - Roads & Bridges Project Specifications and JOC 2022 - Facilities Project Specifications, and Monterey County 2022 Technical Specifications for JOC 2022, Project No. JOC 2022, Bid No. Roads & Bridges 2022-01, Bid No. Roads & Bridges 2022-02, Bid No. Roads & Bridges 2022-03, Bid No. Roads & Bridges 2022-04, Bid No. Roads & Bridges 2022-05, and Bid No. Roads & Bridges 2022-06, and Project No. JOC 2022, Bid No. Facilities 2022-01, Bid No. Facilities 2022-02, Bid No. Facilities 2022-03, and Bid No. Facilities 2022-04;
- b. Authorize the Department of Public Works, Facilities and Parks Director to advertise for bids in the Monterey County Weekly; and
- c. Support lowest bid price as the basis of award for the FY 2022/23 JOC bids.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt the Monterey County 2022 Construction Task Catalogs (Attachment A.1 and Attachment A.2), JOC 2022 - Roads & Bridges Project Specifications (Attachment B) and JOC 2022 - Facilities Project Specifications (Attachment C), and Monterey County 2022 Technical Specifications for JOC 2022 (Attachment D.1 and Attachment D.2), Project No. JOC 2022, Bid No. Roads & Bridges 2022-01, Bid No. Roads & Bridges 2022-02, Bid No. Roads & Bridges 2022-03, Bid No. Roads & Bridges 2022-04, Bid No. Roads & Bridges 2022-05, and Bid No. Roads & Bridges 2022-06, and Project No. JOC 2022, Bid No. Facilities 2022-01, Bid No. Facilities 2022-02, Bid No. Facilities 2022-03, and Bid No. Facilities 2022-04;
- b. Authorize the Department of Public Works, Facilities and Parks (PWFP) Director to advertise for bids in the Monterey County Weekly; and
- c. Support lowest bid price as the basis of award for the FY2022/23 JOC bids.

SUMMARY:

Recommended actions include the adoption of the 2022 Monterey County JOC Task Catalogs for the JOC 2022 contracts (2022 JOC Program), advertising for bids (2022 JOC Program) and support lowest bid price as the basis of award for FY2022/23 JOC bids. Considering the many capital projects slated for Fiscal Years (FYs) 2022-23 and 2023-24, it is recommended that six (6) Roads & Bridges and four (4) Facilities Job Order Contracts be issued each for \$5,402,865 with a minimum of \$25,000 worth of work that the Contractor has the opportunity to perform in each contract. This is an increase in the number of contracts for Roads & Bridges from the past convention of four (4) separate contracts, and three (3) separate contracts for Facilities.

The JOC program, in addition to the added number of JOC contracts from four (4) to six (6) for Roads & Bridges, will be an important tool to implement the FY 2022/23 5-year Capital Improvement Plan (CIP). The CIP includes numerous American Rescue Plan Act (ARPA) funded projects for Parks and Lakes, and the Special Districts. Continuing these services is a crucial component for being able to properly deliver on the construction of these ARPA-funded projects, in addition to other projects in the CIP or emergency response to disaster events.

DISCUSSION:

California Public Contract Code Section (PCC) 20128.5 provides that counties may award annual contracts for repair, remodeling, or other repetitive work to be done according to unit prices. This process is commonly

referred to as JOC and is typically done by developing a construction task catalog that is then competitively bid. JOC improves economy and efficiency in completing many public works projects, including urgent and time sensitive projects. The County's JOC program was initially approved and established by the Board of Supervisors (Board) on or about September 17, 2013 pursuant to Board Resolution No. 2013-305 - Resolution Approving the Job Order Contracting Policy Guidelines and Authorizing Issuance of Job Orders Pursuant to Job Order Contracting Policy Guidelines. Per Board Resolution No. 2013-305 and Board Resolution No. 20215-076 approved on or around July 28, 2015, said Policy Guidelines apply to all County departments and agencies that process Job Order Contracts and authorize the following Department Heads to process and approve Job Orders under JOC:

Director of the Public Works, Facilities and Parks Department (PWWP, formerly Resource Management Agency);
Chief Executive Officer of the Natividad Medical Center (NMC); and
Director of Information Technology Department (ITD).

In April 2013, the Board approved an Agreement between the County of Monterey and The Gordian Group, Inc. to provide the County with a JOC System. The Gordian Group, Inc. JOC System uses an extensive catalog of construction tasks and associated technical specifications containing over 260,000 individual items specifically designed for Monterey County. Per PCC Section 20128.5, the Board may award individual annual contracts which shall not exceed the statutory maximum contract value. Per PCC Section 20128.5, each awarded contract has a maximum contract value (MxCV) that is adjusted annually to reflect the percentage change in the California Consumer Price Index (CPI), for repair, remodeling, or other repetitive work to be done according to unit prices. The percentage change in the CPI is calculated and provided by the Department of Industrial Relations (DIR). Per DIR's annual determination, the MxCV for JOC contracts was increased from \$5,185,091 in 2021 to \$5,402,865 in 2022. County JOC specifications provide for a one (1) year term with a minimum of \$25,000 worth of work that the Contractor has the opportunity to perform for each individual contract.

This year, for Facilities' Bids, staff recommends that the County require the successful bidders to furnish an initial payment bond and a performance bond for approximately Fifty Percent (50%) of the MxCV, each in the amount of \$2,701,432. If the aggregate Job Orders issued under the awarded contract exceeds \$2,701,432 an increase in the Payment and Performance bonds will be required in an amount not less than One Hundred Percent (100%) of the Maximum Contract Value (\$5,402,865). At no time may the sum of the issued Job Orders exceed the amount of the Payment and Performance bonds. The successful bidders are required to provide a letter from the bonding company stating their ability to obtain Payment and Performance Bonds for the Maximum Contract Value. The initial bonding requirement for Roads & Bridges' Contracts remains set at One Hundred Percent (100%) of the MxCV. Bonds shall remain in force for the duration of the annual contract term and until completion of all outstanding Job Order(s).

Since its inception in 2013, the JOC program has proven of value to PWWP by improving economy and efficiency in completing several public works projects, including urgent and time sensitive projects. Since 2013, the County has issued 1,146 JOC projects totaling \$97,167,312 (including 463 Roads & Bridges projects totaling \$49,518,073 and 683 Facilities projects totaling \$47,649,239). The JOC Program has enabled the County to implement a higher volume of maintenance, repair, and remodeling projects which would otherwise not be possible due to limited project management staff time.

A five percent (5%) License Fee to utilize the JOC Program is payable to The Gordian Group, Inc. only when a

Job Order is issued to a JOC Contractor. Optionally, as needed, the County may utilize JOC Project Management services for an additional 5.95% fee. The Gordian Group, Inc. fees are contained in the overall eligible project budgets. The Gordian Group, Inc. hosts the JOC system and will require a separate agreement.

To date, the County has issued 1,146 JOC Projects totaling \$97,167,312. The Gordian Group, Inc. License Fee and project management fees totaled \$5,774,422 or an overall average of five and one-half percent (5.5%) of the total construction contract value to date. This fee is lower than the industry standard of ten percent (10%) for Construction Management fees.

A “Notice to Bidders” will be duly advertised in a newspaper of general circulation per PCC 20150.8. JOC 2022 contracts are anticipated to be awarded in October 2022. Specific eligible projects have not yet been identified.

The County’s JOC procurement process requires the PWFPP to first seek Board approval to adopt plans and specifications and advertise for bids followed by a second request for Board approval to award selected contractors on basis of lowest bid price. PCC 20128.5 requires Board approval to award contracts to selected contractors.

Local Preference

The County Board of Supervisors has expressed its support for hiring local contractors on County construction projects to keep County dollars local and encourage a high standard of workmanship. Staff researched a Best Value Construction Contracting for Counties Pilot Program (Pilot Program) available to Monterey County as a potential alternative to the otherwise State-mandated lowest bid process to encourage use of local contractors. This Pilot Program was created by the State Legislature through SB 128. After review, staff determined the Pilot Program does not allow local-vendor preference to be used as a determining factor for award. The Pilot Program requires the following criteria be used if selecting a contractor based on best value (California Public Contract Code Section 20155.1(h)):

- Financial Condition
- Relevant Experience
- Demonstrated Management Competency
- Labor Compliance
- Safety Record

In addition, the Pilot Program specifically states in Public Contract Code Section 20155.4:

...best value contractor shall not be prequalified or shortlisted unless the contractor provides an enforceable commitment to the county that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project....

Using the Best Value Pilot Program requires the County to participate in or require contractors to enter into Project Labor Agreements which the County has not participated in, to date. The impact to the County’s ability to utilize local vendors should the Best Value Pilot Program be implemented is unknown at this time. Under the current low-bid process, the PWFPP JOC program maintained a local vendor subcontractor rate of at least Fifty Percent (50%) across all JOC projects in FY 2021/22.

Staff recommends the Board find and approve lowest bid solicitations as the preferred process for the 2022/23

JOC awards. In absence of the award mechanism, staff will further encourage the awarded prime JOC contractors, to first subcontract to local vendors/subcontractors.

Following the selection of successful bidders, PWFPP recommends awarding six (6) separate Roads & Bridges Contracts and four (4) separate Facilities Contracts to allow PWFPP the option to use alternate contractors in the event that any of the selected contractors is/are deemed nonresponsive or has/have poor performance. This is an increase in the number of contracts from the past convention of four (4) for Road & Bridges contracts. Any Job Order that would exceed \$1 million will be brought to the Capital Improvement Committee (CIC) and Budget Committee prior to issuing the Notice to Proceed. The contracts will apply to eligible projects during FYs 2022-23 and 2023-24. The individual annual JOC contracts will be issued for a 12-month contract period. Any capital and/or facilities maintenance repair project that falls into the following fiscal year will be budgeted. PWFPP will continue to provide quarterly JOC status reports to the CIC which would include scope, cost, schedule, source of previously appropriated/expended funds, and contractor evaluations.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management, and Auditor-Controller's Office have reviewed and approved the Project Specifications as to form, insurance and indemnification, and fiscal provisions, respectively.

FINANCING:

The 2022 JOC Program would provide for ten (10) individual Job Order Contracts with a cap of \$5,402,865 for a total of \$54,028,650 - six (6) for Roads & Bridges and four (4) for Facilities. Expenditures will be within and not exceed the FY 2022-23 or FY 2023-24 Adopted Budgets. Funding for JOC projects, including applicable The Gordian Group, Inc. fees, is contained within the adopted FY 2022-23 budget allocations for various funds; Fund 404 - Facilities Master Plan Projects, Fund 002 - Road Fund, the respective County Service Area or County Sanitation District fund, and the individual department authorizing the project.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The JOC Program helps with providing efficient and effective government operations by allowing improved processing for smaller and more urgent projects. Monterey County has multiple documents to help identify and address critical infrastructure needs (Pavement Management Plan, Americans with Disabilities Act [ADA] Transition Plan, Facility Asset Report, Municipal Climate Action Plan, etc.). Taking these documents into account, a Five-Year Capital Improvement Program is adopted each year to efficiently allocate resources for projects with budgets over \$100,000 to help sustain the infrastructure. The JOC Program projects include improvements to health and safety facilities. Provision of adequate County facilities and infrastructure improves the quality of life for County residents and supports economic development results.

X Economic Development

X Administration

X Health & Human Services

X Infrastructure

X Public Safety

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Attachments:

Attachment A.1 - Monterey County 2022 JOC Roads & Bridges Construction Task Catalog

Attachment A.2 - Monterey County 2022 Facilities Construction Task Catalog

Attachment B - JOC 2022 Roads & Bridges Project Specifications

Attachment C - JOC 2022 Facilities Project Specifications

Attachment D.1 - Monterey County 2022 JOC Roads & Bridges Technical Specifications

Attachment D.2 - Monterey County 2022 Facilities Technical Specifications

Exhibit 1- JOC System License and Fee Agreement

Exhibit 2 - Contractor Evaluation

Exhibit 3 - CDBG Standard Provisions & Requirements

Exhibit 4 - Federal Provisions-Caltrans Local Assistance Manual

Exhibit 5 - FEMA Standard Provisions and Requirements

Exhibit 6 - Monterey County Cabling Specifications

Exhibit 7 - Notice to Bidders