

## BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Requested Board Meeting Date: November 18, 2014

### ITEM SUMMARY, JUSTIFICATION and/or SPECIAL CONSIDERATIONS:

Amendment # 2, Contract # CT-TR-1400000000000000099, SELECT DEVELOPMENT & CONSTRUCTION, INC., to provide CONSTRUCTION SERVICES FOR Magee Road Improvements: La Cañada Dr. to Oracle Rd. (AZ77) (4MRLCO). This amendment retroactively applies an additional wage determination to the Project for work considered Heavy Construction. Funding sources: Federal STP (53%), RTA Funds (29%), DOT-06 HURF Bonds (18%). Administering Department: Transportation

An additional wage determination is being applied retroactively at the direction of the U.S. Department of Labor (DOL) to the start of this project. The project has work elements that DOL has deemed constitute a segregable, substantial element of work requiring an appropriate Davis-Bacon wage determination to be included in the contract for that work. The wage determination for heavy construction in Pima County (General Decision Number: AZ130019 08/02/2013) is retroactively added to this Contract for application to box culvert work, pursuant to 29CFR1.6(f).

Effective Date: October 15, 2013

Termination Date: October 14, 2016

Original Contract Amount: \$9,974,990.20

Previous Amendment(s): \$0.00

Previous Contract Amount: \$9,974,990.20

Amount this Amendment: \$0.00

Revised Contract Amount: \$9,974,990.20

Cont #	: CT-TR-140099-02
Effective	: 10-15-2013
Term	: 10-14-2016
Cost	: \$0.00
Rev	: \$0.00
Tot	: \$9,974,990.20
NTE	: 00
Timex	: 00
Renewal	: 07-01-2016
Term	: 10-14-2016

Project Manager: Rick Ellis, 724-6385  
Department of Transportation

Contract Officer: Mark Koskiniemi, 724-3723  
Procurement Department

Vendor is using a Social Security Number: No

CT #: CT-TR-1400000000000000099

Please return to Harry Lewis.

CLERK OF THE BOARD USE ONLY: BOS MTG. \_\_\_\_\_

ITEM No. \_\_\_\_\_

Procure Dept 11/03/14 PM01:24

To: COB - 11-5-14  
Agenda 11-18-14 (1)  
Ver. 7  
Vendor - 1  
pgs - 7

**PIMA COUNTY DEPARTMENT OF TRANSPORTATION**

**PROJECT:** Magee Road Improvements: La Cañada Dr. to Oracle Rd. (AZ77) (4MRLCO)

**CONTRACTOR:** SELECT DEVELOPMENT & CONSTRUCTION, INC.  
5401 S ARCADIA AVE  
TUCSON, AZ 85706

**CONTRACT NO.:** CT-TR-14000000000000000099

**AMENDMENT NO.:** Two (2)

**FUNDING:** Federal STP (53%), RTA Funds (29%),  
DOT-06 HURF Bonds (18%)

**CONTRACT**

NO CT-TR-14000000000000000099

AMENDMENT NO. 02

This number must appear on all invoices, correspondence and documents pertaining to this contract.

<b>CONTRACT TERM:</b> 10/15/13 to 10/14/16	<b>ORIGINAL CONTRACT AMOUNT:</b>	\$	9,974,990.20
<b>TERMINATION PRIOR AMENDMENT:</b> N/A	<b>PRIOR AMENDMENT(S):</b>	\$	-
<b>TERMINATION THIS AMENDMENT:</b> 10/14/16	<b>AMOUNT THIS AMENDMENT:</b>	\$	-
	<b>REVISED CONTRACT AMOUNT:</b>	\$	9,974,990.20

**CONTRACT AMENDMENT**

**WHEREAS**, COUNTY and CONTRACTOR entered into the Contract referenced above; and

**WHEREAS**, this project involves construction of box culvert drainage structures in total value exceeding One Million Dollars (\$1,000,000); and

**WHEREAS**, the United States Department of Labor deems this sufficient to constitute a segregable, substantial element of work requiring an appropriate Davis-Bacon wage determination to be included in the contract for that work; and

**WHEREAS**, the Department of Labor has directed that the wage determination for heavy construction in Pima County (General Decision Number: AZ130019 08/02/2013) be retroactively added to this Contract for application to the box culvert work, pursuant to 29CFR1.6(f); and

**WHEREAS**, the Parties have agreed to implement this direction.

**NOW, THEREFORE**, it is agreed as follows:

**APPEND** the attached Attachment 1: FOR APPENDING TO ATTACHMENT 2 TO SPECIAL CONDITIONS (5 pages) General Decision Number: AZ130019 08/02/2013 (Heavy Construction) to ATTACHMENT 2 TO SPECIAL CONDITIONS of this Contract, the same as if this wage determination had been incorporated herein upon award of the contract.

Heavy Construction wage rates shall be applied to all work performed by laborers and mechanics on the box culvert drainage structures, such application to extend retroactively to the date of award.

The Parties shall assess the impact of applying the Heavy Construction wage rates to work on the box culverts. If the result is an increase in the cost to CONTRACTOR for such work, COUNTY shall make an adjustment therefor by change order in such amount as may be agreed. The adjustment may be in two parts:

- A lump sum adjustment to cover the difference between the retroactive application of the Heavy Construction and the Highway wage determination for employees already paid for work on the box culverts, such sum to be used solely for the payment of wage adjustments to laborers and mechanics employed on the box culvert work and not to be applied to any other purpose whatsoever; and

- Modification of the line item costs of the box culverts to reflect the additional cost of box culvert work attributable to application of the Heavy Construction wage determination to these line items.

CONTRACTOR shall submit updated certified payrolls for the weeks retroactive adjustments are made.

This Amendment shall be effective on October 15, 2013.

All other provisions of the Contract, 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.

**PIMA COUNTY:**

**CONTRACTOR:**

N/A  
Procurement Director

Signature \_\_\_\_\_

Date \_\_\_\_\_

Brandon Neal / Vice President  
Name and Title (Please Print)

Date 9/16/14

**APPROVED AS TO FORM**

Deputy County Attorney  
**TOBIN ROSEN**

Name (Please Print)

9/11/14  
Date

**PIMA COUNTY  
BOARD OF SUPERVISORS**

Chairman

**ATTEST:**

Clerk of the Board

Attachment 1: FOR APPENDING TO ATTACHMENT 2 TO SPECIAL CONDITIONS (5 pages)

AZ130019 MOD 2 REVISED 08/23/13 AZ19

\*\*\*\*\* THIS WAGE DETERMINATION WAS REPLACED ON 08/23/13\*\*\*\*\*

General Decision Number: AZ130019 08/02/2013

Superseded General Decision Number: AZ20120024

State: Arizona

Construction Type: Heavy

HEAVY CONSTRUCTION, Includes Water and Sewer Lines and Heavy  
Construction on Treatment Plant Sites

County: Pima County in Arizona.

HEAVY CONSTRUCTION PROJECTS (DOES NOT INCLUDE DAM CONSTRUCTION)

Modification Number	Publication Date
0	01/04/2013
1	06/14/2013
2	08/02/2013

CARP0408-006 10/01/2012

	Rates	Fringes
CARPENTER (Excludes Form Work) ...	\$ 23.58	9.49

\* ELEC0570-009 06/01/2013

	Rates	Fringes
ELECTRICIAN. ....	\$ 24.00	18%+5.10

ZONE DEFINITIONS-

Zone A: the area within a twenty-nine (29) mile radius from  
a basing point at the Tucson Town Hall.

Zone B: 29 to 46 mile radius from the town hall in Tucson- an  
additional \$ 1.25 per hour

Zone C: 47 mile radius from the town hall in Tucson to the  
outer limits of the geographic jurisdiction- an additional  
\$ 3.75 per hour

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ENG10428-009 01/01/2012

	Rates	Fringes
Power Equipment Operator		
Group 1. ....	\$ 19.89	9.34
Group 2. ....	\$ 23.16	9.34
Group 3. ....	\$ 24.24	9.34

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Small Self-Propelled Compactor (with blade),  
Bobcat/Skidsteer/Skid Loader, Oiler

GROUP 2: Self-Propelled Compactor (with blade), Bulldozer,  
Grader/Blade (rough), Scraper

GROUP 3: Grader/Blade(finish)

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PAIN0086-002 04/01/2013

	Rates	Fringes
PAINTER (Brush Only) .....	\$ 19.35	4.75

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SUAZ2012-007 05/17/2012

	Rates	Fringes
BRICKLAYER .....	\$ 21.00	0.00
CARPENTER (Form Work Only) .....	\$ 22.50	5.97
CEMENT MASON/CONCRETE FINISHER .....	\$ 17.83	3.45
IRONWORKER, REINFORCING .....	\$ 20.66	13.59
IRONWORKER, STRUCTURAL .....	\$ 20.59	13.85
LABORER: Asphalt Raker/Shoveler/Spreader .....	\$ 15.76	4.42
LABORER: Common or General .....	\$ 14.52	2.75
LABORER: Concrete Saw (Hand Held/Walk Behind) .....	\$ 17.00	4.55
LABORER: Grade Checker .....	\$ 18.14	4.55
LABORER: Mason Tender - Cement/Concrete .....	\$ 12.91	0.00
LABORER: Pipelayer .....	\$ 14.52	2.35
LABORER: Power Tool Operator .....	\$ 16.55	4.20
OPERATOR: Backhoe/Excavator/Trackhoe .....	\$ 19.96	4.98
OPERATOR: Crane .....	\$ 20.76	4.42
OPERATOR: Drill .....	\$ 23.99	7.60
OPERATOR: Forklift .....	\$ 19.86	4.75
OPERATOR: Loader (Front End) .....	\$ 18.00	5.19

OPERATOR: Mechanic.....	\$ 17.41	4.03
OPERATOR: Paver (Asphalt, Aggregate, and Concrete).....	\$ 17.07	3.20
OPERATOR: Roller.....	\$ 21.13	8.36
OPERATOR: Screed.....	\$ 16.82	2.52
OPERATOR: Tractor.....	\$ 24.43	7.70
OPERATOR: Trencher.....	\$ 16.11	2.25
OPERATOR: Broom/Sweeper.....	\$ 15.40	2.45
PAINTER: Pavement Marking/Parking Lot Striping.....	\$ 19.94	4.10
PAINTER: Roller and Spray.....	\$ 20.65	4.45
PIPEFITTER.....	\$ 27.00	12.03
TRUCK DRIVER: Dump Truck.....	\$ 14.43	1.16
TRUCK DRIVER: Flatbed Truck.....	\$ 16.84	3.51
TRUCK DRIVER: Water Truck.....	\$ 16.00	2.21

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WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

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The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

#### Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union

classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters, PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

#### Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

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#### WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.)



and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION