



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: 06/06/23

* = Mandatory, information must be provided

or Procurement Director Award: []

*Contractor/Vendor Name/Grantor (DBA):

Borderland Construction Company, Inc.

*Project Title/Description:

Construction Manager at Risk Services: South Houghton Road Widening (4SHRWD)

*Purpose:

Amendment: Contract No. CT-TR-21-228, Amendment No. Six (6). This amendment extends the term of the contract to 06/30/27 to allow for future GMP packages that will construct the remaining flood control channels, adds the Forced Labor of Ethnic Uyghurs clause to the contract, and extends the Procurement Director's authority limit to 06/30/27. Administering Department: Transportation.

On 03/16/21, the Board of Supervisors/Directors authorized the Procurement Director to execute all modifications, including one or more Guaranteed Maximum Price (GMP) packages, provided that the cumulative total of all GMPs and Pre-Construction Services does not exceed \$26,250,000.00, and the contract expiration date does not exceed December 29, 2023, which allows for all contract close-out activities and final submittals. Unforeseen site conditions will require modifications to the Regional Flood Control District channels scope of work and the installation of a new water line at the direction of Tucson Water resulting in subsequent GMP packages in the estimated amount of \$17,000,000.00. On 07/06/21, the Board of Supervisors/Directors authorized the Procurement Director to execute all modifications including these subsequent GMP packages, provided that the cumulative total of all GMPs and Pre-Construction Services does not exceed \$46,250,000.00, and the contract expiration date does not exceed December 29, 2023.

*Procurement Method:

Pursuant to Solicitation for Qualifications No. SFQ-PO-2100001, on 12/01/20, the Board of Supervisors awarded a contract for Pre-Construction Services in the amount of \$254,599.73 for a contract term of 12/01/20 to 12/01/21. Amendment No. One (1) was approved by the Board of Supervisors, on 03/16/21, to add PCRFC D Channel Scope of Work, Task VI - PCRFC D PS&E Review/Coordination, and Task VII - PCRFC D GMP Preparation, and reallocate funds among major tasks. Amendment No. Two (2) was approved by the Procurement Director, on 05/19/21, to incorporate GMP 1 for the construction phase and increase the amount of the contract by \$3,524,272.56 for a cumulative not-to-exceed amount of \$3,778,872.29. Amendment No. Three (3) was approved by the Board of Supervisors, on 07/06/21, to incorporate GMP 2 for the construction phase, increase the amount of the contract by \$25,350,788.40 for a cumulative not-to-exceed amount of \$29,129,660.69, and increase the Procurement Director's special delegated authority from \$26,250,000.00 to \$46,250,000.00. Amendment No. Four (4) was approved by the Procurement Director, on 12/29/21, to incorporate GMP 3 for the construction phase and increase the amount of the contract by \$2,081,963.81 for a cumulative not-to-exceed amount of \$31,211,624.50. Amendment No. Five (5) was approved by the Procurement Director, on 08/23/22, to incorporate Guaranteed Maximum Price GMP 4 for the construction phase of the contract and increase the amount of the contract by \$5,494,719.92 for a cumulative not-to-exceed amount of \$36,706,344.42. Attachment: Amendment No. Six (6)

*Program Goals/Predicted Outcomes:

Replace the existing 2 and 3 lane South Houghton Road with an all-weather 4-lane divided roadway from I-10 south to the Andrada Polytechnic High School.

*Public Benefit:

This program will improve safety, reduce congestion around the Fairgrounds, and provide all-weather access to the Fairgrounds and two High Schools along Houghton Rd.

*Metrics Available to Measure Performance:

Performance will be measured using the contractor evaluation process as outlined in BOS Policy D29.1.E.

*Retroactive:

No.

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: CT Department Code: TR Contract Number (i.e., 15-123): 21-228

Amendment No.: 6 AMS Version No.: 32

Commencement Date: 06/06/23 New Termination Date: 06/30/27

Prior Contract No. (Synergen/CMS): _____

Expense Revenue Increase Decrease Amount This Amendment: \$ 0.00

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

*Funding Source(s) required: _____

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: Judy Cooper Digitally signed by Judy Cooper Date: 2023.05.09 08:11:46 -07'00' Division Manager: Scott Loomis Digitally signed by Scott Loomis Date: 2023.05.09 08:15:40 -07'00'

Department: Procurement Director: Terri Spencer Digitally signed by Terri Spencer Date: 2023.05.09 16:01:56 -07'00' Telephone: 724-3727

Department Director Signature: Kathryn Skinner Date: _____

Deputy County Administrator Signature: [Signature] Date: 5/11/2023

County Administrator Signature: [Signature] Date: 5/11/2023

PIMA COUNTY DEPARTMENT OF TRANSPORTATION	
PROJECT:	CONSTRUCTION MANAGER AT RISK SERVICES: SOUTH HOUGHTON ROAD WIDENING (4SHRWD)
CONTRACTOR:	Borderland Construction Company, Inc. P.O. Box 27406 Tucson, Arizona 85726
CONTRACT NO.:	CT-TR-21-228
AMENDMENT NO.:	Six (6)
FUNDING:	Southeast Area Impact Fees (86.6%); Flood Control Non-Bond Projects (13.4%)

CONTRACT TERM: 12/01/20 - 12/01/21	ORIGINAL CONTRACT AMOUNT:	\$	254,599.73
TERMINATION PRIOR AMENDMENT: 06/30/23	PRIOR AMENDMENT(S):	\$	36,451,744.69
TERMINATION THIS AMENDMENT: 06/30/27	AMOUNT THIS AMENDMENT:	\$	-
	REVISED CONTRACT AMOUNT:	\$	36,706,344.42

CONSTRUCTION CONTRACT AMENDMENT

WHEREAS, at its regularly scheduled meeting on December 01, 2020, the Board of Supervisors approved the award of a Construction Manager at Risk Contract by COUNTY to CONTRACTOR for the above-named Project; and

WHEREAS, construction of the project was anticipated to be conducted in multiple phases; and

WHEREAS, COUNTY and CONTRACTOR have completed a majority of pre-construction services; and

WHEREAS, CONTRACTOR submitted Guaranteed Maximum Price (GMP) 1, (GMP) 2, (GMP) 3, and (GMP) 4 that were acceptable to COUNTY for the construction phase of the project; and

WHEREAS, COUNTY intends to extend the term of the contract due to budget constraints that affect implementing (GMP) 5 at this time. (GMP) 5 is scheduled for FY 25/26 and the CONTRACTOR has agreed to the extension for project completion.

WHEREAS, COUNTY intends to add the Forced Labor of Ethnic Uyghurs clause; and

WHEREAS, COUNTY and CONTRACTOR have agreed to the above modifications.

NOW, THEREFORE, the Parties hereto agree to the following:

CHANGE: **ARTICLE 1 – Term**, as follows:

FROM: "This Contract, terminates on June 30, 2023, unless sooner terminated or further extended for Project completion. COUNTY may, with written notice to CMAR, extend this Contract for such additional period or periods as may be required for Project completion."

TO: "This Contract, terminates on **June 30, 2027**, unless sooner terminated or further extended for Project completion. COUNTY may, with written notice to CMAR, extend this Contract for such additional period or periods as may be required for Project completion."

ADD: **ARTICLE 30 – FORCED LABOR OF ETHNIC UYGHURS**, the subsequent articles 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."

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:

Chair, Board of Supervisors

Date

CMAR:

Signature

Andy North

Name and Title (Please Print)

5/10/23

Date

ATTEST:

Clerk of the Board

Date

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