



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

### **CONTRACTS / AWARDS / GRANTS**

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 01/10/23

\* = Mandatory, information must be provided

or Procurement Director Award ☐

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

B&K Fencing Services (Joint Venture of TB Contractors, Inc. and BBK Fencing, LLC); Brown and White, Inc.; Canyon Fence Company, Inc.

**\*Project Title/Description:**

Job Order Master Agreement: Fencing Services

**\*Purpose:**

Amendment of Award: Master Agreement No. MA-PO-19-012, Amendment No. Seven (7). This amendment adds \$750,000.00 to the shared award amount for a cumulative not-to-exceed amount of \$3,100,000.00, raises the competition threshold from \$5,000.00 to \$10,000.00, increases the individual job order limit from \$75,000.00 to \$200,000.00, and adds the Forced Labor of Ethnic Uyghurs clause. Administering Department: Facilities Management.

This is an indefinite delivery/indefinite quantity job order master agreement. For projects estimated less than \$10,000.00, 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 \$10,000.00 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 \$200,000.00.

+

**\*Procurement Method:**

Pursuant to Solicitation for Qualifications No. 296713, on 07/31/18, the Procurement Director awarded a master agreement for this project in the annual shared award amount of \$200,000.00 for an agreement term of 07/31/18 to 07/30/19.

Amendment No. One (1) approved by the Board of Supervisors, on 05/07/19, increased the annual shared award amount by \$150,000.00 for a cumulative not-to-exceed amount of \$350,000.00.

Amendment No. Two (2) approved by the Procurement Director, on 07/02/19, extended the termination date to 07/30/20 and added the full annual shared award amount of \$350,000.00 for a cumulative not-to-exceed amount of \$700,000.00.

Amendment No. Three (3) approved by the Board of Supervisors, on 07/07/20, increased the annual shared award amount by \$150,000.00 from \$350,000.00 to \$500,000.00 for a cumulative not-to-exceed amount of \$850,000.00.

Amendment No. Four (4) approved by the Procurement Director, on 07/24/20, revised language in Articles 1 and 32, extended the termination date to 07/30/21 and added the full annual shared award amount of \$500,000.00 for a cumulative not-to-exceed amount of \$1,350,000.00.

Amendment No. Five (5) approved by the Procurement Director, on 07/15/21, extended the term of the agreement to 07/30/22 and added the full annual shared award amount of \$500,000.00 for a cumulative not-to-exceed amount of \$1,850,000.00.

Amendment No. Six (6) approved by the Procurement Director, on 07/11/22, extended the term of the agreement to 07/30/23 and added the full annual shared award amount of \$500,000.00 for a cumulative not-to-exceed amount of \$2,350,000.00.

Attachment: Amendment No. Seven (7).

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

This Master Agreement will enable the Facilities Management Department and other authorized departments to utilize Job Order Contractors to provide the necessary ongoing maintenance, upgrades, improvements and emergency repairs to County facilities and properties.

**\*Public Benefit:**

This Master Agreement provides a list of qualified contractors to quickly respond to the County's various fencing needs.

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

The Job Order Contractors will be evaluated using Pima County standard contractor evaluation forms that take into consideration quality, cost and construction management. Each job order contract awarded has a project manager that oversees and monitors entire project to ensure that the contractor is providing the proper services to Pima County in a professional manner.

**\*Retroactive:**

No.

**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): 19-012  
 Amendment No.: 7 AMS Version No.: 9  
 Commencement Date: 01/10/23 New Termination Date: \_\_\_\_\_  
 Prior Contract No. (Synergen/CMS): \_\_\_\_\_  
☒ Expense or ☐ Revenue ☒ Increase ☐ Decrease Amount This Amendment: \$ 750,000.00  
 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: Keith E. Rogers Digitally signed by Keith E. Rogers Date: 2022.12.14 08:40:03 -07'00'  
Scott Loomis Digitally signed by Scott Loomis Date: 2022.12.14 08:47:27 -07'00'  
 Department: Procurement Director Terri Spencer Telephone: 520-724-3542  
 Department Director Signature/Date: [Signature] 12/15/2022  
 Deputy County Administrator Signature/Date: [Signature] 12/15/2022  
 County Administrator Signature/Date: [Signature] 12/14/2022  
 (Required for Board Agenda/Addendum Items)

**PIMA COUNTY FACILITIES MANAGEMENT DEPARTMENT**

**PROJECT:** JOB ORDER MASTER AGREEMENT: FENCING SERVICES

**CONTRACTORS:** B&K Fencing Services (Joint venture of TB Contractors, Inc. and BBK Fencing, LLC)  
Brown and White, Inc.  
Canyon Fence Company, Inc.

**CONTRACT NO.:** MA-PO-19-012

**AMENDMENT NO.:** Seven (7)

**FUNDING:** Various Funds

<b>MASTER AGREEMENT TERM:</b> 07/31/18 - 07/30/19	<b>ORIGINAL AMOUNT:</b>	\$	200,000.00
<b>TERMINATION PRIOR AMENDMENT:</b> 07/30/23	<b>PRIOR AMENDMENTS:</b>	\$	2,350,000.00
<b>TERMINATION THIS AMENDMENT:</b> 07/30/23	<b>AMOUNT THIS AMENDMENT:</b>	\$	750,000.00
	<b>REVISED AMOUNT:</b>	\$	3,100,000.00

**MASTER AGREEMENT AMENDMENT**

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

**WHEREAS,** COUNTY has a continued need for job order contractors for fencing services; and

**WHEREAS,** REGIONAL FLOOD CONTROL DISTRICT has identified multiple projects, not previously considered, to be constructed during the remainder of this contract term; and

**WHEREAS,** COUNTY intends to increase the shared award amount to fund the additional projects; and

**WHEREAS,** COUNTY intends to raise the competition threshold and individual Job Order limit to accommodate the additional projects.

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

1. This amendment adds \$750,000.00 to the shared award amount. The revised not to exceed amount is \$3,100,000.00.
2. **Change:** Article 1 – Basic Terms, paragraphs 3 and 4

**From:**

“For projects anticipated to be valued less than \$5,000.00, the COUNTY may....”

For projects anticipated to be valued \$5,000.00 or more, selection will be based....”

**To:**

“For projects anticipated to be valued less than \$10,000.00, the COUNTY may select....”

For projects anticipated to be valued \$10,000.00 or more, selection will be based....”

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3. **Change:** Article 1 – Basic Terms, paragraph 6

**From:**

“No individual Job Order may exceed \$75,000.00.”

**To:**

“No individual Job Order may exceed \$200,000.00.”

4. **ADD:** Article 32 – Forced Labor of Ethnic Uyghurs, the remaining 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.”

5. **Change:** Exhibit C – Special Conditions – Multiple Award Job Order Contract, Article 1 – Overview and Definitions, Item A Overview of Job Order Contracting Arrangement, paragraph 2

**From:**

“The Contract Price for each Job Order shall not exceed \$75,000.00, including any Change Orders.”

**To:**

“The Contract Price for each Job Order shall not exceed \$200,000.00, including any Change Orders.”

6. **Change:** Exhibit C – Special Conditions – Multiple Award Job Order Contract, Article 2 – Job Order Development, Item 1, Sentence 1

**From:**

“For Projects estimated under \$5,000.00, COUNTY will....”

**To:**

“For Projects estimated under \$10,000.00, COUNTY will....”

7. **Change:** Exhibit C – Special Conditions – Multiple Award Job Order Contract, Article 2 – Job Order Development, Item 2, Sentence 1

**From:**

“For Projects estimated between \$5,000.00 and \$75,000.00 the COUNTY will....”

**To:**

“For Projects estimated between \$10,000.00 and \$200,000.00 the COUNTY will....”

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

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

PIMA COUNTY

CONTRACTOR

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

\_\_\_\_\_  
Authorized Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

ATTEST

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

\_\_\_\_\_  
Date

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

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

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

PIMA COUNTY

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

\_\_\_\_\_  
Date

CONTRACTOR

  
Authorized Officer Signature

Peter A. Granillo PMA/CEO  
Printed Name and Title

Brown and White, Inc.  
Company Name

12/15/22  
Date

ATTEST

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

\_\_\_\_\_  
Date

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





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

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

PIMA COUNTY

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

\_\_\_\_\_  
Date

CONTRACTOR

  
\_\_\_\_\_  
Authorized Officer Signature

Kasey Thomas - V.P.  
\_\_\_\_\_  
Printed Name and Title

BBK Fencing  
\_\_\_\_\_  
Company Name

12/15/2022  
\_\_\_\_\_  
Date

ATTEST

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

\_\_\_\_\_  
Date

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