

**County of Santa Clara
Roads and Airports Department**



24-5299

DATE: April 16, 2024 (Item No. {{item.number}})
TO: Board of Supervisors
FROM: Harry Freitas, Director, Roads and Airports Department
SUBJECT: Job Order Contract RAD-2024-01

RECOMMENDED ACTION

Consider recommendations relating to the Job Order Contract (JOC) RAD-2024-01. California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to section 15301 of the CEQA guidelines.

Possible action:

- a. Approve Pre-qualification Questionnaire Package (PQP), adopt Plans and Specifications, and authorize advertisement of Contract Documents for JOC RAD-2024-01 to pre-qualified contractors.
- b. Authorize the County Executive, or designee, to determine the pool of pre-qualified contractors based on PQP evaluations and qualification hearings, if necessary.
- c. Approve delegation of authority to the County Executive, or designee, to solicit and award up to three individual JOCs, using the approved contract documents, and direct the Clerk of the Board to advertise and to open bids in the Office of the Clerk of the Board of Supervisors for period April 16, 2024 through January 31, 2025. Delegation of authority shall expire on January 31, 2025.
- d. Authorize the County Executive, or designee, to make clarifications, make minor changes, and issue addenda as necessary to the PQP, contract documents, and the advertisement, including the timing of receipt bids.

FISCAL IMPLICATIONS

There is no fiscal impact to the County General Fund. Individual projects that may be authorized and performed by the Job Order Contractor have been approved and budgeted as part of the Roads and Airports Department's Master Capital Projects Plan and annual budget process.

CONTRACT HISTORY

None.

REASONS FOR RECOMMENDATION AND BACKGROUND

Job Order Contracting (JOC) has proven to be a flexible, cost-effective, and expedient contracting method for the Roads & Airports Department's (Department) maintenance and repairs projects. The Department has executed over \$25 million in maintenance and repairs projects under 20 individual JOC contracts since 2003. Typical JOC projects may include a variety of work such as soil stabilization, slide repair, asphalt repair, drainage repair, metal beam guardrail repair, sidewalk repair, signal repair, and most recently, emergency storm damage repairs on Bear Creek Road, Black Road, Mines Road, Old Santa Cruz Highway, San Antonio Valley Road, and West Road.

On March 12, 2024 (Item No. 48), the Board authorized the Department to issue a Request for Statement of Qualifications (RFSQ) Package to prospective JOC contractors pursuant to a solicitation under the best value pilot program under Public Contract Code section 20155, *et seq.* However, only one submission was received which does not meet the minimum pre-qualification criteria. Therefore, a best value Request for Proposal (RFP) was not issued because the best value pilot program in Public Contract Code requires a minimum of three responsive bids, which would not occur with only one submission provided during the bid date requirements.

Given the foregoing, the Department now recommends authorization to engage in prequalification again, but this time solicit on a low bid basis pursuant to Public Contract Code section 20128.5.

The contract for which bids will be solicited from the prequalified list, Contract RAD-2024-01, will have a minimum value of \$50,000 and a maximum value of \$3,000,000. In accordance with Board policy, the JOC will conform to all provisions of the County's Project Labor Agreement.

During the advertisement period, outreach sessions will be conducted with the local contracting community in the form of mandatory Pre-Qualification and Pre-Bid conferences to discuss the JOC process from a contractor's perspective and answer questions related to the prequalification and bidding processes.

The Contract Documents and the Pre-qualification Package are on file in the Office of the Clerk of the Board of Supervisors for review. The Roads & Airports Department may make minor modifications to either the Contract Documents or the Prequalification Package prior to advertisement for bidders. If this occurs, the Project Manager will provide the complete and final version to the Clerk of the Board to be retained as the official public record copy.

JOC Contract Documents are comprised of a Construction Task Catalog (CTC), Task Specifications and Special Provisions. The unit price for each task in the CTC is established based on local prices for material, labor and equipment. Contractors bid one adjustment factor to the CTC prices for work performed during normal working hours and one adjustment factor for work outside normal working hours. These two adjustment factors, which include the contractor's overhead and profit, are then weighted using an Award Criteria Formula to determine the Award Criteria Figure. An annual contract is then awarded to the responsible bidder submitting the lowest Award Criteria Figure.

CHILD IMPACT

The recommended action will have no/neutral impact on children or youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The JOC contract will not be advertised for bids.

STEPS FOLLOWING APPROVAL

1. The Roads and Airports Department will advertise for a public solicitation for bids on periscope. The advertisement will include the Project Special Provisions and Project Plans.
2. The Clerk of the Board shall take the following actions:
 - a. Publish advertisement of the project in a local newspaper.
 - b. Set the bid opening date on Thursday, May 23, 2024, at 2:00 p.m.
 - c. Send notification of completed processing to: Mark Damey, Jason Props, and Sandy Lee, Roads and Airports Department Infrastructure Development Division.

ATTACHMENTS:

- JOC RDA-2024-01 Special Provisions Low Bid
- Specs – County of Santa Clara Roads and Airports Department – Distribution
- CTC – County of Santa Clara Roads and Airports Department - Distribution