

CITY COUNCIL REPORT



Meeting Date: February 6, 2024
 General Plan Element: ***Public Service and Facilities***
 General Plan Goal: ***Provide city service facilities to meet the needs of the community***

ACTION

Contract Modification to Job Order Contracts (JOC) for Citywide Mechanical and Plumbing Construction Services. Adopt Resolution 13037 authorizing Contract 2021-012-COS-A2 with Midstate Mechanical, Inc., Contract 2021-013-COS-A2 with McCarthy Building Companies, Inc. and Contract 2021-014-COS-A2 with Summa Mechanical Contractors, Inc. for the second of three option years for Mechanical and Plumbing construction services projects throughout the City as needed.

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 Citywide Mechanical and Plumbing Construction Job Order Contracts (JOC) with Midstate Mechanical, Inc., McCarthy Building Companies, Inc. and Summa Mechanical Contractors, Inc.

Since approval of these JOC's in February 2021, Midstate Mechanical, McCarthy Building Companies and Summa Mechanical Contractors have provided timely, high quality, and cost-effective construction for the City on a number of projects. Some of these projects include the North Corp Yard Sink Install, the One Civic Center Storm Drain and the Airport Sewage Ejector Investigation.

No unencumbered funds will roll over from the previous year of the contracts 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 annual aggregate limit of \$2,000,000 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 these contracts that are used when projects are constructed using other procurement methods, in order to meet the needs of residents and building users throughout the project areas.

RESOURCE IMPACTS

Available funding

Award of these contracts does not encumber any City funds. Funds for individual job orders issued under these contracts are available in various CIP projects. Available operational funding may also be used to perform construction work using this contract as well.

Staffing, Workload Impact

The contract administrator, responsible for enforcing all contract provisions, will be Melanie Gibson, Project Coordinator in the Capital Project Management Department of the Public Works Division. Existing Capital Project Management and Facilities staff will coordinate contractor activities and provide on-site inspection of work.

Future Budget Implications

Total construction cost for all projects under these contracts will not exceed \$2,000,000 annually per contract. Operating budget required to support any projects built using these contracts will be addressed through the annual budgeting process.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Adopt Resolution 13037 authorizing Job Order Contracts 2021-012-COS-A2 with Midstate Mechanical, Inc., 2021-013-COS-A2 with McCarthy Building Companies, Inc. and 2021-014-COS-A2 with Summa Mechanical Contractors, Inc. Each contract is for an additional one-year term in an amount not to exceed Two Million Dollars (\$2,000,000) for Citywide Mechanical and Plumbing Construction projects.

Proposed Next Steps:

If this action is approved, staff will immediately begin considering the use of these contracts as an alternative for the construction of various Mechanical and Plumbing construction projects as appropriate.


RESPONSIBLE DEPARTMENT(S)

Public Works Division, Capital Project Management

STAFF CONTACTS (S)

Melanie Gibson, Project Coordinator, mgibson@scottsdaleaz.gov , (480) 312-7649

APPROVED BY



Daniel J. Worth, Director, Public Works
(480) 312-5555, dworth@scottsdaleaz.gov

1-16-24

Date

ATTACHMENTS

1. Resolution 13037
2. Contract 2021-012-COS-A2
3. Contract 2021-013-COS-A2
4. Contract 2021-014-COS-A2

RESOLUTION NO. 13037

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA APPROVING CONSTRUCTION SERVICES JOB ORDER CONTRACT (JOC) AMENDMENTS NO. 2021-012-COS-A2 WITH MIDSTATE MECHANICAL, INC., NO. 2021-013-COS-A2 WITH MCCARTHY BUILDING COMPANIES, INC. AND NO. 2021-014-COS-A2 WITH SUMMA MECHANICAL CONTRACTORS, INC. TO AUTHORIZE AN ADDITIONAL ONE (1) YEAR EXTENSION TO THE EXISTING CONTRACTS

WHEREAS, the City and Midstate Mechanical, Inc., McCarthy Building Companies, Inc. and Summa Mechanical Contractors, Inc. have previously entered into Construction Services Job Order Contract (JOC) Nos. 2021-012-COS, 2021-013-COS and 2021-014-COS, respectively, for Citywide Mechanical and Plumbing Construction Services; and

WHEREAS, the City now desires to continue the Job Order Contracts (JOC) for Citywide Mechanical and Plumbing Construction Services; and

WHEREAS, it is necessary to modify the Construction Services JOC's to authorize a one-year year extension of the existing contracts as authorized in Article 3.1 of the Construction Services contracts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. The Mayor is authorized and directed to execute Contract Amendment No. 2021-012-COS-A2 with Midstate Mechanical, Inc., No. 2021-013-COS-A2 with McCarthy Building Companies, Inc. and No. 2021-014-COS-A2 with Summa Mechanical Contractors, Inc. for Citywide Mechanical and Plumbing Construction projects throughout the City as needed for a one-year time extension, in an amount not to exceed Two Million Dollars (\$2,000,000) for each extension.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 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 G. Anderson, Senior Assistant City Attorney

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

THIS CONTRACT MODIFICATION is made and entered into this 6th day of February 2024, between the City of Scottsdale, an Arizona municipal corporation, "the City," and Midstate Mechanical, Inc., an Arizona corporation, "Contractor", amending the Contract dated February 16, 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. 2021-012-COS for citywide mechanical and plumbing 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 6th day of February 2024.

2.0 MODIFICATIONS:

- 2.1 Article 3.1(A), *CONTRACT TIME – AMEND* to:
Contract time for this Job Order Contract will commence on or about the 6th of February 2024 and will be for one (1) year, with the option to extend for one (1) additional one-year period, upon satisfactory completion of the construction services.

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 _____, 2024.

AUTHORIZATION

CONTRACTOR:

MIDSTATE MECHANICAL, INC.,
an Arizona corporation

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____

By: _____

NAME PRINTED: _____

David D. Ortega, Mayor

TITLE: _____

RECOMMENDED:

By: _____
Melanie Gibson, City Contract Administrator

CITY OF SCOTTSDALE REVIEW:

ATTEST:

By: _____
Alison Tymkiw, City Engineer
Public Works

By: _____
Ben Lane, City Clerk

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 6th day of February 2024, between the City of Scottsdale, an Arizona municipal corporation, "the City," and McCarthy Building Companies, Inc., a Missouri corporation, "Contractor", amending the Contract dated February 16, 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. 2021-013-COS for citywide mechanical and plumbing 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 6th day of February 2024.

2.0 MODIFICATIONS:

2.1 Article 3.1(A), *CONTRACT TIME* – AMEND to:
Contract time for this Job Order Contract will commence on or about the 6th of February 2024 and will be for one (1) year, with the option to extend for one (1) additional one-year period, upon satisfactory completion of the construction services.

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 _____, 2024.

AUTHORIZATION

CONTRACTOR:

MCCARTHY BUILDING COMPANIES, INC.,
a Missouri corporation

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____

By: _____

NAME PRINTED: _____

David D. Ortega, Mayor

TITLE: _____

RECOMMENDED:

By: _____
Melanie Gibson, City Contract Administrator

CITY OF SCOTTSDALE REVIEW:

ATTEST:

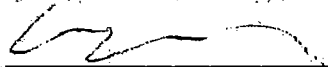
By: _____
Alison Tymkiw, City Engineer
Public Works

By: _____
Ben Lane, City Clerk

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 6th day of February 2024, between the City of Scottsdale, an Arizona municipal corporation, "the City," and Summa Mechanical Contractors, Inc., an Arizona corporation, "Contractor", amending the Contract dated February 16, 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. 2021-014-COS for citywide mechanical and plumbing 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 6th day of February 2024.

2.0 MODIFICATIONS:

- 2.1 Article 3.1(A), *CONTRACT TIME* – AMEND to:
Contract time for this Job Order Contract will commence on or about the 6th of February, 2024 and will be for one (1) year, with the option to extend for one (1) additional one-year period, upon satisfactory completion of the construction services.

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 _____, 2024.

AUTHORIZATION

CONTRACTOR:

SUMMA MECHANICAL CONTRACTORS, INC.,
an Arizona corporation

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____

By: _____

NAME PRINTED: _____

David D. Ortega, Mayor

TITLE: _____

RECOMMENDED:

By: _____
Melanie Gibson, City Contract Administrator

CITY OF SCOTTSDALE REVIEW:

ATTEST:

By: _____
Alison Tymkiw, City Engineer
Public Works

By: _____
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George Woods, Risk Management

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