



BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 12/20/22

* = Mandatory, information must be provided

or Procurement Director Award: ☐

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

KE&G Construction, Inc.

***Project Title/Description:**

Kolb Road: Sabino Canyon Road to Sunrise Drive (4KSCSD)

***Purpose:**

Amendment: Contract No. CT-TR-21-095, Amendment No. Four (4). This amendment increases the amount of the contract by \$516,000.00 for a cumulative not-to-exceed amount of \$16,017,317.99 to increase allowances for fuel and bituminous price adjustments due to an increase in the market's indexes, and adds the Forced Labor of Ethnic Uyghurs clause. Administering Department: Transportation.

***Procurement Method:**

Pursuant to Invitation for Bid No. IFB-PO-2000098, on 08/17/20, the Board of Supervisors awarded a contract for this project in the amount of \$15,361,163.00 for a contract term of 08/17/20 to 06/30/23.

On 08/17/20, the Board of Supervisors approved the department's recommendation that the Procurement Director be authorized to execute all change orders under the terms of this contract within \$500,000.00 per change order and a not to exceed a cumulative total of \$1,500,000.00.

Change Order No. One (1) was approved by the Procurement Director, on 08/30/21, to add 24 working days and increase the contract amount by \$140,154.99 for a cumulative not-to-exceed amount of \$15,501,317.99 due to delays caused by utility companies.

Change Order No. Two (2) was approved by the Procurement Director, on 03/07/22, to add 40 working days due to delays caused by utility services not being completed and the COVID-19 pandemic.

Change Order No. Three (3) was approved by the Procurement Director, on 07/13/22, to add 55 working days due to materials shortages and supply chain disruptions.

Attachment: Amendment No. Four (4).

***Program Goals/Predicted Outcomes:**

The Program Goals/Predicted Outcomes for this project are the completion of reconstruction and widening of Kolb Road to a three-lane roadway (center two-way middle turn-lane) with multi-use lanes, curbs, storm drains, and landscaping. The project will improve the safety and traffic operations along Kolb Road between Sabino Canyon Road and Sunrise Drive.

***Public Benefit:**

The project will improve the safety and traffic operations along Kolb Road between Sabino Canyon Road and Sunrise Drive. Traffic needing to make a left turn from Kolb Road onto either a local street or into a driveway along Kolb will have a dedicated two-way left turn lane through the corridor, improving traffic movement on Kolb Road.

***Metrics Available to Measure Performance:**

The 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): 21-095

Amendment No.: 4 AMS Version No.: 16

Commencement Date: 12/20/22 New Termination Date: _____

Prior Contract No. (Synergen/CMS): _____

☒ Expense ☐ Revenue ☒ Increase ☐ Decrease

Amount This Amendment: \$ 516,000.00

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

***Funding Source(s) required:** Transportation CIP Projects (Federal (FHWA) – 68%, Development Impact Fees – 23%, Tucson Water – 8%, RWRD Obligations – 1%)

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: 2022.11.28 15:22:25 -0700

Scott Loomis Digitally signed by Scott Loomis
Date: 2022.11.30 10:32:08 -0700

Department: Procurement Director Terri Spencer Digitally signed by Terri Spencer
Date: 2022.11.30 17:26:28 -0700 Telephone: 724-7465

Department Director Signature: Lauren A. Ostergren Date: 12/2/22
 Deputy County Administrator Signature: [Signature] Date: 12/2/2022
 County Administrator Signature: [Signature] Date: 12/2/2022

PIMA COUNTY DEPARTMENT OF TRANSPORTATION

PROJECT: Kolb Road: Sabino Canyon Road to Sunrise Drive (4KSCSD)

CONTRACTOR: KE&G Construction, Inc.
3949 East Irvington Road
Tucson, Arizona 85714

CONTRACT NO. CT-TR-21-095

AMENDMENT NO: Four (4)

FUNDING: Transportation CIP Projects (Federal (FHWA) – 68%, Development Impact Fees – 23%,
Tucson Water – 8%, RWRD Obligations – 1%)

CONTRACT TERM: 08/17/20 - 06/30/23	ORIGINAL CONTRACT AMOUNT:	\$	15,361,163.00
TERMINATION PRIOR AMENDMENT: 06/30/23	PRIOR AMENDMENT(S):	\$	140,154.99
TERMINATION THIS AMENDMENT: 06/30/23	AMOUNT THIS AMENDMENT:	\$	516,000.00
	REVISED CONTRACT AMOUNT:	\$	16,017,317.99

CONTRACT AMENDMENT

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

WHEREAS, COUNTY intends to increase the fuel and bituminous price adjustment allowances due to an increase in the market's indexes; and

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, it is agreed as follows:

CHANGE: **ARTICLE 3 – COMPENSATION AND PAYMENT**, 1st paragraph, last sentence as follows:

FROM: "Payment will be made based on EXHIBIT A: Bid Schedule (10 pages) submitted by Contractor in response to IFB-PO-2000098, and EXHIBIT A: Bid Schedule, Change Order No. 1 (8 pages), attached hereto and made part of this Contract."

TO: "Payment will be made based on EXHIBIT A: Bid Schedule (10 pages) submitted by Contractor in response to IFB-PO-2000098, EXHIBIT A: Bid Schedule, Change Order No. 1 (8 pages), and **EXHIBIT A: Bid Schedule, Attachment 2 (1 page)**, attached hereto and made part of this Contract."

ADD: **ARTICLE 31 – 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."

ATTACH: **EXHIBIT A: Bid Schedule, Attachment 2 (1 page).**

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

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

APPROVED:

Chair, Board of Supervisors

Date

CONTRACTOR:

Signature

Ed Anderson, Vice President

Name and Title (Please Print)

Date

ATTEST:

Clerk of the Board

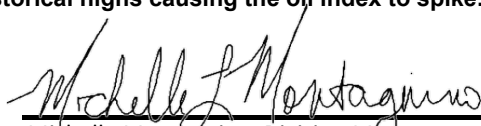
Date

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

EXHIBIT A: Bid Schedule, Attachment 2 (1 page)

<i>The following modification(s) are to be made to elements of the work:</i>					
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1090100	FUEL ADJUSTMENT ALLOWANCE	280,000	USD	\$ 1.00	\$ 280,000.00
4060510	BITUMINOUS MATERIAL PRICE ADJUSTMENT ALLOWANCE	236,000	USD	\$ 1.00	\$ 236,000.00
					\$ -
					\$ -
					\$ -
					\$ -
TOTAL:					\$ 516,000.00

REASON: The fuel markets and futures have hit historical highs causing the fuel index to spike. The oil markets and futures have hit historical highs causing the oil index to spike.


Michelle Montagnino, Division Manager

11/28/2022

Date

End of EXHIBIT A: Bid Schedule, Attachment 2