



Council Agenda Report

Item 5e

Department: Public Works
Cost Center: N/A
For Agenda of: 8/24/2021
Placement: Consent
Estimated Time: N/A

FROM: Matt Horn, Public Works Director
Prepared By: Natalie Whitworth, Engineering Inspector III

SUBJECT: JOB ORDER CONTRACT FOR STREETS AND SIDEWALK
MAINTENANCE 2021, SPECIFICATION NO. 1000199

RECOMMENDATION

1. Approve Special Provisions for Job Order Contract for Streets and Sidewalk Maintenance 2021 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.

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 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 mark-up. The City used this contract for about 2 years. The 2003 JOC lapsed in 2005.

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 which 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 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 to increase the City's response to damaged areas.

Over the past two years, engineering staff has generated 65 Task Orders, totaling over \$950,000. This has proven to be an effective approach of handling pavement repairs and other maintenance work items. The Job Order Contract has been used to repair over 23,000 square feet of trench patches, 1,750 square feet of sidewalk and 225 lineal feet of curb and gutter, and to perform potholing at 250 locations to provide higher quality design work and reduce change orders.

The proposed Job Order Contract for Streets and Sidewalk Maintenance 2021 is modeled after the successful Maintenance Work JOC 2016 and 2019, and has been expanded even further to include other, easily identified maintenance work items. In addition to sidewalk and trench repairs, the new contract will continue to include the potholing of utilities to improve bid documents and reduce change orders, drainage inlet replacements to remove grated inlets for improved bicycle safety and flood protection, large scale replacement of signs to meet new reflectivity standards, and modification of tree well grates to improve pedestrian safety. The complete list of bid items can be seen on the bid form sheet located in the attached special provisions.

The current JOC is in its third year and was set to expire on June 30, 2022. The current contractor, D-Kal Engineering, has requested to be released early from the contract as the company will be closed due to owner retirement. To keep the JOC available to the City, the Special Provisions will need to be re-bid and awarded. The use of the JOC has demonstrated it is an important tool to greatly expedite delivery of routine, maintenance-related City funded construction projects that require minimal design plans. The JOC eliminates the need for multiple small contracts to complete minor, routine maintenance activities.

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 has the opportunity to 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 of \$45,000 or less, or by the City Engineer, Budget Manager, and City Manager for more costly projects as long as funding is available within approved budgets. Task Orders in excess of approved budget will come to the Council for approval. This process follows the updated City Purchasing Policy and the authorization limits set by the Council in Resolution No. 10621 (See Attachment B).

Policy Context

Job Order Contracting was authorized by Charter Amendment and Municipal Code 3.24.145. Purchasing Guidelines for Job Order Contracts were approved by Council via Resolution R-10621.

As part of our DEI efforts, the City will be reviewing language and specifications to make sure that they are inclusive and representative of all the persons, genders and identities that are involved in building and maintaining the City's infrastructure. This is a longer term project that will be undertaken when the City's DEI Manager is onboarded.

Public Engagement

Work covered by Job Order Contracting is funding by Capital project budgets included as part of past Financial Plans and the current 2021-23 Financial Plan. At time of budget adoption, the public was provided an opportunity to review and comment upon all capital project work.

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

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