



BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 08/21/23

* = Mandatory, information must be provided

or Procurement Director Award: ☐

***Contractor/Vendor Name/Grantor (DBA):**

Borderland Construction Company, Inc., Hunter Contracting Co., SMS Construction, LLC

***Project Title/Description:**

Job Order Master Agreement: Wastewater Reclamation Facilities Construction Services

***Purpose:**

Amendment of Award: Master Agreement No. MA-PO-20-215, Amendment No. Six (6). This amendment increases the competition threshold and maximum individual job order threshold from \$150,000.00 to \$250,000.00 and \$2,000,000.00 to \$3,000,000.00 respectively to address an increase in wastewater reclamation facilities construction projects and rising costs of construction materials and labor. Administering Department: Regional Wastewater Reclamation.

This is an indefinite delivery/indefinite quantity job order master agreement. Funding sources will be determined at time of project job order. For projects estimated less than \$250,000.00, the department may select a contractor based on availability, specialty or other such basis as the department may determine in its sole discretion. For projects estimated at \$250,000.00 or more, all contractors will be given the opportunity to compete on the basis of cost or cost and schedule through a request for quotation. No individual job order may exceed \$3,000,000.00, including change orders.

***Procurement Method:**

Pursuant to Solicitation for Qualifications No. SFQ-PO-2000021, on 06/23/20, the Board of Supervisors awarded a shared master agreement for these services in an annual amount of \$10,000,000.00 for an agreement term of 07/01/20 to 06/30/21. Amendment No. One (1) was approved by the Procurement Director, on 06/29/21, to extend the term of the agreement to 06/30/22, add the full annual shared award amount of \$10,000,000.00 for a cumulative not-to-exceed amount of \$20,000,000.00 and removed The Ashton Company, Inc. Amendment No. Two (2) was approved by the Procurement Director, on 01/14/22, to add a third qualified Job Order Contractor, SMS Construction LLC to the existing Master Agreement. Amendment No. Three (3) was approved by the Procurement Director, on 06/15/22, to extend the term of the agreement to 06/30/23 and add the full annual shared award amount of \$10,000,000.00 for a cumulative not-to-exceed amount of \$30,000,000.00. Amendment No. Four (4) was approved by the Procurement Director, on 04/25/23, to add a Non-Disclosure Agreement for Sewerage System Protected Critical Infrastructure Information for each Contractor and add the Forced Labor of Ethnic Uyghurs clause. Amendment No. Five (5) was approved by the Procurement Director, on 07/07/23, to extend the term of the agreement to 06/30/24 and add the full annual shared award amount of \$10,000,000.00 for a cumulative not-to-exceed amount of \$40,000,000.00.

Attachment: Amendment No. Six (6) and Department Memo.

***Program Goals/Predicted Outcomes:**

Provides Regional Wastewater Reclamation Department the resources to provide construction related services for the repair, rehabilitation, re-construction and emergency responses to critical components within the public sewer treatment system.

***Public Benefit:**

Provides for the public's health and safety and for permit compliance by ensuring the continued operation and maintenance of wastewater treatment facilities.

***Metrics Available to Measure Performance:**

The Job Order Contractors will be evaluated per BOS Policy D29.1 using the standard contractor evaluation form that considers quality, cost and construction management.

***Retroactive:**

No.

TO: COB 8-8-23 (1)

VER: 09

PGS: 5

THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
 Commencement Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
☐ Expense Amount \$ _____ ☐ Revenue Amount: \$ _____

***Funding Source(s) required:** _____

Funding from General Fund? ☐ Yes ☐ No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? ☐ Yes ☐ No
 If Yes, attach Risk's approval.

Vendor is using a Social Security Number? ☐ Yes ☐ No
 If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: MA Department Code: PO Contract Number (i.e., 15-123): 20-215
 Amendment No.: 6 AMS Version No.: 9
 Commencement Date: 08/21/23 New Termination Date: _____
 Prior Contract No. (Synergen/CMS): _____

☒ Expense ☐ Revenue ☐ Increase ☐ Decrease Amount This Amendment: \$ _____

Is there revenue included? ☐ Yes ☒ No If Yes \$ _____

***Funding Source(s) required: Various Funds**

Funding from General Fund? ☐ Yes ☒ No If Yes \$ _____ % _____

Grant/Amendment Information (for grants acceptance and awards) ☐ Award ☐ Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____
 Commencement Date: _____ Termination Date: _____ Amendment Number: _____
☐ Match Amount: \$ _____ ☐ Revenue Amount: \$ _____

***All Funding Source(s) required:** _____

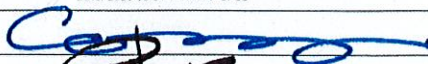
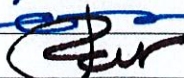
*Match funding from General Fund? ☐ Yes ☐ No If Yes \$ _____ % _____

*Match funding from other sources? ☐ Yes ☐ No If Yes \$ _____ % _____

*Funding Source: _____

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?

Contact: Procurement Officer: James Johnson Digitally signed by James Johnson
Date: 2023.08.04 10:49:21 -0700 Division Manager: Scott Loomis Digitally signed by Scott Loomis
Date: 2023.08.04 10:50:00 -0700
 Department: Procurement Director: Terri Spencer Digitally signed by Terri Spencer
Date: 2023.08.04 11:05:58 -0700 Telephone: 520-724-7465

Department Director Signature: Jackson Jenkins Digitally signed by Jackson
Jenkins
Date: 2023.08.04 11:17:14 -0700 Date: _____
 Deputy County Administrator Signature:  Date: 8/4/2023
 County Administrator Signature:  Date: 8/4/2023


JACKSON JENKINS
DIRECTOR



PH: (520) 724-6500
FAX: (520) 724-9635

July 18, 2023

TO: Terri Spencer, Director - Procurement Department

FROM: Jackson Jenkins, Director - RWRD 

SUBJECT: Request to Increase Job Order Contract Maximum Task Order Limit

The Regional Wastewater Reclamation Department would like to request the maximum limit of the Conveyance and Treatment individual Job Order Contracts be increased from the current \$2M to a new maximum amount of \$4M per individual job order.

Recent local, national and worldwide events have triggered a number of changes in the way our Department is conducting design and construction related transactions. Many of our Project Managers elected to retire during the COVID period. RWRD was not able to fill those positions in an expedient manner. As a result of the shortage of Project Management personnel, the County consolidated the Capital Projects groups of multiple Departments under Facilities Management Department; however, the new group has also experienced difficulty filling Project Manager vacancies. The remaining Project Managers are being asked to handle an additional number of projects, increasing their workload.

Another impact to our project delivery program in the last 2 years has been the cost increases due to inflation of material and services. The amount of work being delivered per Job Order has decreased while schedules have extended due to long delays for materials and equipment. As a result, the quantity of individual job orders needed to perform a similar number of repairs have increased in the last two to three years.

This past fiscal year our program delivered close to 300 Job Orders for a total of \$28M for the FY closing June 2023. For the reasons stated above, we would also like to request the value of each individual JOC be increased to \$250K to allow for an overall reduction of Job Orders needed to perform annual maintenance and repair activities.

Looking ahead, RWRD has programmed, on average, 2 projects each year that are at or near the \$2M to \$4M range. These are interceptor manholes and large diameter pipeline rehabilitations projects on the conveyance side and an expensive Generator on the Treatment side that although simple on scope, the value is high due to the high cost of materials or equipment required to complete those rehabilitations. These type of rehabilitation projects require very little or no design. Having the ability to issue JOCs at a higher limit of \$4M will allow these simple, yet expensive rehabilitation and construction projects to be accomplished using the Job Order Contract. Being able to complete these rehabilitation and repairs with the pre-qualified JOC will save months of Project Manager and Procurement personnel time preparing the bid documents and going through the formal procurement process. Shifting small to medium projects that are typically pursued as CMAR or DB projects to the pre-qualified JOC-QCL Teams would reduce our Departments workload and expedite delivery.

Let us know if you need any additional information or details to consider this request to increase the JOC limit from \$2M to \$4M.

c: Eric Wieduwilt, P.E., Deputy Director – TS&E
Jaime Rivera, P.E., Deputy Director – Conveyance
Jeff Prevatt, PhD, Deputy Director - Treatment

PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPARTMENT

PROJECT: JOB ORDER MASTER AGREEMENT:
WASTEWATER RECLAMATION FACILITIES CONSTRUCTION SERVICES

CONTRACTORS: Borderland Construction Company, Inc.
P.O. Box 27406
Tucson, AZ 85726

Hunter Contracting Co.
701 N Cooper Rd.
Gilbert, AZ 85233

SMS Construction, LLC
P.O. Box 26744
Tucson, AZ 85726

MASTER AGREEMENT NO.: MA-PO-20-215

AMENDMENT NO.: Six (6)

FUNDING: Various Funds

CONTRACT TERM: 07/01/20 - 06/30/21	ORIGINAL CONTRACT AMOUNT:	\$	10,000,000.00
TERMINATION PRIOR AMENDMENT: 06/30/24	PRIOR AMENDMENT(S):	\$	30,000,000.00
TERMINATION THIS AMENDMENT: 06/30/24	AMOUNT THIS AMENDMENT:	\$	-
	REVISED CONTRACT AMOUNT:	\$	40,000,000.00

MASTER AGREEMENT AMENDMENT

WHEREAS, COUNTY and CONTRACTORS entered into a Master Agreement (Agreement) for these services, as referenced above; and

WHEREAS, COUNTY has an increased need for job order contractors for wastewater reclamation facilities construction services; and

WHEREAS, COUNTY intends to increase the competition threshold and maximum individual job order threshold to address an increase in wastewater reclamation facilities construction projects and rising costs of construction materials and labor.

NOW, THEREFORE, it is agreed as follows:

1. CHANGE: **ARTICLE 1 –BASIC TERMS, Paragraphs 4, 5 and 7, as follows:**

FROM: “For projects less than \$150,000.00, and during emergency situations...”

“For projects of \$150,000.00 or more...”

“No individual Job Order may exceed \$2,000,000.00, including any change orders.”

TO: “For projects less than \$250,000.00, and during emergency situations...”

“For projects of \$250,000.00 or more...”

“No individual Job Order may exceed \$3,000,000.00, including changes orders.”

2. CHANGE: EXHIBIT "C" SPECIAL CONDITIONS - MULTIPLE AWARD JOB ORDER CONTRACT, ARTICLE 1 –OVERVIEWS AND DEFINITIONS, Paragraph 2 as follows:

FROM: "The Contract Price for each Job Order shall not exceed \$2,000,000.00..."

TO: "The Contract Price for each Job Order shall not exceed \$3,000,000.00..."

3. CHANGE: EXHIBIT "C" SPECIAL CONDITIONS - MULTIPLE AWARD JOB ORDER CONTRACT, ARTICLE 2 –JOB ORDER DEVELOPMENT, Paragraphs 2 and 3 as follows:

FROM: "For Projects estimated under \$150,000.00, and during emergency situations..."

"For Projects of \$150,000.00 or greater..."

TO: "For Projects estimated under \$250,000.00, and during emergency situations..."

"For Projects of \$250,000.00 or greater..."

All other provisions of the Agreement, not specifically changed by this Amendment, shall remain in effect and be binding upon the Parties.

IN WITNESS WHEREOF, the Parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

Chair, Board of Supervisors

Date

CONTRACTOR:

Contractor Name

Authorized Officer Signature

Printed Name and Title

Date

ATTEST:

Clerk of the Board

Date

This contract template has been approved as to form by the Pima County Attorney's Office.

2. CHANGE: EXHIBIT "C" SPECIAL CONDITIONS - MULTIPLE AWARD JOB ORDER CONTRACT, ARTICLE 1 –OVERVIEWS AND DEFINITIONS, Paragraph 2 as follows:

FROM: "The Contract Price for each Job Order shall not exceed \$2,000,000.00..."

TO: "The Contract Price for each Job Order shall not exceed \$3,000,000.00..."

3. CHANGE: EXHIBIT "C" SPECIAL CONDITIONS - MULTIPLE AWARD JOB ORDER CONTRACT, ARTICLE 2 –JOB ORDER DEVELOPMENT, Paragraphs 2 and 3 as follows:

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"For Projects of \$150,000.00 or greater..."

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"For Projects of \$250,000.00 or greater..."

All other provisions of the Agreement, not specifically changed by this Amendment, shall remain in effect and be binding upon the Parties.

IN WITNESS WHEREOF, the Parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

Chair, Board of Supervisors

Date

ATTEST:

Clerk of the Board

Date

CONTRACTOR:

Borderland Construction Company, Inc.

Contractor Name



Authorized Officer Signature

Al, Heimpel, Vice President

Printed Name and Title

08-07-23

Date

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IN WITNESS WHEREOF, the Parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

Chair, Board of Supervisors

Date

ATTEST:

Clerk of the Board

Date

CONTRACTOR:

Hunter Contracting Co.

Contractor Name



Authorized Officer Signature

Chuck English, President

Printed Name and Title

8/7/2023

Date

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2. CHANGE: **EXHIBIT "C" SPECIAL CONDITIONS - MULTIPLE AWARD JOB ORDER CONTRACT, ARTICLE 1 –OVERVIEWS AND DEFINITIONS, Paragraph 2 as follows:**

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"For Projects of \$250,000.00 or greater..."

All other provisions of the Agreement, not specifically changed by this Amendment, shall remain in effect and be binding upon the Parties.

IN WITNESS WHEREOF, the Parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

Chair, Board of Supervisors

Date

ATTEST:

Clerk of the Board

Date

CONTRACTOR:

SMS Construction, LLC

Contractor Name



Authorized Officer Signature

Shawn Silvester, President

Printed Name and Title

8/8/2023

Date

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