



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

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 03/21/23

\* = Mandatory, information must be provided

or Procurement Director Award: ☐

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

Achen-Gardner Construction, LLC; Borderland Construction Company, Inc.; Ellison-Mills Construction, LLC; Hunter Contracting Co.

**\*Project Title/Description:**

Job Order Master Agreement: Wastewater Conveyance System And Related Facilities Repair, Rehabilitation & Construction Services

**\*Purpose:**

Amendment of Award: Master Agreement No. MA-PO-22-035, Amendment No. Two (2). This amendment adds a one-time increase of \$7,000,000.00 to the shared award amount for the remainder of this agreement term for a cumulative not-to-exceed amount of \$43,000,000.00 and increases the annual shared award amount for subsequent renewal terms by \$7,000,000.00 from \$18,000,000.00 to \$25,000,000.00 due to ongoing marketplace price increases for these services. Administering Department: Regional Wastewater and Reclamation.

This is an indefinite delivery/indefinite quantity job order master agreement. For projects estimated at less than \$200,000.00, the department may select a contractor based on availability, specialty or other such basis as the department may determine in its sole discretion. For those projects, pricing will be per the Contractor Unit Price Books. For projects estimated at \$200,000.00 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 \$2,000,000.00.

**\*Procurement Method:**

Pursuant to Solicitation for Qualifications No. SFQ-PO-2100017, on 09/21/21, the Board of Supervisors awarded an agreement for these services in an annual shared award amount of \$18,000,000.00 for an agreement term from 10/01/21 to 09/30/22.

Amendment No. One (1) was approved by the Procurement Director, on 09/27/22, to extend the term of the agreement, add the full annual shared award amount of \$18,000,000.00 for a cumulative not-to-exceed amount of \$36,000,000.00, replace the original Contractor Unit Price Books with revised Contractor Unit Price Books dated 09/30/22, and add the Forced Labor of Ethnic Uyghurs clause.

Attachments: Amendment No. Two (2) and Department Memo.

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

This job order master agreement provides the Regional Wastewater Reclamation Department (RWRD) resources for construction-related repair, rehabilitation, re-construction and emergency responses to critical components within the public sewer conveyance system.

**\*Public Benefit:**

The resources provided address critical issues derived from the Conveyance System Assessment Program per requirements from the Arizona Department of Environmental Quality (ADEQ) through compliance with the Capacity, Management, Operation & Maintenance (CMOM) plan. The Arizona Aquifer Protection Permit (APP) established the CMOM requirements for Arizona. Through CMOM, RWRD is required to provide a system condition assessment of the entire conveyance system every ten (10) years. This assessment identifies structural and operational issues within the conveyance system. As structural deficiencies are discovered they are to be repaired or, at a minimum, identified and monitored until further degradation escalates to a point requiring repair. RWRD operates the assessment program based on National Association of Sewer Service Companies (NASSCO) standards for condition ratings, i.e.; 1 - being good through 5 - being imminent failure.

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

Monthly review of the contractor progress schedule of ongoing job orders with each job order contractor. Maintenance of a job order management spreadsheet to track monthly and annual numbers of pipeline joint repairs, pipeline Cured in Place Pipe (CIPP) liner installation, manhole repairs, and miscellaneous job orders. Monthly review of invoicing status per job order.

**\*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: MA Department Code: PO Contract Number (i.e., 15-123): 22-035

Amendment No.: 2 AMS Version No.: 3

Commencement Date: 03/21/23 New Termination Date: \_\_\_\_\_

Prior Contract No. (Synergen/CMS): \_\_\_\_\_

☒ Expense ☐ Revenue ☒ Increase ☐ Decrease

Amount This Amendment: \$ 7,000,000.00

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

\*Funding Source(s) required: Regional Wastewater Reclamation Department Obligations

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: 2023.02.15 10:59:56 -07'00'

Scott Loomis Digitally signed by Scott Loomis  
Date: 2023.02.15 15:53:11 -07'00'

Department: Procurement Director Terri Spencer Digitally signed by Terri Spencer  
Date: 2023.02.16 12:02:08 -07'00' Telephone: 724-3542

Department Director Signature: \_\_\_\_\_ Date: 2/16/23

Deputy County Administrator Signature: \_\_\_\_\_ Date: 2/17/2023

County Administrator Signature: \_\_\_\_\_ Date: 2/17/2023



WASTEWATER RECLAMATION  
201 NORTH STONE AVENUE  
TUCSON, ARIZONA 85701-1207


JACKSON JENKINS  
DIRECTOR

PH: (520) 724-6500  
FAX: (520) 724-6545

February 10, 2023

**TO:** Terri Spencer, Procurement Director

**THRU:** Keith Rogers, Procurement Officer

**FROM:** Jackson Jenkins, Director, RWRD 

**SUBJECT:** Job Order Contract Annual Contract limit increase for RWRD Conveyance Projects

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RWRD would like to request an increase of \$7,000,000 to the shared award amount for the remainder of the current agreement term for Job Order Master Agreement: Wastewater Conveyance System and Related Facilities Repair, Rehabilitation and Construction Services (MA-PO-22-035). We would also like to request an increase to the annual shared award amount from the current amount of \$18M to a new amount of \$25M for future agreement terms.

The current annual shared award amount of \$18M for the master agreement was established in mid-2021. During the past 2 years, costs for materials and personnel have escalated substantially due to associated materials and personnel shortages. Research by the Association of General Contractors (AGC) has shown an average bid price increase of 19.8% for just the 2022 calendar year. Construction cost increases, driven by general inflation and increases due to reduced construction personnel availability, construction materials shortages and supply chain delays are negatively impacting the delivery of the Conveyance Division pipeline and manhole asset repair and rehabilitation program by increasing the cost of work on each Job Order and expending the Master Agreement funds faster than originally anticipated.

If approved, the requested increase of \$7,000,000 for the current agreement term will allow for the continued delivery of the programed repairs through the end of this agreement term. Since continued construction cost increases are forecast, increasing the annual shared award amount for future years will allow for the programed repairs to be delivered without the need to request additional increases mid-term, thereby risking an interruption to services.

Please feel free to contact me should you have any questions.

c: Jaime Rivera, Deputy Director - Conveyance

## Pima County Regional Wastewater Reclamation Department

**Project:** Job Order Master Agreement: Wastewater Conveyance System and Related Facilities Repair, Rehabilitation & Construction Services

**Contractors:** Achen-Gardner Construction, LLC  
550 S 79<sup>th</sup> St.  
Chandler, AZ 85226

Borderland Construction Company, Inc  
400 E 38<sup>th</sup> St.  
Tucson, AZ 85713

Ellison-Mills Construction, LLC  
3152 N Lear Ave  
Casa Grande, AZ 85122

Hunter Contracting Co.  
701 N Cooper Rd.  
Gilbert, AZ 85233

**Contract No.:** MA-PO-22-035

**Amendment No.:** Two (2)

<b>CONTRACT TERM:</b> 10/01/21 - 09/30/22	<b>ORIGINAL CONTRACT AMOUNT:</b>	\$	18,000,000.00
<b>TERMINATION PRIOR AMENDMENT:</b> 09/30/23	<b>PRIOR AMENDMENT(S):</b>	\$	18,000,000.00
<b>TERMINATION THIS AMENDMENT:</b> 09/30/23	<b>AMOUNT THIS AMENDMENT:</b>	\$	7,000,000.00
	<b>REVISED CONTRACT AMOUNT:</b>	\$	43,000,000.00

### MASTER AGREEMENT AMENDMENT

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

#### 1. Background and Purpose.

1.1. Background. On October 1, 2021, County and Contractors entered into the above referenced agreement to provide Job Order Master Agreement: Wastewater Conveyance System and Related Facilities Repair, Rehabilitation & Construction Services.

1.2. Purpose. County has a continuing need for job order contractors for these services. Due to the ongoing marketplace price increases, the annual shared award amount is insufficient and requires an increase to support ongoing and future projects for these services.

#### 2. Basic Terms, Renewals, Extensions and Revisions.

2.2. Extension Options. County is adding a one-time increase of \$7,000,000.00 to the shared award amount for the remainder of this agreement term for a cumulative not-to-exceed amount of \$43,000,000.00 and is increasing the annual shared award amount by \$7,000,000.00 from \$18,000,000.00 to \$25,000,000.00 for subsequent renewal terms.

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

**PIMA COUNTY**

**CONTRACTOR**

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

This contract template has been approved as to form by the Pima County Attorneys Office.

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

**PIMA COUNTY**

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

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

**CONTRACTOR**

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

Daniel J. Spitza, President

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

2/16/2023

\_\_\_\_\_  
Date

This contract template has been approved as to form by the Pima County Attorneys Office.

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

**PIMA COUNTY**

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

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

**CONTRACTOR**



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

Todd Adams, Vice President

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

2-16-2023

\_\_\_\_\_  
Date

This contract template has been approved as to form by the Pima County Attorneys Office.

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

**PIMA COUNTY**

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

\_\_\_\_\_  
Date

**CONTRACTOR**

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

Jason Delariva owner  
\_\_\_\_\_  
Printed Name and Title

2/16/23  
\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

This contract template has been approved as to form by the Pima County Attorneys Office.



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

**PIMA COUNTY**

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

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

**CONTRACTOR**

Chuck English  
Authorized Officer Signature

CHUCK ENGLISH, PRESIDENT  
Printed Name and Title

02/24/2023  
Date

This contract template has been approved as to form by the Pima County Attorneys Office.