

County of Santa Clara
Facilities and Fleet Department



24-3360

DATE: February 6, 2024 (Item No. {{item.number}})
TO: Board of Supervisors
FROM: Jeff Draper, Director, Facilities and Fleet Department
SUBJECT: Approve 2024 JOCs Bidding and Contract Documents

RECOMMENDED ACTION

Consider recommendations relating to 2024 Job Order Contracts (JOCs). California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

Possible action:

- a. Authorize the County Executive, or designee, to issue a Prequalification Package for contractors seeking to bid on County of Santa Clara JOCs, determine the pool of prequalified contractors based on the approved Contractor Prequalification Package, and to conduct a determination appeal hearing if necessary.
- b. Approve the JOC Bidding and Contracting Documents (Project Manuals) relating to Backlog Programs and other Board-approved Projects for both low bid JOCs and best value JOCs.
- c. Approve delegation of authority to the County Executive, or designee, to solicit and/or resolicit up to ten individual JOCs on a best value basis, or alternatively on a low bid basis if the best value process is not feasible, using the approved Project Manuals, and direct the Clerk of the Board to advertise and to open low bid JOC bids, when applicable, in the Office of the Clerk of the Board of Supervisors for period February 6, 2024 through December 31, 2024. Delegation of authority shall expire on December 31, 2024.
- d. Approve delegation of authority to the County Executive, or designee, to make clarifications, make minor changes, and issue addenda as necessary to the contract documents and the advertisement, including the timing of receipt of proposals. Delegation of authority shall expire on December 31, 2024.

FISCAL IMPLICATIONS

JOC have proven to be a flexible, cost-effective, and expeditious contracting method for the Facilities and Fleet Department (FAF), and Hospital System (HS) to support backlog projects and tasks related to specific Board approved projects.

REASONS FOR RECOMMENDATION AND BACKGROUND

Prequalification

Prequalifying general contractors helps determine a contractor's capability, capacity, resources, management processes, and performance. Authorizing the County Executive, or designee, to determine the pool of prequalified contractors based on the Prequalification Package will expedite the process of determining eligible bidders. This action is recommended to allow sufficient time for responsibility hearings to be held, and to award the JOCs in a timely manner thereby allowing the Backlog and Board approved projects to begin.

Best Value vs. Low Bid JOCs

Best value JOCs are governed by the best value pilot program (Public Contract Code section 20155 *et seq.*). Pursuant to Public Contract Code section 20155.3(a), the Administration recommends authorizing solicitation of JOCs on a best value basis because it provides features not achievable through a low bid award, including greater control in vetting contractors' ability to effectively manage and prosecute the projects under the contract, which is intended to result in efficiently executed projects with less chance of delay or other issues.

The Administration is also requesting authority to solicit or resolicit JOCs on a low-bid basis (pursuant to Public Contract Code section 20128.5) in the alternative if the best value solicitation process is not feasible or practical. This is because the best value pilot program requires prequalification as well as a minimum of three responsive bids to award, and in the past, there have been either less than three prequalified contractors (i.e., inability to achieve three bids), or less than three bids submitted. In other instances, high priority projects have arisen that could not lend itself to the additional time needed to proceed through the best value process (e.g., prequalification, evaluation and scoring of proposals by reviewing committee). When this has occurred, the Administration has returned to the Board to seek authority to resolicit JOCs on a low bid basis. Providing a delegation of authority to award on a low-bid basis now if the best value process is not feasible or practical will save time in executing projects.

If approved, the next steps are as follows:

- FAF will advertise the Prequalification Package via Periscope Holdings Inc. Prequalification Package is to be delivered to FAF, County Center at Charcot Suite 200, 2310 N. First Street, San José, CA 95131. Pursuant to Public Contract Code Section 20101(d), if a contractor who is determined to not qualify appeals the determination, FAF will conduct a determination appeal hearing.
- The approved Best Value JOC Project Manual will be advertised to the pool of prequalified contractors through Periscope Holdings Inc. and will also be on file with the Office of the Clerk of the Board (Clerk). The Administration may make minor modifications to the Project Manual, and if that occurs, it will request ratification of the modifications at the time contract awards are recommended to the Board. The Administration will provide the complete final version of the Project Manual to the Clerk to be retained as the official public record.

- If the best value process is not feasible or practical the Administration will solicit or resolicit the low bid JOC Project Manual to all interested bidders. The Low Bid JOC Project Manual will be advertised through Periscope Holdings Inc. The Administration may make minor modifications to the Project Manual, and if that occurs, it will request ratification of the modifications at the time contract awards are recommended to the Board. The Administration will provide the complete final version of the Project Manual to the Clerk to be retained in the official public record.
- The Administration will report back on individual contract awards regardless of the solicitation method. Consistent with Board Policy Manual Section 5.7.5.4, each JOC provides for enrollment in the Project Labor Agreement/Targeted Hiring Agreement (PLA/THA) for projects that exceed \$2,000,000.
 - Contract Value for the Best Value JOC shall have a minimum value of \$50,000 and a maximum value of \$3,990,957 adjusted for two annually up to \$11,972,873.
 - Contract Value for the Low Bid JOC shall have a minimum value of \$50,000 and a maximum value of \$6,006,295.

Approve Delegation of Authority

If approved, the County Executive, or designee, will solicit up to 10 individual JOCs. The JOC Project Manual(s) will be advertised through Periscope Holdings Inc. and be put on file with the Clerk.

Approve Delegation of Authority to the County Executive to Make Clarifications

Administration may make minor modifications to the Project Manuals based on request for clarifications received during the bidding phase, and if that occurs, Administration will request ratification of the modifications at the time contract awards are recommended to the Board. The final Project Manual will be placed on file with the Clerk.

Background

At the April 7, 2020 Board meeting (Item No. 61), the Board directed Administration to present all future JOCs pursuant to the Best Value Pilot Program (Public Contract Code section 20155, *et seq.*), with a report back to Finance and Government Operations Committee (FGOC) regarding Administration's experience with the pilot program. At the March 17, 2022 FGOC meeting (Item No. 17), Administration provided a report back regarding the best value pilot program.

CHILD IMPACT

The recommended action would have a positive impact on children and youth through the **Youth Feel Valued by the Community** indicator as JOC contracts enable the County to maintain and repair facilities that provide services to children in an efficient and timely manner.

SENIOR IMPACT

The recommended action would have a positive impacts on seniors as JOC contracts enable

the County to maintain and repair facilities that provide services to seniors in an efficient and timely manner.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The JOC's would not be advertised at this time.

STEPS FOLLOWING APPROVAL

Notify Gerry Zimmerman and Kim Huynh at FAF and Marsh Mendez at HHS.

ATTACHMENTS:

- JOC Best Value Project Manual
- Pre-Qualifying JOC Package
- JOC Low Bid Project Manual