



# County of Monterey

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

## Board Report

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**File #:** A 13-275, **Version:** 1

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- a. Award Job Order Contract Facilities 2013-02 contract to William A. Thayer Construction, Inc., the lowest responsible and responsive bidder for Facilities Project JOC, with a bid award criteria figure of 1.2827, for a term of one year with a minimum contract value of \$25,000 and maximum contract value of \$4.43 Million; and
- b. Approve the Performance and Payment Bonds executed and provided by William A. Thayer Construction, Inc. in the amount of \$2 Million.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Award Job Order Contract Facilities 2013-02 contract to William A. Thayer Construction, Inc., the lowest responsible and responsive bidder for Facilities Project JOC, with a bid award criteria figure of 1.2827, for a term of one year with a minimum contract value of \$25,000 and maximum contract value of \$4.43 Million; and
- b. Approve the Performance and Payment Bonds executed and provided by William A. Thayer Construction, Inc. in the amount of \$2 Million.

### SUMMARY:

The recommended actions allow for the issuance of the second one-year-term Facilities JOC contract and approve the Performance and Payment Bonds executed and provided by the contractor.

### DISCUSSION:

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. On November 5, 2013, the Board of Supervisors awarded two separate contracts for JOC Roads & Bridges contracts 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. Only one JOC Facilities contract was ready and awarded that date.

The second JOC Facilities contract to provide a 12-month period for the issuance of job orders is now recommended to be awarded. The lowest responsive and responsible bidder for JOC Facilities 2013-02, determined by the award criteria figure, is William A. Thayer Construction, Inc. (WTC). The 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 and also maintains a staffed office located within the Monterey

Bay Area. The JOC contract award to WTC pursuant to JOC offers a minimum contract value of \$25,000 and maximum of \$4.43 million. Due to that range, the contractor is 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 such 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 individual JOC contract has a minimum contract value of \$25,000 and maximum contract value of \$4.43 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:

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

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Benny J. Young, RMA Director

Dated: November 25, 2013

Attachments: Bid Summary Facilities 2013-02; Contract Agreement with William A. Thayer Construction, Inc.; Performance and Payment Bonds (Attachments on file with the Clerk of the Board)

