



**Department:** Public Works  
**Cost Center:** 5006  
**For Agenda of:** 11/7/2023  
**Placement:** Consent  
**Estimated Time:** N/A

**FROM:** Matt Horn, Public Works Director  
**Prepared By:** Manny Guzman, Construction Engineering Manager

**SUBJECT:** APPROVE SPECIAL PROVISIONS FOR JOB ORDER CONTRACT FOR STREETS AND SIDEWALK MAINTENANCE 2023, SPECIFICATION NO. 1000199

### RECOMMENDATION

1. Approve Special Provisions for Job Order Contract for Street and Sidewalk Maintenance 2023, Specification No. 1000199; and
2. Authorize staff to advertise for bids; and
3. Authorize the City Manager to award the contract to the lowest responsive bidder.

### POLICY CONTEXT

Job Order Contracting is authorized by Section 901(E) of the City's Charter and Municipal Code Section 3.24.145. Purchasing Guidelines for Job Order Contracts were approved by Council via Resolution No. 10621 (2015 Series) (Attachment B).

### DISCUSSION

#### Background

Job Order Contracting is an alternative bidding procedure that was approved by the voters and added to the City's Charter on November 5, 2002 (Attachment A). It provides for on call infrastructure repair contracting. The Job Order Contract (JOC) provisions enable the City to perform construction projects for the repair, remodeling, or other repetitive work under a competitively bid unit price contract. This ensures the City gets a consistent price while speeding up project delivery where detailed design is not required.

The City first implemented a JOC program shortly after the Charter amendment was approved by the voters. The Gordian Group was retained to develop the JOC program in which 160,000 pre-priced construction tasks were developed, and the contractors bid a percentage markup. The City used this contract for about 2 years. The 2003 JOC lapsed in 2005.

## Item 5e

Engineering staff revisited the JOC concept in 2011 and created a more focused specification targeting trench repairs needed after emergency pipeline repairs occur. Instead of bidding a JOC program that covers every imaginable type of work and essentially pays the contractor for each worker and each piece of equipment that is used to complete the work, a program was developed to bid on the finished product. This methodology is consistent with other types of projects the City completes and has made it simpler for the contractors to prepare and submit proposals and streamlined delivery of work. In 2013, the JOC was expanded to include concrete repairs as additional funding was provided through the Financial Plan that increased the City's budget for infrastructure maintenance.

Over the past two years, engineering staff has generated 45 Task Orders using Job Order Contracting, totaling over \$1,116,000. This has proven to be an effective approach to handling pavement repairs and other maintenance work items. The Job Order Contract has been used to repair over 14,000 square feet of trench patches, 5,500 square feet of sidewalk, and 50 lineal feet of curb and gutter, and to perform potholing at 140 locations to provide higher quality design work and reduce change orders. The proposed Job Order Contract for Streets and Sidewalk Maintenance 2023 is modeled after the successful Maintenance Work JOC 2016, 2019, and 2021 that included maintenance work items to repair sidewalks and trenches and a series of other miscellaneous items that help staff address complaints and emergency repairs.

The current JOC is in its second year and is set to expire on November 8, 2024. The current contractor, Souza Engineering Contracting, Inc., has requested to be released early from the contract as they have limited labor and are unable to fulfill the contract work in a timely manner. Staff supports the release of Souza as the Project Contractor mainly because the current JOC does not provide adequate language to enforce the commencement of work after task orders have been issued. With a revised contract, Staff will be able to better control and project start and completion dates for all future work done with the JOC. To keep the JOC available to the City, the Special Provisions will need to be re-bid and awarded to a new contractor.

### **How the Job Order Contract is Managed and Monitored**

When maintenance work covered under the JOC is needed, the repair cost is calculated based on the contract unit prices. Engineering staff creates a Task Order with the work scope identified, and any location or special provision information provided to the contractor. The contractor then can ask questions or identify elements overlooked in the Task Order. Once the contractor accepts the Task Order, it is authorized by the City Engineer for projects if funding is available within approved budgets. Task Orders more than the approved budget will be presented to Council for approval. This process follows the updated City Purchasing Policy and the authorization limits set by Council in Resolution No. 10621 (Attachment B).

**Public Engagement**

Work covered by Job Order Contracting is funding by Capital project budgets included as part of past Financial Plans and the current 2023-25 Financial Plan. At time of budget adoption, the public was provided an opportunity to review and comment upon all capital project work. The Public Engagement and Noticing Manual will be followed when work is carried out with the JOC.

**CONCURRENCE**

The Public Works and Utilities Departments concurs with the recommendation of this report.

**ENVIRONMENTAL REVIEW**

This project is exempt from environmental review pursuant to Section 15301 Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines since it is a maintenance and replacement project of existing facilities. A Notice of Exemption has been filed with the Community Development Department.

**FISCAL IMPACT**

Budgeted: N/A  
 Funding Identified: N/A

Fiscal Year: N/A

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Total Budget Available</b>	<b>Current Funding Request</b>	<b>Remaining Balance</b>	<b>Annual Ongoing Cost</b>
General Fund				
State				
Federal				
Fees				
Other:				
<b>Total</b>	<b>\$N/A</b>	<b>\$N/A</b>	<b>\$N/A</b>	<b>\$N/A</b>

The award of the contract does not obligate any funds for construction. Once the contract has been executed, work will be scoped, and Task Orders issued for work budgeted and appropriated through the adoption of the City’s Financial Plan. The funding sources for this work are primarily the Street Reconstruction and Resurfacing (R&R) Annual Asset Maintenance Account, Water Distribution System Improvement – Trench Repair Annual Asset Maintenance Account, Collection System Improvement Annual Asset Maintenance Account, and the Sidewalk Repair Annual Asset Maintenance Account.

**ALTERNATIVES**

***Deny authorization to advertise.*** The City Council may choose not to authorize the advertisement of the project. This is not recommended because the JOC program is a cost-effective way to get necessary maintenance work completed in a short period of time.

**ATTACHMENTS**

- A - Job Order Contracting and Alternative Bidding Procedure
- B - Resolution No. 10621 – Updated Purchasing Guidelines
- C - Special Provisions