

**County of Santa Clara
Parks and Recreation Department**



24-4956

DATE: April 16, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: Don Rocha, Director, Parks and Recreation Department

SUBJECT: Minor Job Order Contract Documents for Parks and Recreation Department

RECOMMENDED ACTION

Consider recommendations relating to Minor Job Order Contracts for the Parks and Recreation Department. California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

Possible action:

- a. Adopt specifications and Project Manual, authorize advertisement of Contract Documents for construction of Minor Job Order (MJOC-PRK-2024) Contracts Nos. 2 and 3, MJOC-PRK-2024, and direct the Clerk of the Board to open bids on Thursday, May 9, 2024 at 2:00 p.m., in the Office of the Clerk of the Board of Supervisors. The opening of bids shall be made available to the public via virtual teleconference, a link to which will be posted via Addendum to the Invitation to Bid no later than 72 hours before the time scheduled for the opening of bids. The results will be posted on the Clerk of the Board website no later than the following day.
- b. Authorize the County Executive, or designee, to make clarifications, make minor changes, and issue addenda as necessary to the Contract Documents and the advertisements, including the timing of receipt of proposals.

FISCAL IMPLICATIONS

There is no impact to the County General Fund as a result of the recommended action.

All individual projects which may be authorized by the Director of Parks and Recreation under the Job Order Contract System are included in the Parks and Recreation Department's Fiscal Year 2023-2024 Adopted Budget.

REASONS FOR RECOMMENDATION AND BACKGROUND

The Parks and Recreation Department (the "Department") needs Minor Job Order Contracts ("MJOCs") to support backlog and infrastructure projects, and tasks related to Board of Supervisors (the "Board") approved projects.

The Department is seeking to advertise two MJOCs. The Project Manual and Contract

Documents will be advertised 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 contract documents, and if that occurs, the Administration will request ratification of any modifications at the time contract awards are recommended to the Board. The Administration will provide the complete final version of contract documents to the Clerk to be retained as the official public record. The Administration will report back on individual contract award(s). Both contracts will have a minimum value of \$10,000 and a maximum value \$1,500,000.

Request to Use Low Bid JOC Process

The Department requests to award these contracts on a low bid basis pursuant to Public Contract Code section 20128.5, as opposed to the best value pilot program under Public Contract Code section 20155, *et seq.* Under Section 20155.3(a), the best value pilot program requires the Board to make a finding that awards of these JOCs on a best value basis will accomplish one or more of the following objectives: reduce project costs, expedite completion of the project, and/or provide features not achievable through a low bid award. Here, the projects contemplated for these contracts are not large or complex, comparatively lower in value, and the Department’s position is that the best value solicitation process would not satisfy any of the aforementioned objectives.

Additionally, undertaking the best value solicitation process increases administrative resources for which Administration does not see a clear benefit. For example, on August 29, 2023 (Item No. 79), the Board authorized Facilities and Fleet (“FAF”) to award JOCs pursuant to the best value pilot program. The County worked in conjunction with its partner Gordian to advertise and encourage contractors to participate in the prequalification process. However, FAF was not able to secure enough interested contractors to complete the prequalification process, as the best value pilot program requires a minimum of three responsive bids to award (and therefore three prequalified contractors to submit bids). Subsequently, FAF returned to the Board for approval to release the bids using the low bid process. Administrative resources are required to conduct the prequalification process, and later, the contract solicitation process.

The Department requests that the Board approve the use of low bid process for these JOC advertisements. The contracts being advertised by Parks are low value and are therefore of less interest to firms who would be required to complete the added step of undergoing a prequalification process. In the interest of time, the conservation of County resources, and in recognition of the diminishing returns connected to the administrative work, moving forward with low bid process would be in the County’s best interest.

Job Order Contracts

JOCs are contracts that are permitted under the Public Contract Code to allow local agencies to procure competitively bid maintenance, repair, and renovation work, rather than using traditional bidding procedures. JOCs have been a successful contracting tool for County departments responsible for maintenance and repair of facilities and road infrastructure because of their flexibility and streamlined ordering process.

Under Public Contract Code section 20128.5, the Board of Supervisors may award individual annual contracts, none of which shall exceed three million dollars (\$3,000,000), adjusted annually to reflect the percentage change in the California Consumer Price Index, for repair, remodeling, or other repetitive work to be done according to unit prices. No annual contracts may be awarded for any new construction. The contracts shall be awarded to the lowest responsible bidder and shall be based on plans and specifications for typical work.

CHILD IMPACT

The recommended action has a positive impact on children and youth through the **Healthy Lifestyles** indicator as MJOC 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 impact on seniors as MJOC 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 a positive impact on sustainability as it will assist the department in maintaining declining infrastructure that could damage or negatively impact natural resources.

CONSEQUENCES OF NEGATIVE ACTION

The MJOCs would not being advertised, potentially delaying the Department's backlog and infrastructure projects.

STEPS FOLLOWING APPROVAL

Advertise the MJOCs per requirements on April 17 and April 24, 2024. Upon processing, notify Sandie Day, Parks and Recreation Department.

ATTACHMENTS:

- Attachment A – Project Manual
- Attachment B – Technical Specifications
- Attachment C – JOC Construction Task Catalog