



BOARD OF SUPERVISORS AGENDA ITEM REPORT CONTRACTS / AWARDS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 06/09/20

or Procurement Director Award ☐

* = Mandatory, information must be provided

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

Borderland Construction Company, Inc., Granite Construction Company, KE&G Construction, Inc., Markham Contracting Company, Inc., Southern Arizona Paving & Construction Company

***Project Title/Description:**

Job Order Master Agreement for Traffic Signal, Road Intersection, Paving and Drainage Improvements

***Purpose:**

Amendment of Award: Master Agreement No. MA-PO-17-117, Amendment No. Five (5). This amendment increases the annual shared award amount by \$2,000,000.00 for a new annual shared amount of \$5,000,000.00 to complete planned pavement preservation work in the remainder of FY2020/21 and FY2021/22. The cumulative not-to exceed is \$18,200,000.00. This amendment also implements a revised contract amendment notification process for a more efficient way to effect future renewals, extensions, and revisions; updates title and language in Article 1; adds Article 32 - Counterparts; and changes Article 32 - Entire Agreement to Article 33 and updates language. Administering Department: Transportation.

This is an indefinite delivery/indefinite quantity job order master agreement. For projects estimated less than \$100,000.00, 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 \$100,000.00 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 \$1,000,000.00.

***Procurement Method:**

Pursuant to Solicitation for Qualifications No. 231853, on 12/13/16, the Board of Supervisors awarded a shared master agreement for these services in an annual shared award amount of \$3,000,000.00 for an agreement term of 12/13/16 to 12/12/17. Previous Amendment No. One (1) totaling \$4,200,000.00 has been approved by the Board of Supervisors to address arterial and local road pavement preservation projects. Amendment Nos. Two (2), Three (3), and four (4) were approved by the Procurement Director to add the full annual shared award amount, extend the term of the agreement to 12/12/20, and update the language in Article 3 - Compensation and Payments.

Attachment: Department Memorandum and Amendment No. Five (5).

***Program Goals/Predicted Outcomes:**

The Department of Transportation is able to utilize the job order contractors to quickly and efficiently complete planned pavement preservation work for the remainder of FY2020/21 and FY2021/22 to keep the roads safe for the traveling public.

***Public Benefit:**

The Department of Transportation is able to select a job order contractor to perform traffic signal, road intersection, paving and drainage improvements and emergency road work repairs in an effective and efficient manner, saving tax dollars and keeping the roads safe for the traveling public.

***Metrics Available to Measure Performance:**

The job order contractors are utilized in an equitable manner, and all individual job orders are issued in accordance with the master agreement.

***Retroactive:**

No.

To: COB 5-26-2020 (1)
pgs: 8
vrs: 17

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Effective 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): 17-117
Amendment No.: Five (5) AMS Version No.: Seventeen (17)
Effective Date: 06/09/20 New Termination Date: _____
Prior Contract No. (Synergen/CMS): _____
☒ Expense or ☐ Revenue ☒ Increase ☐ Decrease Amount This Amendment: \$ 2,000,000.00
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): _____
Effective 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: Matt Sage, CPPB, Procurement Officer 5/24/20 5/20/2020
Department: Procurement May 21 5/21/2020 Telephone: 724-8586
Department Director Signature/Date: Ana M. Olivares 05/22/20
Deputy County Administrator Signature/Date: 5/22/2020
County Administrator Signature/Date: 5/22/20
(Required for Board Agenda/Addendum Items)

DATE: May 20, 2020

Ana M. Olivares

TO: Mary Jo Furphy
Procurement Director

FROM: Ana M. Olivares
Transportation Director

SUBJECT: Contract Amendment MA-PO-17-117

The above referenced contract was awarded on December 13, 2016 for \$3.0M and has been extended annually three times and will be eligible for one additional annual renewal. The current authorization, including a prior amendment of \$4.2M is not to exceed \$16,200,000. We have encumbered a total of \$13,954,464.25 to date and have a remaining amount of \$2,245,535.75 available for additional work prior to the annual contract extension/renewal on December 14, 2020. This contract is available to Public Works departments but has been used mostly by Transportation for various operation work such as concrete and pavement repairs.

At the May 19, 2020 Board of Supervisors (BOS) meeting, the BOS tentatively approved the County's FY2020/21 budget and it includes increasing DOT's FY2020/21 Road Pavement Repair and Preservation program to a total of \$55M.

In order to deliver this program in FY2020/21, the department will need the flexibility to utilize as many contracting methods as possible. In addition to hard bid contracts, DOT will use contract for the FY2020/21 work. To complete the work it is requested that an additional \$2M be added to the current contract term and an additional \$2M be added to the next renewal of \$3M for a total of \$5M upon renewal on December 14, 2020. These amounts should be adequate to complete planned work in the remainder of FY2020/21 and FY2021/22.

AMO:JC:dg

**Summary of JOMA for Traffic Signal, Road Intersection, and Drainage Improvements 17-117
(currently effective 12/13/2019 thru 12/12/2020)**

Completed Projects Total (Prior Renewal Periods)	\$8,376,951	
Projects Underway (Current Renewal Oct 2019-Oct 2020)		Issued Date
Silverbell Bridge Repair	\$10,407	10/25/2019
Thornsdale Wall Repair at Suffield Lane	\$5,229	01/28/2020
Blanco Wash Bridge Repair	\$65,000	05/05/2020
Mission Bridge Repair	\$99,267	05/12/2020
Sabino Canyon Paving	\$563,099	04/21/2020
Barrio Santa Cruz Drainage	\$22,410	12/17/2019
Aeropark Signal Pole	\$8,054	07/29/2019
Valencia Road Wilmot-Kolb Paving	\$104,075	08/22/2019
Pole Replacement Benson Hwy. & Columbus Blvd.	\$13,700	10/03/2019
Aviation/Alvernon Signal	\$23,939	02/13/2020
Palo Verde Pole Damage	\$13,900	01/01/2020
La Cholla/Magee Pole Repair	\$4,450	02/04/2020
Pothole Patching Peak Season Work	\$50,000	02/05/2020
Scuppers Abrego Drive	\$19,930	02/12/2020
Wall Repair 7045 N. Montecatina Drive	\$18,084	02/12/2020
Valencia Curb and PCCP Repair	\$67,457	05/13/2020
Guardrail Repair General Hitchcock MP 13.3	\$19,917	04/27/2020
Pontatoc & Hacienda del Sol Paving	\$517,882	12/17/2019
River Road Paving Swan to Del Rio Soleado	\$420,079	01/31/2020
Sidewalk and Curb Repairs	\$17,802	07/13/2019
Patch Truck Peak Season Work	\$95,466	12/18/2019
Houghton Road Shoulder Widening	\$958,585	01/30/2020
Estrella Subdivision Paving	\$785,309	03/31/2020
Green Valley Fairways Paving	\$957,949	01/14/2020
Canoa Ranch Signage	\$22,000	02/12/2020
Camino Portillo Road Repairs	\$24,756	04/08/2020
Sahuarita-Ocotillo Paving	\$668,767	04/22/2020
Projects Underway Total	\$5,577,513	
Planned Projects (Current Term)	Budget	Expected Start
ADA JOC #1	\$800,000	Jul-20
Paving JOC #1	\$800,000	Jul-20
Paving JOC #2	\$800,000	Sep-20
Countywide Non-Paving May-December	\$1,500,000	Varies
Total FY 2021/2022 Planned Projects	\$3,900,000	

Planned Projects (Renewal Term)	Budget	Expected Start
ADA JOC #2	\$600,000	Jul-21
Paving JOC #3	\$700,000	Jul-21
Paving JOC #4	\$700,000	Sep-21
Paving JOC #5	\$700,000	Oct-21
Countywide Non-Paving May-December	\$2,000,000	Varies
Bridge Repairs	\$300,000	Jan-21
Total FY 2021/2022 Planned Projects	\$5,000,000	

PIMA COUNTY DEPARTMENT OF TRANSPORTATION

PROJECT NAME: Job Order Master Agreement for Traffic Signal, Road Intersection, Paving and Drainage Improvements

CONTRACTORS: Borderland Construction Company, Inc.
400 East 38th Street
Tucson, Arizona 85726

Granite Construction Company
4115 East Illinois Street
Tucson, Arizona 85714

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

Markham Contracting Co., Inc.
22820 North 19th Avenue
Phoenix, Arizona 85027

Southern Arizona Paving & Construction Co.
4102 East Illinois Street
Tucson, Arizona 85714

MASTER AGREEMENT NO.: MA-PO-17-117

AMENDMENT NO.: Five (5)

FUNDING: Various Funds

MASTER AGREEMENT TERM: 12/13/16 - 12/12/17	ORIGINAL AMOUNT:	\$	3,000,000.00
TERMINATION PRIOR AMENDMENT: 12/12/20	PRIOR AMENDMENTS:	\$	13,200,000.00
TERMINATION THIS AMENDMENT: 12/12/20	AMOUNT THIS AMENDMENT:	\$	2,000,000.00
	REVISED AMOUNT:	\$	18,200,000.00

MASTER AGREEMENT AMENDMENT

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

WHEREAS, COUNTY tentatively increased the FY2020/21 Road Pavement Repair and Preservation Program budget; and

WHEREAS, COUNTY intends to add \$2,000,000.00 to the annual shared award amount to complete planned pavement preservation work in the remainder of FY2020/21 and FY2021/22; and

WHEREAS, COUNTY intends to implement a revised contract amendment notification process for a more efficient way to effect future renewals, extensions and revisions; and

WHEREAS, the title of ARTICLE 1 – BASIC TERMS changes to ARTICLE 1 – BASIC TERMS, RENEWALS, EXTENSIONS AND REVISIONS, and the language is updated; and

WHEREAS, ARTICLE 32 – COUNTERPARTS is added to Agreement; and

WHEREAS, ARTICLE 32 – ENTIRE AGREEMENT is changed to ARTICLE 33 and language is updated; and

G.

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

NOW, THEREFORE, it is agreed as follows:

1. This Amendment increases the annual shared award amount by \$2,000,000.00 for a new annual shared amount of \$5,000,000.00. The revised not-to-exceed amount is \$18,200,000.00.
2. **CHANGE:** The title of ARTICLE 1 – BASIC TERMS to ARTICLE 1 – BASIC TERMS, RENEWALS, EXTENSIONS AND REVISIONS.
3. **CHANGE:** ARTICLE 1 – BASIC TERMS, RENEWALS, EXTENSIONS AND REVISIONS, first paragraph, as Amended, as follows:

FROM: "This Master Agreement (Agreement), as approved by the Board of Supervisors commences on December 13, 2016 and shall terminate on December 12, 2020, unless sooner terminated or further extended pursuant to the provisions of this Agreement. This Agreement establishes the terms under which the Job Order Contractors will be assigned and perform tasks and projects under this Agreement. COUNTY, at its sole discretion, may extend up to four (4) additional one-year terms or add funding to this Agreement at any time with the approval or consent of the CONTRACTORS. "

TO: "This Master Agreement (Agreement), as approved by the Board of Supervisors commences on December 13, 2016 and terminates on December 12, 2020, unless sooner terminated or further extended pursuant to the provisions of this Agreement. This Agreement establishes the terms under which the Job Order Contractors will be assigned and perform tasks and projects under this Agreement. COUNTY, at its sole discretion, may extend up to four (4) additional one-year terms or add funding to this Agreement at any time with the acknowledgment of the CONTRACTORS and the Board of Supervisors' or the Procurement Director's approval pursuant to Board of Supervisor Policy D29.4. Contract extensions, renewals, or revisions will occur through the issuance by County to Contractor of a revised Agreement document setting forth the requested changes. Failure by Contractor to object in writing to the proposed revisions, terms, conditions, scope modifications and/or specifications within ten (10) calendar days of issuance by County will signify acceptance of all such changes by Contractor and the revision will be binding upon the Parties."

4. **ADD:** ARTICLE 32 – COUNTERPARTS:

This Agreement may be executed in one or more counterparts, each of which will be deemed an original and all of which together will constitute one and the same instrument. Facsimile or other electronically delivered copies of signature pages to this Agreement shall be treated as between the parties as original signatures for all purposes.

5. **CHANGE:** ARTICLE 32 to ARTICLE 33– ENTIRE AGREEMENT, as follows:

FROM: "This document constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended, altered or extended only by a written Amendment signed by the Parties."

TO: "This document, in all its parts, together with Attachments and documents incorporated by reference constitutes the entire Agreement between the Parties pertaining to the subject matter hereof, and all prior or contemporaneous Agreements and understandings, oral or written, are hereby superseded and merged herein."

The effective date of this Amendment shall be June 9, 2020.

All other provisions of the Agreement, 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.

APPROVED:

Chairman, Board of Supervisors

Date

CONTRACTOR:

Authorized Officer Signature

Printed Name and Title

Company Name

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

KELL OLSON

Name (Please Print)

5/22/2020

Date

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

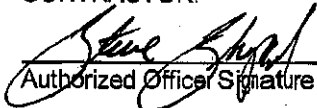
IN WITNESS WHEREOF, the Parties have affixed their signatures to this Amendment on the dates written below.

APPROVED:

Chairman, Board of Supervisors

Date

CONTRACTOR:



Authorized Officer Signature

Steve Shepherd

Printed Name and Title

Borderland Construction Company, Inc.

Company Name

5-22-20

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

KELL OLSON

Name (Please Print)

5/22/2020

Date

All other provisions of the Agreement, 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.

APPROVED:

Chairman, Board of Supervisors

Date

CONTRACTOR:



Authorized Officer Signature

Ed Anderson, Vice President

Printed Name and Title

KE&G Construction, Inc.

Company Name

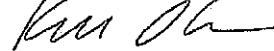
5-22-2020

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

KELL OLSON

Name (Please Print)

5/22/2020

Date

All other provisions of the Agreement, 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.

APPROVED:

Chairman, Board of Supervisors

Date

CONTRACTOR:

Todd A. Hill
Authorized Officer Signature

Todd A. Hill
Printed Name and Title

Granite Construction Company
Company Name

May 22, 2020
Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Kell Olson
Deputy County Attorney

KELL OLSON
Name (Please Print)

5/22/2020
Date

All other provisions of the Agreement, 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.

APPROVED:

Chairman, Board of Supervisors

Date

CONTRACTOR:

Authorized Officer Signature

Printed Name and Title

Southern Arizona Paving & Construction Co.
Company Name

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

KELL OLSON
Name (Please Print)

5.22.2020
Date

All other provisions of the Agreement, 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.

APPROVED:

Chairman, Board of Supervisors

Date

CONTRACTOR:



Authorized Officer Signature

Michael F. Markham, Jr. President

Printed Name and Title

Markham Contracting Co., Inc.

Company Name

05/26/2020

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

KELL OLSON

Name (Please Print)

5/22/2020

Date