

CITY COUNCIL REPORT



Meeting Date: April 2, 2024
General Plan Element: ***Public Service and Facilities***
General Plan Goal: ***Optimize Mobility for City Buildout***

ACTION

Contract Modification to Job Order Contracts for Citywide Civil/Site Work Construction Services. Adopt Resolution No. 13075 authorizing Job Order Contract Modification 2021-037-COS-A3 with DBA Construction, Inc., 2021-038-COS-A2 with B&F Contracting, Inc., 2021-039-COS-A2 with Hunter Contracting Co. and 2021-040-COS-A3 with Nesbitt Contracting Co., Inc. for the second option year of the Citywide Civil/Site Work Construction Services Job Order Contracts.

BACKGROUND

The purpose of this action is to authorize the second of three possible option years allowed under the terms of the City's currently active Civil/Site Work Job Order Contract (JOC) with DBA Construction, Inc., B&F Contracting, Inc., Hunter Contracting Co. and Nesbitt Contracting Co., Inc. These contracts were first approved in April 2021 for an initial two-year term with three option years following that.

Since approval of this JOC in April of 2021, DBA Construction, Inc., B&F Contracting, Inc., Hunter Contracting Co. and Nesbitt Contracting Co., Inc. have provided timely, high quality, and cost-effective construction for the City on a number of projects. These have included the Water Campus Parking Lot, the Shea Blvd. and 124th Street Gabion Wall Repair, the Scottsdale Road and Dynamite Utility Grading and the Hayden and Indian Bend Dual Left Turn Lane Improvements.

Possible projects that may be constructed in the next year under this contract include, but are not limited to sidewalk improvements, intersection mobility enhancements, drainage improvements and paving projects.

No unencumbered funds will roll over from the previous year of the contract into the new year. For larger individual construction projects, staff will continue to select contractors using either low-bid or other qualification-based (Construction Manager at Risk or Design Build) selection procedures and seek Council approval for individual construction contracts.

The maximum single job order limit of \$4,000,000 and annual aggregate limit of \$7,500,000 per contract is consistent with anticipated requirements that would be suitable for execution using these contracts over the next year.

ANALYSIS & ASSESSMENT

Community Involvement

City Staff will continue to use the same community involvement and notification procedures for job orders issued under this contract that was used when projects are constructed using other procurement methods, in order to meet the needs of residents and businesses throughout the project areas.

RESOURCE IMPACTS

Available funding

Authorization of this contract modification commits no funding. Funding for each job order will be provided by the individual CIP project or operating center associated with the scope of the task and will be encumbered once negotiations are completed.

Staffing, Workload Impact

The contract administrator responsible for administration of this job order contract is Melanie Gibson, Public Works Project Coordinator, Capital Projects Management, Public Works Division. Existing Capital Project Management staff resources are available to provide design and construction contract administration, construction management, and inspection services for these projects.

Future Budget Implications

Combined construction costs for all projects will not exceed \$7,500,000 annually per contract. There is no additional operating budget required as a result of this contract.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Adopt Resolution No. 13075 authorizing Job Order Contract Modification 2021-037-COS-A3 with DBA Construction, Inc., 2021-038-COS-A2 with B&F Contracting, Inc., 2021-039-COS-A2 with Hunter Contracting Co. and 2021-040-COS-A3 with Nesbitt Contracting Co., Inc. for the second option year of the Citywide Civil/Site Work Construction Services Job Order Contracts.

Proposed Next Steps:

DBA Construction, Inc., B&F Contracting, Inc., Hunter Contracting Co. and Nesbitt Contracting Co., Inc. will continue work to complete construction of any job orders issued during the current year of the contract. Following approval of the JOC modification, the next individual projects identified for execution will be awarded under the terms of the modification, to include the most current cost estimates and cost limits.

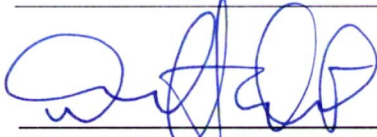
RESPONSIBLE DEPARTMENT(S)

Public Works Division, Capital Project Management

STAFF CONTACTS (S)

Melanie Gibson, Public Works Project Coordinator, mgibson@scottsdaleaz.gov, 480-312-7649

APPROVED BY



Daniel J. Worth, Director, Public Works

(480) 312-5555, dworth@scottsdaleaz.gov

3-18-24

Date

ATTACHMENTS

1. Resolution 13075
2. Contract 2021-037-COS-A3
3. Contract 2021-038-COS-A2
4. Contract 2021-039-COS-A2
5. Contract 2021-040-COS-A3

RESOLUTION NO. 13075

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA APPROVING CONSTRUCTION SERVICES JOB ORDER CONTRACT NO. 2021-037-COS-A3 WITH DBA CONSTRUCTION, INC., CONTRACT NO. 2021-038-COS-A2 WITH B&F CONTRACTING, INC., CONTRACT NO. 2021-039-COS-A2 WITH HUNTER CONTRACTING CO. AND CONTRACT NO. 2021-040-COS-A3 WITH NESBITT CONTRACTING CO., INC. TO AUTHORIZE A ONE (1) YEAR EXTENSION TO THE EXISTING CONTRACTS.

Whereas, the City and DBA Construction, Inc., B&F Contracting, Inc., Hunter Contracting Co. and Nesbitt Contracting Co., Inc. have previously entered into Construction Services Job Order Contract (JOC) No. 2021-037-COS, 2021-038-COS, 2021-039-COS and 2021-040-COS, respectively, for Citywide Civil/Site Work Construction services; and

Whereas, each extension is for the second of three (3) possible one-year extensions, after the completion of the original two-year term; and

Whereas, it is necessary to modify the Construction Services Job Order Contract (JOC) to authorize a one-year extension of the existing contract pursuant to Article 3.1 of the Construction Services contracts.

BE IT RESOLVED by the Council of the City of Scottsdale as follows:

Section 1. The Mayor is authorized and directed to execute Construction Services Job Order Contract Modification No. 2021-037-COS-A3 with DBA Construction, Inc., 2021-038-COS-A2 with B&F Contracting, Inc., 2021-039-COS-A2 with Hunter Contracting Co. and 2021-040-COS-A3 with Nesbitt Contracting Co., Inc. for a one-year time extension, not to exceed \$7,500,000 per each Contract extension with a single job order limit of \$4,000,000 for Civil/Site Work services for projects throughout the City as needed.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of April 2024,

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney
By: Eric C. Anderson, Senior Assistant City Attorney

**CITY OF SCOTTSDALE
MODIFICATION TO JOB ORDER CONTRACTING SERVICES**

THIS CONTRACT MODIFICATION is made and entered into this 2nd day of April 2024 between the City of Scottsdale, an Arizona municipal corporation, the "City," and DBA Construction, Inc., an Arizona corporation, the "Contractor", amending the Contract dated April 6, 2021, between the City and the Contractor.

RECITALS:

The Mayor of the City of Scottsdale is authorized and empowered by provisions of the City Charter to execute Contracts and Contract Modifications; and

Three (3) years of the authorized 5 years under this Contract have been used and the City desires to extend by one (1) year, the term of the original Job Order Contract No. 2021-037-COS for citywide civil site/work construction services, in accordance with the terms of the original contract; and

The City and the Contractor mutually agree to extend and modify the Contract.

IN CONSIDERATION of the mutual promises and obligations of the Contract, the parties agree as follows:

1.0 EXTENSION:

In accordance with Article 3.1, *CONTRACT TIME*, this contract is extended for an additional one (1) year period, commencing on the 2nd day of April 2024.

2.0 MODIFICATIONS:

2.1 Article 3.1, *CONTRACT TIME* – CHANGE to:

A Contract Modification will be processed for each extension and will commence on or about the anniversary date of the Contract. Each extension must be authorized by the Contract Administrator and Purchasing Director.

OTHER CONTRACT PROVISIONS:

All provisions of the original Contract not modified above shall remain in full force and effect as previously stated.

[END OF CONTRACT-signatures on next page.]

THE CITY OF SCOTTSDALE, by its Mayor and City Clerk have subscribed their names this _____ day of April 2024.

AUTHORIZATION

CONTRACTOR:

DBA CONSTRUCTION, INC., an Arizona corporation

CITY OF SCOTTSDALE, an Arizona municipal corporation

By: _____

Print name/ Title

By: _____
David D. Ortega, Mayor

ATTEST:

RECOMMENDED:

By: _____
Ben Lane, City Clerk

By: _____
Melanie Gibson, City Contract Administrator

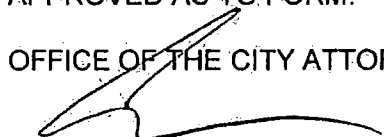
CITY OF SCOTTSDALE REVIEW:

By: _____
Alison Tymkiw, City Engineer Public Works

By: _____
George Woods, Risk Management

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney

By: Eric C. Anderson, Senior Assistant City Attorney

**CITY OF SCOTTSDALE
MODIFICATION TO JOB ORDER CONTRACTING SERVICES**

THIS CONTRACT MODIFICATION is made and entered into this 2nd day of April 2024 between the City of Scottsdale, an Arizona municipal corporation, the "City," and B&F Contracting, Inc., an Arizona corporation, the "Contractor", amending the Contract dated April 6, 2021, between the City and the Contractor.

RECITALS:

The Mayor of the City of Scottsdale is authorized and empowered by provisions of the City Charter to execute Contracts and Contract Modifications; and

Three (3) years of the authorized 5 years under this Contract have been used and the City desires to extend by one (1) year, the term of the original Job Order Contract No. 2021-038-COS for citywide civil site/work construction services, in accordance with the terms of the original contract; and

The City and the Contractor mutually agree to extend and modify the Contract.

IN CONSIDERATION of the mutual promises and obligations of the Contract, the parties agree as follows:

1.0 EXTENSION:

In accordance with Article 3.1, *CONTRACT TIME*, this contract is extended for an additional one (1) year period, commencing on the 2nd day of April 2024.

2.0 MODIFICATIONS:

2.1 Article 3.1, *CONTRACT TIME* – CHANGE to:

A Contract Modification will be processed for each extension and will commence on or about the anniversary date of the Contract. Each extension must be authorized by the Contract Administrator and Purchasing Director.

OTHER CONTRACT PROVISIONS:

All provisions of the original Contract not modified above shall remain in full force and effect as previously stated.

[END OF CONTRACT-signatures on next page.]

THE CITY OF SCOTTSDALE, by its Mayor and City Clerk have subscribed their names this _____ day of April 2024.

AUTHORIZATION

CONTRACTOR:

B&F CONTRACTING, INC., an Arizona corporation

CITY OF SCOTTSDALE, an Arizona municipal corporation

By: _____

Print name/ Title

By: _____
David D. Ortega, Mayor

ATTEST:

RECOMMENDED:

By: _____
Ben Lane, City Clerk

By: _____
Melanie Gibson, City Contract Administrator

CITY OF SCOTTSDALE REVIEW:

By: _____
Alison Tymkiw, City Engineer Public Works

By: _____
George Woods, Risk Management

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney
By: Eric C. Anderson, Senior Assistant City Attorney

**CITY OF SCOTTSDALE
MODIFICATION TO JOB ORDER CONTRACTING SERVICES**

THIS CONTRACT MODIFICATION is made and entered into this 2nd day of April 2024 between the City of Scottsdale, an Arizona municipal corporation, the "City," and Hunter Contracting Co., an Arizona corporation, the "Contractor", amending the Contract dated April 6, 2021, between the City and the Contractor.

RECITALS:

The Mayor of the City of Scottsdale is authorized and empowered by provisions of the City Charter to execute Contracts and Contract Modifications; and

Three (3) years of the authorized 5 years under this Contract have been used and the City desires to extend by one (1) year, the term of the original Job Order Contract No. 2021-039-COS for citywide civil site/work construction services, in accordance with the terms of the original contract; and

The City and the Contractor mutually agree to extend and modify the Contract.

IN CONSIDERATION of the mutual promises and obligations of the Contract, the parties agree as follows:

1.0 EXTENSION:

In accordance with Article 3.1, *CONTRACT TIME*, this contract is extended for an additional one (1) year period, commencing on the 2nd day of April 2024.

2.0 MODIFICATIONS:

2.1 Article 3.1, *CONTRACT TIME* – CHANGE to:

A Contract Modification will be processed for each extension and will commence on or about the anniversary date of the Contract. Each extension must be authorized by the Contract Administrator and Purchasing Director.

OTHER CONTRACT PROVISIONS:

All provisions of the original Contract not modified above shall remain in full force and effect as previously stated.

[END OF CONTRACT-signatures on next page.]

THE CITY OF SCOTTSDALE, by its Mayor and City Clerk have subscribed their names this _____ day of April 2024.

AUTHORIZATION

CONTRACTOR:

HUNTER CONTRACTING CO., an Arizona corporation

CITY OF SCOTTSDALE, an Arizona municipal corporation

By: _____

Print name/ Title

By: _____
David D. Ortega, Mayor

ATTEST:

RECOMMENDED:

By: _____
Ben Lane, City Clerk

By: _____
Melanie Gibson, City Contract Administrator

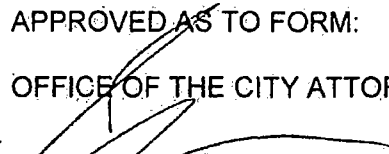
CITY OF SCOTTSDALE REVIEW:

By: _____
Alison Tymkiw, City Engineer Public Works

By: _____
George Woods, Risk Management

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney

By: Eric C. Anderson, Senior Assistant City Attorney

**CITY OF SCOTTSDALE
MODIFICATION TO JOB ORDER CONTRACTING SERVICES**

THIS CONTRACT MODIFICATION made and entered into this 2nd day of April 2024 between the City of Scottsdale, an Arizona municipal corporation, the "City," and Nesbitt Contracting Co., Inc., an Arizona corporation, the "Contractor", amending the Contract dated April 6, 2021, between the City and the Contractor.

RECITALS:

The Mayor of the City of Scottsdale is authorized and empowered by provisions of the City Charter to execute Contracts and Contract Modifications; and

Three (3) years of the authorized 5 years under this Contract have been used and the City desires to extend by one (1) year, the term of the original Job Order Contract No. 2021-040-COS for citywide civil site/work construction services, in accordance with the terms of the original contract; and

The City and the Contractor mutually agree to extend and modify the Contract.

IN CONSIDERATION of the mutual promises and obligations of the Contract, the parties agree as follows:

1.0 EXTENSION:

In accordance with Article 3.1, *CONTRACT TIME*, this contract is extended for an additional one (1) year period, commencing on the 2nd day of April 2024.

2.0 MODIFICATIONS:

2.1 Article 3.1, *CONTRACT TIME* – CHANGE to:

A Contract Modification will be processed for each extension and will commence on or about the anniversary date of the Contract. Each extension must be authorized by the Contract Administrator and Purchasing Director.

OTHER CONTRACT PROVISIONS:

All provisions of the original Contract not modified above shall remain in full force and effect as previously stated.

[END OF CONTRACT-signatures on next page.]

THE CITY OF SCOTTSDALE, by its Mayor and City Clerk have subscribed their names this _____ day of April 2024.

AUTHORIZATION

CONTRACTOR:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

NESBITT CONTRACTING CO., INC., an Arizona
corporation

By: _____

By: _____
David D. Ortega, Mayor

Print name/ Title

ATTEST:

RECOMMENDED:

By: _____
Ben Lane, City Clerk

By: _____
Melanie Gibson, City Contract Administrator

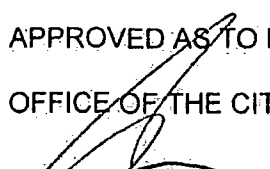
CITY OF SCOTTSDALE REVIEW:

By: _____
Alison Tymkiw, City Engineer Public Works

By: _____
George Woods, Risk Management

APPROVED AS TO FORM:

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Sherry R. Scott, City Attorney

By: Eric C. Anderson, Senior Assistant City Attorney