



**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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| <b>DATE</b>     | Tuesday, February 20, 2024   |
| <b>TITLE</b>    | Authorization to Award Job Order Contracts JOC-37 and -38 to GradeTech, Inc and Mark Scott Construction, Inc, respectively:<br>District-wide |
| <b>DIVISION</b> | Acquisition, Stewardship, and Development  |
| <b>FROM</b>     | Ren Bates, Chief of Design & Construction<br>Ken Wysocki, Assistant General Manager of ASD   |
| <b>APPROVED</b> | Sabrina Landreth, General Manager  |

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors authorize the award of Job Order Contracts JOC-037 and -038 to GradeTech, Inc and Mark Scott Construction, Inc., respectively, with each contract for a one-year period, for a minimum contract value of \$50,000 and a maximum contract value of \$2,000,000.

**BACKGROUND**

Job Order Contracting (JOC) is an alternative competitive procurement method intended to supplement the current procurement processes, whereby the District may award annual contracts for renovation, refurbishment, repairs, and remodeling projects. It is to be used by the departments currently authorized to contract for these kinds of construction contracts. These departments include Design and Construction, Operations, Maintenance and Skilled Trades, Fire, and Finance & Management Services. The District operates the JOC program consistent with Public Contract Code (PCC) section 20128.5 and by the District's JOC policy, Reso 2019-05-111. Current procurement policies and procedures are determined by the dollar amount of the contract, as outlined in Appendix E of the Board Operating Guidelines. Per these guidelines, job order contracts are required to be competitively bid and awarded by the Board of Directors to the contractor that bids the lowest adjustment factor.

A JOC contract is akin to having an on-call general contractor who will perform work according to an established set of unit prices with a competitively bid price factor applied. Job Order Contracts JOC-037 and -038 are for "A" license work – "general engineering" type work including grading, paving, and utility repair and installation.

**ANALYSIS**

On December 28, 2023, the District put out a notice inviting bids for Job Order Contracts JOC-037 and -038.

On January 23, 2024, a total of seven bids were received and opened. In summary, bidders submitted adjustment factors to be applied to the unit prices in the Construction Task Catalog. The adjustment factors are weighted and an Award Criteria Figure (ACF) is calculated. The low bids are based on the ACF and the award of contracts is based on the lowest ACFs. The bid summaries are as follows:

**Table I “A” Licensing - General Engineering Bidders by order of lowest Award Criteria Figure**

| <b>JOC Contract #</b> | <b>Contractor</b>                    | <b>ACF</b>    |
|-----------------------|--------------------------------------|---------------|
| <b>JOC-037</b>        | <b>GradeTech, Inc.</b>               | <b>1.0780</b> |
| <b>JOC-038</b>        | <b>Mark Scott Construction, Inc.</b> | <b>1.0920</b> |
|                       | Devaney Engineering                  | 1.0998        |
|                       | Aztec Consultants                    | 1.1295        |
|                       | EE Gilbert Construction              | 1.1536        |
|                       | Ground Control, Inc.                 | 1.1604        |
|                       | Angeles Contractor, Inc.             | 1.1900        |

Staff has evaluated the bids and determined the above-referenced bidders to be responsive to the terms and conditions of the bid solicitation. Staff is requesting that the Board authorize the award of Job Order Contracts JOC-037 and -038.

**FISCAL IMPACT**

The minimum and maximum contract values for each contract are \$50,000 and \$2,000,000, respectively. The \$50,000 minimum contract value requires the District to offer at least \$50,000 worth of work (Job Orders) to each Job Order Contracting (JOC) contractor. The \$2,000,000 maximum contract value is a contract limit – the District is not immediately encumbering \$2,000,000 per contract. The contract value increases (up to \$2,000,000) as actual Job Orders are issued. The District has no obligation to offer Job Orders in excess of the minimum contract value.

Funding for Job Orders must be available in the associated project’s budget or operating funds before the work may begin.

**ATTACHMENTS**

None.



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 02 -  
FEBRUARY 20, 2024**

**AUTHORIZATION TO AWARD JOB ORDER CONTRACTS JOC-37 AND -38 TO  
GRADETECH, INC. AND MARK SCOTT CONSTRUCTION, INC, RESPECTIVELY:  
DISTRICT-WIDE**

**WHEREAS**, the East Bay Regional Park District’s (District) Board of Directors adopted a Job Order Contracting Policy on September 5, 2017, via Resolution No. 2017-09-238 and updated May 21, 2019, via Resolution No. 2019-05-111; and

**WHEREAS**, the District desires to continue a Job Order Contracting Program; and

**WHEREAS**, a notice inviting bids for Job Order JOC-037 and -038 was published on December 28, 2023; and

**WHEREAS**, seven bids were received by January 23, 2024; and

**WHEREAS**, the bids of GradeTech, Inc. and Mark Scott Construction, Inc. are the lowest, responsive, and responsible bids for the performance of Job Order Contracts JOC-037 and -038, respectively;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby awards Job Order Contracts JOC-037 and -038, for the performance of work in accordance with the bid and contract documents, and the specifications, to GradeTech, Inc. and Mark Scott Construction, Inc. respectively, with each contract for a one-year period, for a minimum contract value of \$50,000 and a maximum contract value of \$2,000,000 as presented to the Board on February 20, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted February 20, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: