



**BOARD OF SUPERVISORS AGENDA ITEM REPORT  
CONTRACTS / AWARDS / GRANTS**

Award  Contract  Grant

Requested Board Meeting Date: 02/07/23

or Procurement Director Award

\* = Mandatory, information must be provided

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

Division II Construction Co., Inc.

**\*Project Title/Description:**

Ina Road Fueling Facility Refurbishment (XINAFI)

**\*Purpose:**

Amendment: Contract No. CT-FM-21-459, Amendment No. Nine (9). This amendment extends the term of the contract to 07/31/23 to allow for project completion and closeout activities and adds the Forced Labor of Ethnic Uyghurs clause. Administering Department: Facilities Management.

**\*Procurement Method:**

Pursuant to Invitation to Bid No. IFB-PO-2100091, on 06/22/21, the Board of Supervisors awarded a contract for this project in the amount of \$1,224,600.00 for a contract term of 06/22/21 to 04/21/22.  
Change Order No. One (1) was approved by the Procurement Director on 01/05/22, to incorporate the removal and replacement of cracked sidewalk, additional surveying, canopy repairs, add 42 construction days and increase the contract amount by \$18,245.00 for a cumulative not-to-exceed amount of \$1,242,845.00.  
Change Order No. Two (2) was approved by the Procurement Director on 01/19/22, to incorporate additional valley gutters, add 5 construction days and increase the contract amount by \$12,517.00 for a cumulative not-to-exceed amount of \$1,255,362.00.  
Amendment No. Three (3) was approved by the Procurement Director on 04/18/22, to extend the term of the contract to 07/20/22, add 99 construction days, incorporate additional survey, installation of 1 3/4" door frames and increase the contract amount by \$7,417.00 for a cumulative not-to-exceed amount of \$1,262,779.00.  
Change Order No. Four (4) was approved by the Procurement Director on 05/11/22, to incorporate 45 additional construction days due to generator equipment and concrete delivery delays.  
Amendment No. Five (5) was approved by the Board of Supervisors on 07/05/22, to extend the term of the contract by 90 days to 10/18/22 to allow for project completion and close-out activities due to concrete material delays and unforeseen site conditions.  
Change Order No. Six (6) was approved by the Procurement Director on 08/04/22, to incorporate 65 additional construction days due to TEP delays that delayed fuel systems testing, generator commissioning and the beginning of the punch walk.  
Change Order No. Seven (7) was approved by the Procurement Director on 09/26/22, to incorporate privacy door locks, repainting of doors and frames, and to increase the contract amount by \$2,195.00 for a cumulative not-to-exceed amount of \$1,264,974.00.  
Amendment No. Eight (8) was approved by the Board of Supervisors on 10/18/22, to extend the term of the contract to 01/26/23, due to delivery delays and site discrepancies.

Attachments: Amendment No. Nine (9).

**\*Program Goals/Predicted Outcomes:**

The existing pump and underground tanks are nearing end of their functional lifespan and are in need of replacement and upgrade to above ground tanks. Addition of electric vehicle charging station and complete renovation of the exiting building.

**\*Public Benefit:**

Upgrading the equipment and tanks will improve the safety of the fuel system and will provide electric vehicle charging capabilities for the new electric vehicles. Renovations to the existing structure will extend the life of the facility.

**\*Metrics Available to Measure Performance:**

Project will be completed on time and within budget. Electric vehicles will be able to be charged at this site.

**\*Retroactive:**

Yes. This amendment commences on 01/27/23 due to a delay in key component delivery and installation.

**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: CT Department Code: FM Contract Number (i.e., 15-123): 21-459  
Amendment No.: 9 AMS Version No.: 12  
Commencement Date: 1/27/23 New Termination Date: 07/31/23  
Prior Contract No. (Synergen/CMS): \_\_\_\_\_

Expense or  Revenue  Increase  Decrease Amount This Amendment: \$ 0.00

Is there revenue included?  Yes  No If Yes \$ \_\_\_\_\_

**\*Funding Source(s) required:** Fleet Services - Capital Projects

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: James Johnson Digitally signed by James Johnson Date: 2023.01.19 15:50:51 -07'00' Scott Loomis Digitally signed by Scott Loomis Date: 2023.01.19 16:56:04 -07'00'

Department: Procurement Director: Terri Spencer Digitally signed by Terri Spencer Date: 2023.01.20 09:35:30 -07'00' Telephone: 520-724-7465

Department Director Signature/Date: \_\_\_\_\_ 1/23/23

Deputy County Administrator Signature/Date: \_\_\_\_\_ 25 June 2023

County Administrator Signature/Date: \_\_\_\_\_ 1/25/2023  
*(Required for Board Agenda/Addendum Items)*

**PIMA COUNTY FACILITIES MANAGEMENT DEPARTMENT**

**PROJECT:** Ina Road Fueling Facility Refurbishment (XINAFI)

**CONTRACTOR:** Division II Construction Co., Inc.  
1230 N. Anita Ave.  
Tucson, Arizona 85705

**CONTRACT NO.:** CT-FM-21-459

**AMENDMENT NO.:** Nine (9)

**FUNDING:** Fleet Services – Capital Projects

<b>CONTRACT TERM:</b> 06/22/21 - 04/21/22	<b>ORIGINAL CONTRACT AMOUNT:</b>	\$	1,224,600.00
<b>TERMINATION PRIOR AMENDMENT:</b> 01/26/23	<b>PRIOR AMENDMENT(S):</b>	\$	40,374.00
<b>TERMINATION THIS AMENDMENT:</b> 07/31/23	<b>AMOUNT THIS AMENDMENT:</b>		
	<b>REVISED CONTRACT AMOUNT:</b>	\$	1,264,974.00

**CONTRACT AMENDMENT**

The Parties agree to amend the above-referenced contract as follows:

**1. Background and Purpose.**

1.1. Background. On June 22, 2021, County and Contractor entered into the above referenced agreement to provide Construction Services for Ina Road Fueling Facility Refurbishment (XINAFI).

1.2. Purpose. This amendment extends the term of the contract to allow for project completion, closeout activities and adds the Forced Labor of Ethnic Uyghurs clause. Final acceptance of the project has not been obtained, see Attachment 1 to Amendment 9 (1 Page).

**2. Term.**

2.1 The Parties agree to extend the term of the contract to July 31, 2023. This Amendment commences on 01/27/23 due to the amendment inadvertently not being processed by that date; however, the Parties continued to perform work as if it was in full force and effect.

**3. Forced Labor of Ethnic Uyghurs** is being added as Section 32 and the subsequent sections are renumbered respectively.

“Pursuant to A.R.S. § 35-394, if Contractor engages in for-profit activity and has 10 or more employees, Contractor certifies it is not currently using, and agrees for the duration of this Contract to not use (1) the forced labor of ethnic Uyghurs in the People’s Republic of China; (2) any goods or services produced by the forced labor of ethnic Uyghurs in the People’s Republic of China; and (3) any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People’s Republic of China. If Contractor becomes aware during the term of the Contract that the Company is not in compliance with A.R.S. § 35-394, Contractor must notify the County within five business days and provide a written certification to County regarding compliance within one hundred eighty days.”

**4. Add:** Attachment 1 to Amendment 9 (1 Page).

All other provisions of the Contract not specifically changed by this Amendment remain in effect and are binding upon the Parties.

APPROVED:

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

CONTRACTOR:

\_\_\_\_\_  
Signature

KEITH TRIVERS EUP  
Name and Title (Please Print)

1.23.23  
Date

ATTEST:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Date

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



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FACILITIES MANAGEMENT

**Lisa Josker, Director**  
150 W. Congress St, 3<sup>rd</sup> Floor  
Tucson, AZ 85701  
Office: 520.724.3703  
Fax: 520.724.3900

Substantial completion was reached on October 23, 2022 and final completion has not been obtained. The Contractor, Division II Construction Company, Inc. will have 45 calendar days beginning on January 27, 2023 to install a working LVDD switch as referenced in the construction documents.

If the work and final acceptance is not completed by this date, Liquidated Damages will incur at \$500.00 dollars per day as stated in the contract documents until completion and final acceptance have been achieved.

**End of Attachment 1 to Amendment 9**