



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Department of Public Works



DATE: June 22, 2011
BOARD MEETING DATE: July 12, 2011
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: James C. Porter, Director of Public Works 
SUBJECT: Job Order General Construction Contract JOC-1104

RECOMMENDATION:

Adopt a resolution authorizing the:

1. President of the Board of Supervisors to execute an agreement with MTM Construction, Inc. in an amount not to exceed \$4,212,722 for the Job Order Contract (JOC-1104) – General Construction, County of San Mateo.
2. Director of Public Works and/or his designee, to issue and execute on behalf of the County of San Mateo, individual and/or separate Job Orders under this agreement which Job Orders, in aggregate, shall not exceed \$4,212,722.

BACKGROUND:

The Board of Supervisors' Resolution No.071312 of March 15, 2010, adopted the Construction Task Catalog, Specifications, and conformance with prevailing wages for the County of San Mateo Job Order Contracts – General Construction, and authorized the publication of a Notice to Contractors, and a Call for Bids.

Public Contract Code section 20128.5 provides that the Board of Supervisors may award individual annual "Job Order" contracts, none of which shall exceed three million dollars (\$3,000,000), adjusted annually to reflect the percentage change in the California Consumer Price Index (CPI), for repair, remodeling, or other repetitive work to be done according to unit prices. Since the statute was enacted in 1997, the application of the CPI has resulted in a maximum amount of \$4,212,722 for annual job order contracts.

Job Order Contract (JOC) agreements are regularly presented to the Board as State Law limits the term of these agreements to one year. Further, the Department anticipates multiple and concurrent separate JOC agreements with Contractors that have expertise in road maintenance, facilities maintenance and other general construction tasks.

DISCUSSION:

Sealed bids were received in the Office of the Clerk of the Board of Supervisors and, on Tuesday, April 19, 2011, 2:30PM, were publicly opened and declared.

The Department of Public Works, through its JOC Coordinator, examined and analyzed the bids received, and found the submittal by MTM Construction, Inc. to be the lowest responsible bid for the JOC agreement. The agreement consists of an Award Criteria Figure, based on a formula established by the County of San Mateo to determine and adopt an applicable adjustment factor to the County's Construction Task Catalog for General Construction Unit Costs. Two separate contracts are being awarded (JOC-1103 and JOC-1104), therefore Staples Construction, the apparent low bidder for JOC-1103 is declared ineligible for this JOC. As in many counties in California, maintaining multiple contracts with different vendors ensures the County's capacity to process and expedite its capital and deferred maintenance projects workload. The Bid Results are attached to this document for reference.

County Counsel has reviewed and approved the Resolution and Agreement as to form.

Approval of this action contributes to the Shared Vision 2025 outcome of Collaborative Community by reducing the cost and time required to execute major maintenance and renovation projects throughout all county facilities.

Performance Measure(s):

Measure	FY 2009-10 Actual	FY 2010-11 Projected
Number of Capital and FCIS projects completed under JOC	12	28

FISCAL IMPACT:

The Job Order Construction Contract is a requirements agreement. Specific job orders issued under the terms of this agreement will be funded through allocations made by work authorizations established for each job order. The various individual job orders will be funded through grants, bonds, departmental sources, and general funds.

Therefore, there is no specific budget associated with the anticipated Job Order Contracts. In no case will the individual aggregate agreement exceed \$4,212,722, nor be less than \$50,000 each.

Attachment: Exhibit "A" Bid Results



PUBLIC WORKS DEPARTMENT

COUNTY of SAN MATEO

RECORD OF BID OPENING

JOB DESCRIPTION

DATE: Tuesday, April 19 @ 2:30 p.m.

Job Order General Construction **JOC-1103**

1.	STAPLES CONSTRUCTION CO.	0.8594
2.	MTM CONSTRUCTION	0.8980
3.	BEST CONTRACTING	1.0725

APPARENT LOW BIDDER: STAPLES

Job Order General Construction **JOC-1104**

1.	STAPLES CONSTRUCTION CO.	0.8594
2.	MTM CONSTRUCTION	0.8980
3.	BEST CONTRACTING	1.0725

APPARENT LOW BIDDER: STAPLES

NOTE: If same low bidder on both contracts, second lowest will be considered for JOC-1104.

RECORDED BY: Guido Misculin
Construction Project
Manager

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

*** * * * ***

RESOLUTION AUTHORIZING THE:

- 1. PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE AN AGREEMENT WITH MTM CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED \$4,212,722 FOR THE JOB ORDER CONTRACT (JOC-1104) – GENERAL CONSTRUCTION, COUNTY OF SAN MATEO**
- 2. DIRECTOR OF PUBLIC WORKS AND/OR HIS DESIGNEE, TO ISSUE AND EXECUTE ON BEHALF OF THE COUNTY OF SAN MATEO, INDIVIDUAL AND/OR SEPARATE JOB ORDERS UNDER THIS AGREEMENT WHICH JOB ORDERS, IN AGGREGATE, SHALL NOT EXCEED \$4,212,722**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the Board of Supervisors did, on March 15, 2011, adopt Resolution No. 071312, which Resolution adopted and approved the Task Catalog and Specifications, determined prevailing wage scales and called for sealed bids for the Job Order Contracts – General Construction, County of San Mateo, and

WHEREAS, Public Contract Code section 20128.5 provides that the Board of Supervisors may award individual annual “Job Order” contracts, none of which shall exceed Three Million Dollars (\$3,000,000), adjusted annually to reflect the percentage change in the California Consumer Price Index (CPI), for repair, remodeling, or other repetitive work to be done according to unit prices. Since the statute was enacted in 1997, the application of the CPI has resulted in a maximum amount of \$4,212,722 for annual job order contracts; and

WHEREAS, the clerk of this Board of Supervisors did, in public on April 19, 2011, open and examine all sealed proposals: and

WHEREAS, the Board of Supervisors has caused an analysis of said sealed proposals to be made by the Director of Public Works of the County of San Mateo, and has, in open session, fully reviewed and considered said proposals and the analysis thereof; and

WHEREAS, MTM Construction, Inc., submitted the lowest responsible bid for JOC-1104 consisting of an Award Criteria Figure based on a formula established by the County of San Mateo to determine and adopt an applicable adjustment factor to the County's Construction Task Catalog for General Construction Unit Costs.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. It is in the best interest of the County of San Mateo to award the contract for the Job Order Contract to:

**MTM Construction, Inc.
16035 Phoenix Drive
City of Industry, CA 91745**

2. The County of San Mateo shall enter into a written contract with MTM Construction, Inc. for the doing of said work as required by the Task Catalog and Specifications adopted and approved by this Board of Supervisors, as hereinbefore mentioned.
3. The President of this Board of Supervisors shall be, and is hereby, authorized

and directed, for and on behalf of the County of San Mateo, to enter into said written contract with MTM Construction, Inc. for the doing of said work, as hereinbefore mentioned and to receive and approve the Faithful Performance Surety Bond and the Labor and Material Surety Bond required to be posted by the said Contractor with the County of San Mateo in connection therewith.

- 4. All payments to the Contractor shall be in accordance with the plans, specifications, and other contract documents. Aggregate payment to Contractor shall not exceed the sum of Four Million Two Hundred Twelve Thousand Seven Hundred Twenty Two and No/100 dollars (\$4,212,722.00.00).

- 5. The Clerk of the Board of Supervisors, County of San Mateo, shall be, and is hereby, authorized and directed to attest the signature of the President of this Board of Supervisors to said written contract.

- 6. The Director of Public Works, and/or his/her duly designated representatives, County of San Mateo, shall be, and is hereby authorized and directed to attest his/her signature to individual and/or separate Job Orders under aforementioned contract.

* * * * *

JOB ORDER CONTRACT AGREEMENT

THIS JOB ORDER CONTRACT, entered into this ____ day of _____, 20__, by and between the COUNTY OF SAN MATEO, a Political Subdivision of the State of California, hereinafter called the "County", and MTM CONSTRUCTION, INC., hereinafter called the "Contractor".

WITNESSETH that the Contractor and the County, in consideration of the mutual covenants, considerations and agreements herein contained, agree as follows:

STATEMENT OF WORK – The Contractor shall furnish all labor and materials and perform all work for: Job Order Contract for General Construction, JOC-1104, in strict accordance with the Contract Documents. The Work of this Contract will be set forth in the Detailed Scopes of Work referenced in the individual Job Orders. The Contractor is required to complete each Detailed Scope of Work for the Job Order Sum within the Job Order Completion Time.

TIME FOR COMPLETION – The Work to be performed under this Contract shall be commenced on the date stated on the Notice to Proceed.

The term of this Job Order Contract is one year, except that the terms of this Contract shall continue to cover Job Orders issued during that year until the Work thereunder has been completed. Accordingly, all Job Orders must be issued within one calendar year of the commencement date of this Contract.

A separate Job Order Notice to Proceed will be issued for each Job Order. Each Job Order will specify a time limit for completion as stated on the Job Order Notice to Proceed.

COMPENSATION TO BE PAID TO CONTRACTOR – The County will pay and the Contractor will accept in full consideration for the performance of the contract, as defined in the Job Order Detailed Scopes of Work (Work), subject to additions and deductions and procedures for payment, in accordance with the Contract Documents the unit prices set forth in the Construction Task Catalog (CTC) and the following Adjustment Factors:

Normal Working Hours Adjustment Factor	.8400
Other than Normal Working Hours Adjustment Factor	.9200
Detention Facilities Normal Working Hours Adjustment Factor	1.0500
Detention Facilities Other than Normal Working Hours Adjustment Factor	1.0900

The Minimum Contract Value is \$50,000. The Contractor will receive Job Orders totaling at least \$50,000 during the Contract term. The initial Contract amount shall be \$1,000,000 for purposes of Payment Bond and Performance Bond amounts. The value of the total amount of Job Orders may be increased by the County, but in no event may the total value of Job Orders issued pursuant to this Contract exceed \$4,000,000.

At no time may the sum of the outstanding Job Orders exceed the amount of the Payment Bond and Performance Bond. A Job Order is outstanding until the County has accepted the Project described in the Job Order by execution of a Notice of Completion.

The Contractor will not be issued Job Orders which in total exceed the Maximum Contract Value. The Owner does not guarantee the Contractor will receive this volume of Work. Payment for any Work performed after the one-year term of this Contract will be subject to any applicable terms or restrictions imposed by Public Contract Code Section 20128.5

The Contract as defined in paragraph 1.1 of the General Conditions constitutes the sole agreement of the parties hereto relating to said work and correctly states the rights, duties, and obligations of each party as of the document's date. Any prior agreement, promises, negotiations, or representations between the parties not expressly stated in this document are not binding. All subsequent modifications shall be in writing.

The Contract Documents consist of:

1. This Job Order Contract Agreement
2. The General Conditions
3. Special Provisions
4. Job Orders
5. Construction Task Catalog
6. Technical Specifications

IN WITNESS WHEREOF, the parties hereto on the day and year first above written have executed this agreement in three counterparts, each of which shall, without proof or accounting for the other counterparts, be deemed an original thereof.

COUNTY OF SAN MATEO

A Political Sub-Division of the State of California

Attest:

By _____
President, Board of Supervisors

David S. Boesch
Clerk of the Board of Supervisors

Contractor

By _____