



MEMORANDUM

DATE: SEPTEMBER 17, 2021
TO: SHONNA MCBRIDE, PINAL COUNTY PURCHASING MANAGER
THROUGH: CELESTE GARZA, ASSISTANT COUNTY ENGINEER
FROM: JOE ORTIZ, DEPUTY PUBLIC WORKS DIRECTOR *JOE* 9.17.2021
RE: JOB ORDER CONTRACTING – CIVIL CONSTRUCTION SERVICES

Pinal County Public Works over the last several years has been faced with rising costs for construction, the Associated General Contractors of America (AGC) is reporting overall increases of 26.3% from just 2020 to 2021. The price index for just steel products has risen 88% from 2020 to 2021.

Not only is the Contractor Community facing rising material pricing but a limited labor pool given a thriving residential and commercial development projects.

Job-order-contracting provides us the opportunity to hire qualifications-based contractors rather than the lowest responsible bidder, and at most times can be under contract and beginning work in a shorter period of time given escalating prices.

Pima County, Maricopa County and Coconino County are all statutorily at a cap of \$2,000,000.

With that being said we would like to move forward with a changing Procurement Code: PC1-504 G2 to read "The signal maximum value of a work assignment issued under this procedure by statute is \$2,000,000..."

We would like to present this revision to the Board of Supervisors at the regular session on October 27th, 2021.

PUBLIC WORKS DEPARTMENT

85 N. Florence Street, PO Box 727 Florence, AZ 85132 T 520-866-6411 F 520-866-6511



PINAL COUNTY
WIDE OPEN OPPORTUNITY

MEMORANDUM

DATE: June 25, 2021

TO: Karen Williams, Interim Purchasing Manager

FROM: Heather Patel, Grants Administrator

Federal grant awards must adhere to 2 CFR 200. The CFR provides information on cost principles required when completing procurement of services paid for with federal awards. This includes compliance with the grant requirements, ensuring the associated costs are allowable, allocable, and reasonable, and open and fair competition.

General procurement standards include:

- Use value engineering;
- Awards to contractor who demonstrate performance, integrity, compliance, past performance, have financial and technical resources, and who are not debarred;
- Records must show history of procurement including rationale for method of procurement, selection of contract type, contractor selection/rejection, and basis for price; and
- Time and materials contracts are discouraged unless no other contract is appropriate. Must have a ceiling! This includes a high level of oversight.


The cost principles state the following regarding competition:

- Full and open competition;
- County must have written procedures for procurement transactions to ensure:
 - Clear description of technical requirements for materials, products, or services,
 - Do not use detailed product specifications,
 - Brand name or equivalent description may be used only to define performance,
 - Identify all requirements used to evaluate proposals/bids;
- Prequalified list of firms, persons, or products must be current and have a large number of options to ensure open and free competition; and
- Public solicitation with fixed price contract (lump sum or unit price);

A job order contract (JOC) is a contract for a fixed term or maximum dollar value, whichever occurs first, in which a contractor is selected based on a competitive bid to perform various separate job orders in the future, during the life of the contract. Because of the rising cost of construction and the limited number of bidders for smaller projects (less than \$2M) due to a demand for residential and commercial development projects, a JOC is a great option for Pinal County.

Job-order-contracting provides Pinal County the opportunity to hire qualifications-based contractors rather than the lowest responsible bidder, and at most times can be under contract and beginning work in a shorter period of time. All federal grants are tied to deadlines, through the JOC process, federally funded projects can be completed faster and on time.

The Pinal County Grants Division recommends revising Procurement Code: PC1-504 G2 to include a maximum value of work of \$2,000,000.

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MC1-501 APPLICABILITY

Article 5 of the Maricopa County Procurement Code defines the requirements and authorities for Procurement and Contract activities associated with the design, Construction, reconstruction, and remodel of Maricopa County facilities and structures. This Article also applies to the Procurement of various Professional Services required by Maricopa County to meet its needs related to the design, Construction, reconstruction, and remodel of Maricopa County facilities and structures.


MC1-502 RESPONSIBILITIES AND AUTHORITY

- A. The Chief Procurement Officer shall have the following delegated authorities:
1. Change Order authority shall not exceed \$1,000,000 for each Contract unless specifically authorized by the Board of Supervisors for a specific project or Contract. The Board of Supervisors may also delegate additional Change Order authority to the Chief Procurement Officer for a specific project or Contract.
 2. Authority to issue and Award Limited Scope Construction Contracts up to the limits specified in A.R.S. § 34-201.C and D and § 28-6713.B.
 3. Authority to issue and Award Simplified Construction Procurement Program Contracts.
 4. Carry out duties and responsibilities delegated by the Board of Supervisors.
 5. Implement and maintain an Article 5 Procedures Manual consistent with this Code to amplify or clarify the Procurement and management of all Article 5 Construction and Professional Services Contracts.
- B. The Chief Procurement Officer shall determine the annual statutory Contracting limits pursuant to A.R.S. § 34-201.C and § 28-6713.B. Projects shall not be artificially divided or fragmented to circumvent the statutorily defined limits.

MC1-503 TYPES OF ARTICLE 5 PROCUREMENT


A. Summary

Titles 34 and 41 of the Arizona Revised Statutes authorize Maricopa County to conduct several types of Construction and Professional Service Procurements. These Procurements are: Limited Scope Construction Procurement, Simplified Construction Procurement, Design-Bid-Build, Design-Build, Construction-Manager-At-Risk, and Job-Order-Contracting. In addition, Title 28 of the Arizona Revised Statutes authorizes the

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Maricopa County Department of Transportation to utilize the equivalent of the Title 34 Design-Bid-Build process. Procedures about implementation of each of these Procurement methods are included in the Article 5 Procedures Manual. A brief description of each Article 5 Procurement method is as follows:

1. Limited Scope Construction Procurement - Statutory dollar limited Construction with a simplified Bid process. The Contracts are Awarded by the Chief Procurement Officer or as delegated by the Chief Procurement Officer.
2. Simplified Construction Procurement Program - Limited to \$100,000 including all Change Orders subsequent to Award. Invitations for Bids shall be sent to Contractors and consultants listed on the annually updated consultant and Contractor register also referred to as the Article 5 Register. The Contracts are Awarded by the Chief Procurement Officer or as delegated by the Chief Procurement Officer.
3. Design-Bid-Build - The County's Procurement method in which, sequentially, a consultant under one Contract designs a project, the project is publicly Bid, and the lowest Responsible and Responsive Bidder constructs the project under a second and separate Contract. Contracts with a value of \$500,000 or less may be Awarded by the Chief Procurement Officer. Other Contracts are Awarded by the Board of Supervisors.
4. Design-Build - A Procurement method where one Contract is Awarded for both the design and Construction of a project. Design is normally accomplished prior to Construction but, design and Construction may occur simultaneously.
5. Construction-Manager-At-Risk - A Procurement method where two Contracts are Awarded separately for the design and the Construction of a project. Multiple Contracts to phase Construction may be Awarded under the condition the multiple Contracts are Advantageous to the project and County. Design and Construction may occur sequentially or concurrently.
6. Job-Order-Contracting - A project delivery method limited to five years by Arizona Revised Statutes and awarded by the Board of Supervisors, in which:
 - a The Contract is a requirement Contract for indefinite quantities of Construction.
 - b The Construction to be performed is specified in Job Orders (or Task Orders) issued during the Contract.

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- c Financial Services, maintenance Services, operation Services, preconstruction Services, design Services, and other Services related to Construction may be included.

Note: Sunset provisions for subparagraphs 4, 5, and 6 above:

- (1) Contracts for vertical Construction under Title 34 have no sunset date.
- (2) Contracts for horizontal Construction under Title 34 have a sunset date of June 30, 2025, in accordance with § 34-605.G.1.
- (3) Contracts for Construction services under Title 28 have a sunset date of December 31, 2025, in accordance with A.R.S. § 28-7367.I.3.
- (4) No Contracts may be entered into after the above-referenced sunset dates for the delivery methods listed in subparagraphs 4, 5, and 6 above unless the sunset dates are otherwise extended by amendment to the applicable Arizona Revised Statute.

B. Limited Scope Construction Procurement


1. The Board of Supervisors authorizes the Chief Procurement Officer to approve and Award Construction Contracts issued in accordance with this Section.
2. The following procedures will be used to implement Limited Scope Construction Procurements:
 - a Prepare Specifications and scope of work. The scope of work shall be written in sufficient detail to enable a Contractor to submit a written response for the described work. The scope of work may include drawings, sketches, job project coordination requirements, or other data affecting the Price. The scope of work may also require a Contractor to subcontract a minor portion of the project with a consultant to prepare drawings or other documents.
 - b Prepare a Cost estimate for the scope of work in compliance with A.R.S. § 34-201 et seq. and this Code.
 - c Prepare a Request for Quotation listing the date, time, and location for receipt of sealed responses. The Request for Quotation will be on a form approved by the Chief Procurement Officer.

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- d. Responses to a Request for Quotation will be solicited in accordance with the following guidelines. A no-Bid response shall constitute a response:
 - i. For work of a nominal value of \$10,000 or less, one written quotation is required.
 - ii. For work greater than \$10,000 but less than the statutory ceiling (A.R.S. § 34-201.C and § 28-6713. B), three written quotations are required.
- e. Respondents must submit Offers as specified in the Request for Quotation. Responses received after the due date and time or otherwise not submitted in compliance with the Solicitation instructions shall be non-responsive and will be returned to the Respondent unopened.
- f. Award of the Contract shall be made by the Chief Procurement Officer and shall be made to the lowest Priced Responsive and Responsible Respondent.
- g. Changes in the scope of work after Award shall be described in a Change Order on an approved form. The Change Order shall be signed by the appropriate department director approved by the Chief Procurement Officer. The initial Contract shall direct the Contractor not to begin work as the result of any change until receipt of a written and approved Change Order.
- h. Payment for work performed should, when practical, be made in one lump sum. Payment will be made within contractual terms or statute as applicable after final County acceptance. If the Contract period exceeds two months, the Contractor may request a partial payment in compliance with standard partial payment provisions.

C. Simplified Construction Procurement Program

1. A.R.S. § 41-2535.D shall be formally adopted as an approved Article 5 Procurement method as set forth herein. A Procurement involving Construction not exceeding \$100,000 may be made pursuant to policies and procedures adopted by the Chief Procurement Officer in accordance with this section. At a minimum, the policies and procedures shall require:
 - a. A list shall be maintained of persons who desire to receive Solicitations to Bid on Construction projects to which additions shall be permitted


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throughout the year.

- b. The list of Persons for Solicitations to Bid shall be available for public inspection.
- c. Agreements for Construction shall be on forms approved by the Chief Procurement Officer.
- d. A Contractor shall provide a Performance Bond and a Payment Bond as required by A.R.S. § 41-2574 for Construction Contracts.
- e. All information submitted by Respondents pursuant to this section shall be held confidential according to A.R.S. § 41-2533, Subsection D.
- f. All Construction Bids shall be opened publicly at the time, date, and location as designated in the Solicitation.
- g. All Persons desiring to submit Bids be treated equitably and the information related to each project be available to all prospective Respondents.
- h. Competition for Construction projects under the Simplified Construction Procurement program will be encouraged to the maximum extent possible.
- i. Award of the Contract shall be made by the Chief Procurement Officer and shall be made to the lowest priced Responsive and Responsible Respondent.

D. Design-Bid-Build

1. A process where a design consultant is selected on the basis of qualifications and a fee for the Professional Services is Negotiated. Once the design is completed, the project is advertised for Bid. The Construction Contract is Awarded to the lowest Responsive and Responsible Respondent. In determining the lowest Responsible Respondent for horizontal Construction, the following is addressed: the County may consider the time of completion proposed by the Respondent if the County determines this procedure will be Advantageous by providing a substantial fiscal benefit or that the use of the traditional Awarding of Contracts is not practicable for meeting desired Construction standards or delivery schedules. The formula for considering the time of completion must be specifically stated in the Solicitation information and approved

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by the Chief Procurement Officer. Except for the Maricopa County Department of Transportation, whose time of completion factor is limited to five projects, all other County Departments have unlimited projects (A.R.S. 28-6713.C).


2. Direct selection of Professional Services to be used in Article 5 Procurement is authorized for design work in Design-Bid-Build procedures not to exceed \$100,000.
3. Specific and mandatory Design-Bid-Build procedures are contained in the Article 5 Procedures Manual.

E. Design-Build

1. A qualification-based selection method. Authority for Design-Build differs by type of Construction. Specific and mandatory procedures are contained in the Article 5 Procedures Manual.
2. The Design-Build Procurement process is a qualification-based selection process that produces a short list of qualified Respondents. Negotiations are initiated with the highest qualified Respondent or a Request for Proposal is sent to all the Respondents listed on the short list.
3. For each project for horizontal Construction under a Design-Build Construction Services Contract, the licensed Contractor Awarded the Contract shall perform, with the Contractor's own organization, Construction work that amounts to not less than forty-five per cent of the total Contract Price for Construction. For purposes of this paragraph, the total Contract Price for Construction does not include the Cost of preconstruction Services, design Services, or any other related Services for the Cost to procure any right-of-way or other Cost of condemnation.

F. Construction-Manager-At-Risk

1. A qualification-based selection method resulting in multiple Contracts for the project. Authority for Construction-Manager-At-Risk differs by type of Construction. Specific and mandatory procedures are contained in the Article 5 Procedures Manual.
2. Construction-Manager-At-Risk Procurement is a qualification-based selection process that produces a short list of qualified Respondents. Negotiations are initiated with the highest qualified Respondent or a Request for Proposal is sent to all the Respondents listed on the short list.

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3. For each project for horizontal Construction under a Construction-Manager-At-Risk Construction Services Contract, the licensed Contractor Awarded the Contract shall perform, with the Contractor's own organization, Construction work that amounts to not less than forty-five per cent of the total Contract Price for Construction. For purposes of this paragraph, the total Contract Price for Construction does not include the Cost of preconstruction Services, design Services, or any other related Services for the Cost to procure any right-of-way or other Cost of condemnation.

G. Job-Order-Contracting


1. This Procurement method is a qualification-based process that may include design Services and is for "on-call" Construction capability. This type Service may be procured for up to five years. If the Contract allows for renewals or extensions, the provisions for and the conditions of the renewals or extensions must be included in the Solicitation.
2. Specific and mandatory procedures are contained in the Article 5 Procedures Manual. The single maximum value of a work assignment issued under this procedure by statute is \$2,000,000, or such higher or lower amount as adopted by the Board of Supervisors, as the maximum amount of an individual job order. Requirements shall not be artificially divided or fragmented in order to constitute a job order that satisfies this requirement. The maximum yearly Contract value of a Job-Order-Contract is \$5,000,000. For the purposes of this sub-paragraph, yearly means the twelve months subsequent to Award of the Contract.

H. Procurement Of Consultant Services Other Than Architect, Landscape Architect, Assayer, Geologist, and Land Surveyor Consultants

1. This section applies to consultants other than those listed in A.R.S. 32-101. This list includes but is not limited to hydrologists, appraisers, and archaeologists.
2. Selection of consultants or Professional Services required during the process of Construction of County facilities and structures are to be made in accordance with procedures contained in the Article 5 Procedures Manual.

- I. Any other type of Contract may be used only if the Procurement Officer determines in writing prior to Solicitation that the use of that Contract type is permitted by law and is Advantageous to Maricopa County.

MC1-504 REGISTER OF INTERESTED CONSULTANTS AND CONTRACTORS

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The Chief Procurement Officer will maintain a register of consultants and Contractors that have expressed an interest in performing work for the County and have provided evidence of professional qualifications for such work. The Chief Procurement Officer will notify, annually, consultants and Contractors listed on the register of their status and invite updating of their professional qualifications through a notice published in the official newspaper of the County. In addition, a public advertisement may be placed in a major newspaper of general circulation in the Phoenix area inviting consultants and Contractors to apply for inclusion on the register. The register, also referred to as the Article 5 register, may be categorized to reflect the consultant or Contractor's primary field of expertise. The County's process for updating the register is further explained in the Maricopa County Article 5 Procedures Manual. Consultants and Contractors may be removed from the register in accordance with Article 9 of this code.

MC1-505 SOLE SOURCE PROCUREMENT

Except for Direct Select Procurement, if the need for a sole source Procurement should arise on a Construction project or the need to obtain a consultant is required, the Procurement shall be conducted in accordance with MC1-347 and 348 of this Code.

MC1-506 EMERGENCY PROCUREMENT


Emergency Procurement shall be conducted in accordance with MC1-353 of this Code.

MC1-507 PUBLIC NOTICE

Construction Procurement with a value greater than the amount stipulated in A.R.S. §§ 34-201 or 28-6713 shall be advertised in accordance with A.R.S. §§ 39-204 or 28-6713.

MC1-508 ADDENDA

- A. Clarifications or changes to Solicitations made in response to Respondent question(s) shall be transmitted to all prospective Respondents by an addendum. An addendum shall document all changes or revisions to the Solicitation and shall include at a minimum the following information:
 - 1. addendum number, title, and Solicitation number of the project; and
 - 2. indication of a revised or unchanged Bid opening date and time.
- B. Respondents acknowledgment of receipt of an addendum on Bids is required for

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the Respondent's response to be considered Responsive to the Solicitation.

- C. An addendum shall be issued within a reasonable time before Bid opening to allow prospective Respondents time in which to prepare their Bids. If, in the judgment of the Procurement Officer, the date and time set for Bid opening does not permit sufficient time for Bid preparation, the date and time for the Bid opening will be extended in the addendum.


MC1-509 MISTAKES IN BIDS

If a Respondent alleges a mistake in their Bid, the Procurement Officer shall require the Respondent to submit, within a reasonable time not to exceed 24 hours from Bid opening, the original estimating documents along with any other Price development documents and information to verify said mistake. In addition to this requirement, mistakes in Bids shall be handled in accordance with MC1-322.

MC1-510 BOND REQUIREMENTS

A. Bid Security

1. As a guarantee that the Contractor will enter into a Contract to perform in accordance with the plans and Specifications, Bid security shall be required for all Competitive Sealed Bidding/Proposals for Construction if the Price is estimated to exceed the amount established by A.R.S. § 41-2535. Bid security shall be a certified check, cashier's check, or surety Bond for 10 percent of the amount of the Bid for Design-Bid-Build, for 10 percent of the Construction expenses in a Design-Build Proposal, or 10 percent of the estimated first year Construction Costs of a Job-Order-Contracting Proposal. Nothing in this section prevents a County Governmental Unit from requiring such Bid security in relation to any Construction Contract. The surety Bond shall be executed and furnished as required by Title 34, Chapter 2, of the Arizona Revised Statute and the conditions and provisions of the surety Bond regarding the surety's obligations shall follow the form required by A.R.S. § 34-201, subsection A, paragraph 3. For Design-Build and Job-Order-Contracting, the surety Bond shall be executed and furnished as required by Title 34, Chapter 6, of the Arizona Revised Statute, and the conditions and provisions of the surety Bond regarding the surety's obligations shall follow the form required by A.R.S. § 34-608, subsection D.
2. If the Invitation For Bids or Competitive Sealed Proposals requires Bid security, noncompliance requires the Offer be rejected unless, pursuant to policies and procedures, it is determined the Bid or Proposal fails to comply in a non-

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substantial manner with the security requirements.

3. After the Offers are opened, they are irrevocable for the period specified in the Invitation For Bids or Competitive Sealed Proposals, except as provided in A.R.S. § 41-2533, subsection F. If a Respondent is permitted to withdraw its Bid or Competitive Sealed Proposal before Award, no action may be taken against the Respondent or the Bid security.
4. An annual or one-time surety Bond executed by a surety company or companies holding a certificate of authority to transact surety business in this State, issued by the Director of the Department of Insurance pursuant to Title 20, Chapter 2, Article 1, and in a form prescribed by A.R.S. § 41-2573 and R2-7-506; or a certified or cashier's check shall be acceptable Bid security.


B. Non-Substantial Failure to Comply with Bid Security

The Procurement Officer may determine noncompliance of an Offer's security is non-substantial if:

1. only one Offer is received and there is not sufficient time to rebid; or
2. the amount of the security submitted, although less than the amount required by the Solicitation, is equal to or greater than the difference between the apparent low Bid and the next higher acceptable Bid; or
3. the security is inadequate as a result of correcting or modifying an Offer in accordance with MC1-322 (Mistakes in Bids), if the Respondent increases the amount of security to required limits within two days after notification.

C. Performance and Payment Bonds

1. Performance and Payment Bonds are required for all Construction Contracts. Specific Bond requirements, by Contract type, are included in the Article 5 Procedures Manual.
2. If the Contractor fails to provide the required Performance and/or Payment Bonds within the time specified by the Contract, the Offer shall be rejected, Bid security forfeited, and the Contract Awarded to the next lowest Responsive and Responsible Respondent.
3. Performance Bonds are to be submitted to the County, executed by a surety

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company holding a certificate of authority to transact surety business in this State, and issued by the Director of the Department of Insurance in the amount and for the duration specified in the Contract.


4. Payment Bonds are to be submitted to the County, executed by a surety company holding a certificate of authority to transact surety business in this State, and issued by the Director of the Department of Insurance for the protection of all Persons supplying labor and material to the Contractor or its subcontractors for the performance of the work required by the Contract. The Bond shall be in the amount specified in the Contract.
5. The Performance Bond and Payment Bond shall be delivered by the Contractor to the County within the time limits set forth in the Solicitation. If the Contractor fails to deliver the required Performance or Payment Bond, the Contractor's Offer shall be rejected, its Bid security shall be forfeited, and Award of the Contract shall be made to the next lowest Responsive, Responsible Respondent.

MC1-511 CONTRACT AWARD AND NOTICE TO PROCEED

- A. Contracts are Awarded by the Board of Supervisors and signed by the Chairman of the Board of Supervisors unless the authority has been clearly delegated and authorized to others by the Board of Supervisors.
- B. Based on the County anticipated Construction schedule and after receipt from the Contractor of the required Bonds and insurance after Award, a Notice to Proceed will be issued which begins the performance period of the Contract.

MC1-512 CHANGE ORDER AUTHORIZATION

- A. The Chief Procurement Officer may delegate authority to modify Contracts through issuance of Change Orders as listed below, provided:
 1. the Using Agency issuing the Change Order has been formally delegated Procurement authority by the Chief Procurement Officer;
 2. the Change Order is reviewed and approved by the Procurement Officer assigned to that department;
 3. the Change Order is within the authority limits approved by the Chief Procurement Officer for that Using Agency; and

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4. a standardized Change Order justification form is approved by all required Persons and placed in the Contract file.

B. Change Order Classification

1. Time Only Change Orders - Change Orders that address change within the time elements of a Contract may be approved and signed by the Chief Procurement Officer or, if delegated by the Chief Procurement Officer, by the department director of a department.
2. Additive Change Orders – Any Contract modification(s) resulting in an increase in the Contract Cost may be approved by the Chief Procurement Officer without Board of Supervisor approval up to a cumulative value for Change Orders of \$1,000,000 per Contract. A portion of this authority may be delegated by the Chief Procurement Officer to a department up to a maximum cumulative value for Change Orders of \$250,000 per Contract. The Change Order authority for department directors is determined by the value of the Contract, the calculation methodology for which can be found in the Article 5 Procedures Manual. Change Order authority may be increased or modified by action of the Board of Supervisors dependent on the circumstances of the project.
3. Deductive Change Orders - Any Contract modification(s) resulting in a reduction in the Contract Cost may be approved by the Chief Procurement Officer without Board of Supervisors approval unless the modification will result in a substantial change in the scope of work. The requirements of MC1-512.A must be met.
4. Scope of Work Change Order - All Change Orders that will result in a substantial change in scope of work, regardless of the Cost increase or decrease, require Board of Supervisors approval.
5. Contract Term Change Order – Change Orders resulting in a change to the terms and conditions of the Contract, including but not limited to updated Pricing for term and on-call Contracts, so long as said change does not alter the intended purpose of the Contract or place the County in a less advantageous position, may be signed by the Chief Procurement Officer or delegated to an Article 5 department director. All other changes to the terms and conditions of the Contract must be approved by the Board of Supervisors.

C. Change Order Authority

The Chief Procurement Officer may request increased Change Order authority based on

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the uniqueness of a specific project or be granted change order authority for a specific project or Contract.

MC1-513 CONTRACT PAYMENT

A. Construction Contract payment requests submitted in American Institute of Architects (AIA) approved formats will be made in accordance with rates and schedules identified in the Contract and are to be made within 14 calendar days of receipt of a certified and approved payment request. An estimate of the work submitted shall be deemed approved and certified for payment after seven days from the date of submission unless before that time the Using Agency prepares and issues a specific written finding setting forth those items in detail in the estimate of the work that are not approved for payment under the Contract. The Using Agency may withhold an amount from the progress payment sufficient to pay the expenses the Using Agency reasonably expects to incur in correcting the deficiency set forth in the written finding. Payment requests not submitted within AIA formats shall be paid in accordance with the terms and conditions of the Contract.


B. Retention - Unless arrangements have been made for substitute security and except for Job-Order-Contracting, the Using Agency will retain 10 percent of each progress payment made to Contractors until the work is 50 percent complete. After the Contract is 50 percent completed, no more than 5 percent of the amount of any subsequent progress payments made under the Contract may be retained, providing the Contractor is making satisfactory progress on the project. Retention is to be released upon final acceptance of the work and receipt of a certificate of performance. Retention must be returned within 60 days after final completion or filing the notice of final completion.

Note: Retention for Design-Build Construction Services and Construction-Manager-at-Risk are optional. Retention for Job-Order-Contracting Construction Services is prohibited.

C. Consultant progress payment requests which are not approved will be returned to the consultant, clearly stating the non-compliance. The consultant will also be notified payment is being held pending receipt of a revised and corrected payment request.

D. Notification of progress payment to a prime Contractor shall be made to the subcontractor within five days of each payment, if requested by the subcontractor.

E. A forbearance procedure may be used by the County when, through no fault of the County, a consultant or Contractor is unable or unwilling to complete the required scope of work within the Contracted performance period. The forbearance shall acknowledge the

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consultant's or Contractor's past due performance while maintaining and protecting the County's contractual rights and remedies. The seriousness of meeting the schedules and completion dates shall be conveyed to the consultant or Contractor during fee negotiations and time of Award and Contract performance.



PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY

Subject: Contracting for Architectural and Engineering Related Professional Services and Alternative Project Delivery Methods Under A.R.S. Title 34	Policy Number	Page
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Purpose

This policy defines Pima County's process for the selection and contracting of architectural and engineering-related professional services and alternative project delivery methods for all departments. Nothing in this policy will prevent the County from complying with the terms and conditions of any grant, gift, bequest or intergovernmental agreement.

Policy

This Policy defines the qualifications-based evaluation process to be used in the acquisition of architectural and engineering (A&E) services.

This Policy sets forth the process for the creation and use of Qualified Consultants Lists (QCL) for A&E professional services disciplines. Consultants on these lists may receive contracts for professional services not to exceed \$250,000 per project and \$500,000 per year. Qualified consultants may be on more than one QCL and may enter into more than one contract with the County.

This Policy provides separate processes for acquiring professional services exceeding \$250,000 per project and for disciplines of work not included in the QCL.

This Policy provides procedures to be used in procuring Alternative Project Delivery Method (APDM) construction services under Chapter 6 of Arizona Revised Statutes (A.R.S.) Title 34.

This Policy provides a performance evaluation process which is intended to provide an incentive for Consultants and Contractors to enhance the quality, timeliness, responsiveness, and cost effectiveness of consulting and non-consulting services provided to the County. The performance evaluation completed by the individual departments will be used Countywide in the performance evaluation process.

Definitions

Administering Department – The department requesting professional or APDM services as defined by this policy and responsible for the day-to-day administration of the contract.

Professional Services – For purposes of this Policy, professional services are consulting services falling within the scope of architectural and/or engineering disciplines performed by technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, and additional disciplines defined by the Procurement Director.

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General Provisions

Emergency acquisition of professional services must be made in accordance with Procurement Code § 11.12.060 and A.R.S. § 34-606.

- Amendments and contracts must be processed in accordance with the Board of Supervisors Policy D 29.4.
- Protests must be handled in accordance with Pima County Procurement Code § 11.20.010.
- The solicitation and award of multiple contracts under a single solicitation issued pursuant to this policy must comply with the requirements of A.R.S. §§ 34-102 and 34-604.
- In certain unique circumstances, projects may require the selection of a consultant in a manner outside the provisions of this policy. With the written approval of the Procurement Director, selection of such consultants will be in accordance with State Law.

Section A: Qualifications-Based Selection Procedure

I. General

All solicitations and procurements of A&E Services and APDM contracts must comply with the requirements of A.R.S. Title 34.

II. Advertisement

The Procurement Department will place a Solicitation for Qualifications (SFQ) advertisement in the official legal newspaper of Pima County, briefly describing the project or projects and specifying the closing date for receipt of the required Statement of Qualifications (SOQ) in accordance with the Publication Requirements Procurement Procedure. The Internet may also be used to notice and distribute documents intended to initiate the procurement process for services. Federally-funded solicitations must also be advertised in accordance with the Publication Requirements Procurement Procedure.

III. The Solicitation

A. The SFQ will include a request for a Statement of Qualifications (SOQ) consisting of:

1. A qualifications statement based on a questionnaire specifically developed by the requesting department(s), or
2. Narratives responsive to evaluation criteria or questions stated in the SFQ, or
3. Any combination of the above.

B. The SFQ must include a description of the project and scope of work, the number (or maximum number) of firms that the County intends to award, instructions on how to respond, and clearly identify any necessary certifications or other documents that must accompany the response. The

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SFQ may include an estimated price range for the services. Administrative requirements, such as the number of copies, page limits and related items must be specified.

- C. The SFQ must state a definite location, date and time for submission of SOQ's after which submissions will not be accepted. Inadvertently accepted late submissions will be returned unopened, unless it is necessary to open the submission to identify the respondent.
- D. The SFQ must clearly identify the evaluation criteria and their relative weight. Subcriteria with relative weights may be used to further clarify main criteria. Subcriteria stated without relative weights are presumed to be equal in value and must be applied in that manner.

IV. Selection Procedure

- A. Selection will be based on an evaluation of the SOQ using the evaluation criteria published in the SFQ and may include interviews. The selection process for professional A&E services not exceeding \$500,000 may include the evaluation of interviews with the competing consultants if the solicitation provided for interviews. Interviews are required for professional A&E services projects over \$500,000 but may be waived with the approval of the Procurement Director. The evaluation criteria and relative weights must be stated in the solicitation.
- B.
 - 1. A competent evaluation committee must be established in accordance with this Policy and the Evaluation Committee Selection and Administration Procurement Procedure. For contracts expected to exceed \$2,000,000 in value, the evaluation committee will, if practicable, have seven (7) members comprised of four (4) members nominated by the department director, two (2) members from other departments or jurisdictions, and one (1) member from a qualified professional services firm. For APDM, the private sector representative on the committee must be a senior management official from a licensed contractor.
 - 2. For QCL, the evaluation committee will have at least three (3) members (not including the Chair), including, if practicable, at least one (1) member from a qualified professional services firm not participating in the procurement. Additional representatives from qualified professional services firms may be added to committees or substituted for department or other public members, subject to the limitation that an evaluation committee for APDM may not exceed seven members unless in compliance with A.R.S. §§ 34-603(C)(3) and 34-604(C)(3).
 - 3. All committee members must possess the technical qualifications, experience and competence necessary for the evaluation, such determination to be at the sole discretion of the Procurement Director. Direct supervisor-employee relationships between or among evaluation committee members are not allowable unless approved in writing by the Procurement Director. All committee members must execute a no-conflict and confidentiality statement before serving on a committee according to the Evaluation Committee Selection and Administration Procurement Procedure.
 - 4. Appointees from outside Pima County will not receive compensation for performing this service; however, the Administering Department may elect to reimburse outside appointees for travel and lodging expenses incurred in connection with service on the evaluation committee. The Procurement Director will appoint the evaluation committee members and a Procurement Department representative must serve as the non-scoring chair of the committee. No individual

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employed by any of the competitors within the twelve (12) months preceding the beginning of the selection process may participate as an evaluator for Pima County.

Evaluation criteria points may include Small Business Enterprise (SBE) points as set forth in Pima County Code Chapter 20.04.030 and 20.20.010 for A&E services procurements. Notice of the evaluation criteria must be included prominently in the SFQ.

- C. For A&E projects that require a Disadvantaged Business Enterprise (DBE) or other goal pursuant to federal law, the County shall follow the requirements of the relevant federal or state agency.
- D. SBE evaluation points may not be applied in a Federally-funded competitive solicitation for a contract that exceeds or will exceed the Federal simplified acquisition threshold (SAT) defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101. With the approval of the granting agency, SBE evaluation points may be applied in a Federally-funded competitive qualifications-based procurement for a contract that will not exceed the SAT.
- E. SOQs must be assessed for compliance with the administrative requirements of the solicitation (responsive and responsible, debarment verification, addenda acknowledgment, contract acceptance, signature, etc.) before being transmitted to the selection committee for evaluation. Responses that do not conform to the administrative requirements must be rejected and not evaluated.
- F. Evaluation committee members will independently score the SOQs using only the criteria stated in the solicitation. The scores must be in whole numbers and must be accompanied by explanatory comments supporting the score. The evaluation committee members will provide their scores and comments to the committee Chair who will collate the scores. If no interviews are held, the rank order of the respondents will be determined by the average of their evaluation scores on the written submission, with the firm having the highest average score (including applicable SBE evaluation points) being the highest ranked.
- G. If interviews are to be held, the Procurement Department will extend the invitation for interviews to respondents in accordance with A.R.S. §§ 34-603 and 34-604(C)(2)(c)(i). Firms to be interviewed must be provided with specific questions, issues or topics to address in the interview and advised of the specific criteria applicable to the interviews in the invitation, unless the criteria are stated in the solicitation. Interviews must be scored based only on the applicable criteria and relative weight. Scores must be in whole numbers and must be accompanied by explanatory comments supporting the score. The interview score and written score may be differently weighted in determining final rank order, with the respondent with the highest average score (including applicable SBE evaluation points) being the highest ranked.
- H. If the scores for two (2) or more respondents are tied, committee consensus or the use of the Procurement Department Tie-breaker Procedure may be used to determine final award.
- I. After the evaluation team selects the final list, negotiations may be initiated with the highest-ranked firm, subject to the Procurement Director's prior approval of the selection of the final list if required under "G" above. If an agreement cannot be reached with the highest-ranked firm, the Procurement Department will terminate negotiations with that firm and proceed to negotiate with the next ranked firm until the final list is exhausted. If an agreement is reached, the completed contract must be

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presented to the Board of Supervisors or Procurement Director for Award. Once negotiations are terminated with any firm, that firm may no longer be considered, nor may negotiations be reopened with that firm.

- J. In accordance with A.R.S. §§ 34-603(H) and 604(H) only the names of the firms on the final list may be disclosed until award of the contract. The disclosure of procurement information after award will be in accordance with the applicable cited section. Additional disclosure may be provided in support of the protest process.
- K. The County may cancel a SFQ or reject in whole or in part any or all proposals as specified in the solicitation if it is in the best interests of the County. The County must make the reasons for cancellation or rejection part of the procurement file.

Section B: Contracts with Consultants on Qualified Consultant Lists for Professional Services Not Exceeding \$250,000 Per Project

I. Creation of Qualified Consultants List(s)

- A. The County desires to introduce competition into the direct selection of consultants under A.R.S. § 34-103 for small projects to ensure that only qualified consultants are retained for County projects. Therefore, the Procurement Director may establish, using the following procedures, lists by discipline of the most qualified consultants from among respondents to openly competitive qualifications-based solicitations in accordance with Section A that will be known as “Qualified Consultants Lists” (QCL).
- B. Using the A&E disciplines performed by technical registrants as defined in A.R.S. Title 32 and the Rules of the Board of Technical Registration, or other disciplines approved by the Procurement Director, each Administering Department will identify the disciplines for which professional services will be retained, estimate the annual dollar amount for each discipline identified and submit the information to the Procurement Department.
- C. On such schedule as the Procurement Director determines appropriate, the Procurement Department will advertise and post the SFQ according to Section A(II) herein requesting SOQs from consultants in one or more disciplines. Unless earlier disestablished, an individual QCL will expire five (5) years from its inception date.
- D. The SFQ must state the number (or maximum number) of firms that the County intends to place on the qualified list for each category covered by the SFQ.
- E. QCL lists will be reviewed at least annually to ascertain the extent of use. Lists that are not used or rarely used may be disestablished upon written determination by the Procurement Director that they are no longer needed. For years in which there is sufficient growth in anticipated workload to support a reasonable expectation that additional firms might be assigned work, or in which one or more firms have been eliminated from a specific list for any reason, the Procurement Director may provide a competitive opportunity for additional firms to be added to the list. Individual QCL lists need not be refreshed in this manner for any year in which little or no additional work is expected.

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II. Competitive Selection Process and Assignment of Consultants to QCL

- A. There will be a QCL for each required A&E discipline. A solicitation will be issued for each discipline, and an evaluation committee will be convened to evaluate the responses submitted for each discipline.
- B. The evaluation committee will be established in accordance with this Policy and the Evaluation Committee Selection and Administration Procurement Procedure. Each Administering Department director or designee will appoint at least one qualified senior staff member to the evaluation committee. The Procurement Department representative must serve as the non-scoring chair of the committee. No member of the evaluation committee may have a pecuniary interest in the outcome of the consultant selection process, or be an employee or agent in any capacity to any consultant whose qualifications will be evaluated by the committee.
 1. Statements of Qualifications submitted in response to the SFQ will be evaluated in accordance with the provisions of Section A: Qualifications-Based Selection Procedure above. Firms will be placed on the qualified list in rank order, up to the number specified in the SFQ.
 2. Evaluation criteria points may include SBE points as set forth in Pima County Code Chapters 20.04.030 and 20.20.010.
 3. The Procurement Department will submit the evaluation results and copies of the recommended QCL to the Procurement Director who will review the list and confirm that each consultant meets the County's requirements. Once approved by the Procurement Director, the QCL is available to be used by the Administering Departments in the consultant selection process.
- C. The information considered and documents generated by the evaluation committee are confidential during the evaluation period. After the QCL has been approved by the Procurement Director, all information considered and documents generated during the evaluation process will be maintained by the Procurement Department as public records.
- D. The Procurement Department will send the list of Qualified Consultants to each consultant that submitted a SOQ and each Administering Department. Consultants that submitted SOQ may file a protest regarding any aspect of this consultant selection process pursuant to Procurement Code Title 20, Chapter 11.20.010.
- E. To simplify the contracting process, the Procurement Department may, whenever appropriate, establish an agreement on terms and conditions that incorporates the terms under which services may be ordered, the terms and conditions applicable to such services, and the Consultant's agreed rates. An Administering Department may establish a contract for services by issuing a Delivery Order (DO) that incorporates the previously agreed terms and conditions, plus scope and fee for the specific services to be rendered.
- F. The County cannot guarantee that consultants on the QCL will be assigned projects. The County reserves the right to use any approved consultant selection process for any project.

The County may set a maximum fee schedule for professional services.

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III. Selection of Consultants for QCL Projects Not to Exceed \$250,000.

- A. As the need arises, the Administering Department will prepare a draft scope of work and an estimated budget for the contract. The Administering Department will set forth the reasons in writing for selection of the particular consultant. Those reasons may include, but not necessarily be limited to, the highest qualified firm for the discipline or disciplines of work required, satisfactory performance on similar projects, special skills or experience, or SBE participation. The QCL may be used for federally-funded projects up to the Federal simplified acquisition threshold defined in subpart 2.1 of the Federal Acquisition Regulation, 48 C.F.R. § 2.101, with the approval of the granting agency. For Federally-funded projects, the highest-ranked firm will be selected unless the granting agency approves otherwise.
- B. The selected consultant will be given an opportunity to review the scope of work and prepare a fee estimate. The Administering Department's project manager and the consultant will negotiate a final scope of work and fee. Fees will be as consistent as possible across the consultants on the QCL. If the selected consultant is not available to perform the work within the County's cost and time requirements, the Administering Department may terminate negotiations and initiate negotiations with another consultant on the QCL. The Administering Department may not return to or reopen negotiations with a firm after it has terminated negotiations with that firm.
- C. After agreement on the scope of work and fee, the Administering Department will establish a contract for the work by issuing a DO under the applicable Master Agreement. The Scope of Work, Fee Agreement, and written explanation for selection of the consultant will be attached to the DO.
- D. No consultant will be awarded more than \$500,000 per twelve-month period per QCL.
- E. No individual contract may exceed \$250,000. Projects may not be split to avoid the \$250,000 limit on individual QCL DOs.
- F. Final approval of the DO will be in the Procurement Department.

IV. QCL Delivery Order Term and Value

Each QCL DO must be awarded for a term not to exceed one year. The DO may be extended for up to two additional one-year periods to complete the project, but the total DO must not exceed \$250,000.

Section C: Direct Selection for Professional Services

I. Use of Direct Selection Authority under A.R.S. § 34-103

In certain instances, projects may require a consulting specialty that a consultant on a QCL cannot reasonably provide, there may be exigent circumstances, or there may be a consultant available that possesses such particular expertise or experience necessary for a particular project that their direct selection would be in the public interest. In this situation, the Administering Department may request the Procurement Director's approval to direct select the recommended consultant. The request must set forth the basis for the recommendation. The selection must be in accordance with State Law.

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II. Limitations on Use of Authority

This authority may only be used for projects that do not exceed the dollar limits for the direct selection of Architects and Engineers in A.R.S. § 34-103.

Section D: Selection of Procurement Method

- A. The QCL will be the preferred method for the procurement of consulting services for all projects up to \$250,000.
- B. The Qualifications-Based Selection Process in Section A is the preferred method for the procurement of consulting services for all projects in excess of \$250,000.
- C. Subject to the dollar limitations in A.R.S. § 34-103, Direct Selection may be used in lieu of either A or B above where its use will benefit the County.

Section E: Performance Evaluation

I. Non-Design Consulting Contracts

During the initial phases of a capital or other type of project, Consultants may be retained to perform any number of tasks, such as cultural or geotechnical analyses or biological or environmental assessments that are important to the initiation of a project. Upon completion of any of these non-design consulting tasks that exceed \$100,000, the department's project manager will evaluate the consultant's performance by completing a Department of Defense Form 2631 (DD Form 2631) available on the Procurement intranet site. The project manager will send the completed evaluation form to the Procurement Department Design and Construction Division within 10 business days of the completion of the design or consulting task. The Procurement Department will send a copy of the form to the consultant who will have ten (10) business days from date of receipt to provide any comments, rebuttals or additional information. If the Consultant does not provide comments within the prescribed time period, the evaluation will be considered final.

The final evaluation form and the Consultant's response will be maintained in the Procurement Department to document the consultant's performance on Pima County projects. This information will be applied in accordance with this policy.

APDM (CMAR and Design Build) Contractor performance must be evaluated by the Department according to this Section by completing a Department of Defense Form 2626 available on the Procurement intranet site after completion (or termination) of each APDM project. Upon completion, the form must be sent to the Procurement Department and attached to the procurement record.

Job Order Contractor performance must be evaluated by the Department according to this Section by completing a Department of Defense Form 2626 available on the Procurement intranet site after completion (or termination) of each job order of \$100,000 or more. Upon completion, the form must be sent to the Procurement Department and attached to the job order record.

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II. Design Consultants

- A. Upon completion of a design exceeding \$100,000 associated with a capital project, the department's project manager will evaluate the consultant's performance by completing a DD2631 and following the process for Non-Design Consulting Contracts.
- B. During construction and other post-design activities, the Department's Project Manager will track the impact the design has on the work and conduct a final evaluation at the end of construction that takes into account the impact on construction of design errors or omissions, owner requested changes, and changed conditions, including consideration of disruption or delays in construction, the number of change orders and additional costs attributable to each, and the consultant's response to design errors and omissions. The Project Manager will complete a DD Form 2631 in conjunction with project closeout and send a copy to the Procurement Department.

III. Using Consultant Evaluations

Completed consultant evaluations will provide an additional source of past performance information in qualifications-based selections and may also be considered as one factor in the selection of Consultants from the QCL. All other factors being equal, the Consultant with the better performance history will be higher-ranked. So as not to penalize Consultants that have no prior experience with Pima County in qualifications-based selections, performance evaluations will be given no greater weight than past performance information from other sources, such as references.

Section F: Alternative Project Delivery Methods (APDM) for Construction Contracts – Contracts for Design Build and Construction Manager at Risk Projects and Job Order Contracting

I. Purpose

This Policy adds Pima County-specific requirements to the provisions in A.R.S. Title 34, for APDM procurement and contracts.

II. SBE

- A. APDM Contracts are subject to the requirements of Title 20 of the Pima County Small Business Enterprise Code. The Procurement Director will establish an appropriate goal and procedure for each APDM Contract, unless precluded by Federal participation.
- B. It must be a requirement in each solicitation for an APDM contract for which a subcontractor selection plan is required under A.R.S. §§ 34-603 and 34-604 that the subcontractor selection plan address how the respondent will meet any applicable SBE goal.

III. Applicable Procedures

- A. Initiating APDM Procurements
 1. Departments desiring to establish an APDM Contract will submit a requisition to the Procurement Department requesting the establishment of an APDM contract. The request must be accompanied by the proposed scope of work and must identify accounting information if

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applicable. The request must identify and explain the basis for the selection of the project delivery method or demonstrate that the delivery method was approved through a Gate 1-1 Project Meeting. For Job-Order-Contracts, the request may also propose a maximum amount for individual Job Orders for approval by the Procurement Director.

2. The procurement of a Design-Build ADPM contract may obligate the County to pay a stipend, fee, or any other form of compensation for proposal preparation or design to any unsuccessful competitor, Pursuant to A.R.S. § 34-603(F)(11).

B. Procurement Procedures

The Procurement Department will follow the procedures and adhere to the requirements of A.R.S. Title 34 in all respects in the procurement of APDM contracts. Nothing in this Policy will be deemed to authorize deviation from the requirements of A.R.S. Title 34.

C. Evaluations

1. The Procurement Department and the Administering Department will agree upon a weighting of the scores to be assigned to each evaluation criterion. The evaluation criteria and relative weights must be stated in the solicitation. The evaluation must be conducted under the procedures in Section A: Qualifications-Based Selection Procedure of this Policy.
2. The number and qualifications of the members of the evaluation committee will be in accordance with the requirements of A.R.S. Title 34, the Evaluation Committee Selection and Administration Procurement Procedure and this Policy. The Administering Department will nominate qualified members to the Evaluation Committee who are subject to approval and appointment by the Procurement Director. An employee of the Procurement Department will serve as the non-scoring chair of the evaluation committee.
3. For each APDM solicitation for which a subcontractor selection plan is required under A.R.S. § 34-603 or 604, the subcontractor selection plan must be evaluated separately by the Procurement Department representative, the Business Enterprise Program Coordinator, and the Department Program/Project Manager. The score from the subcontractor selection plan evaluation must be added to the SOQ evaluation score to arrive at the total evaluation score.

D. Recommendation for Award

The Procurement Department will compile and verify the results of the evaluation. Based on the results of the evaluation, the Procurement Director will prepare the recommendation for award of the contract(s) for APDM construction services.

E. Contracts for APDM Construction Services

To the extent practicable, contracts for APDM construction services will be based on approved County standard construction contracts. Contracts for APDM construction services must comply in all respects with the requirements of A.R.S. Title 34.

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IV. Job Order Contracts

A. Job Order Contract Type

Job Order Contracts (JOC) will normally be multiple-awards with provision for the Job Order Contractors to compete for job orders that exceed the threshold established in the contract. Other structures, such as single or multi-awards with price book are available with the approval of the Procurement Director.

B. Responsibility

The Director of the Administering Department is responsible for ensuring that the JOC is properly administered and not misused. For example:

- Job orders may not exceed the limit for individual job orders in the contract.
- Jobs may not be split or divided between two (or more) job orders to stay under the job order limit.
- Job orders may not be used to purchase or otherwise acquire equipment or materials of any nature that are not to be used in a construction project performed under the same job order.

Departments desiring to use any JOC administered by another department must make arrangements for doing so through the Director of the Administering Department.

C. Bonding

All job orders must be 100% covered by performance and payment bonds issued in the form prescribed in A.R.S. Title 34. The Department Director is responsible for ensuring that each job order has adequate bonding coverage before work begins under the job order. If a JOC Contractor bonds on a job order by job order basis, bonds will be scanned and attached to the (DO) for the job order to which they pertain. Hardcopy bonds must be retained in the Administering Department's job order file.

D. Issuing Job Orders

A.R.S. Title 34 requires agreement on price before any work begins. A final negotiated DO authorizing the scope and the not-to-exceed job order cost must be issued from the County enterprise business system before any work takes place under the job order.

E. Job Order Contents

The objective of the job order documents is to provide the contractual basis for the work and payment and ensure transparency, accountability and an auditable transaction. Specifications, bonds, schedules, and other documents or information describing the work and the obligations of the parties must be scanned and linked to the DO in the procurement file so that the documents will provide a complete description of the job order. If the documents are too voluminous for scanning and electronic storage, the physical file must be identified in the record. In the case of a job order

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awarded under a multiple-award job order contract, the documents should contain evidence of the competition conducted to award the job order. Administering Departments are responsible for maintaining job order documents.

F. Application of Job Order Limits

The amount that can be awarded in a single job order is limited to either two million dollars (\$2,000,000) or a lesser amount stated in the JOC. These limits are strictly enforced. The Project Manager must assess the risk of changes in a job and limit any associated job order to an amount that will provide reasonable room for changes. Jobs must not be split to avoid the dollar limitation on job orders or to bring a job within the job order limits to avoid the requirement for competition outside the JOC.

G. Projects Identified in Advance

Where projects are known sufficiently in advance of the required completion date to allow for use of the design-bid-build method of project delivery, departments must consider use of that method. Departments must periodically bid potential job order projects to provide a basis for comparison with job order contractor pricing and performance. The department must have a basis for comparison to establish the reasonableness of the JOC's pricing before recommending contract renewal.

H. Renewals

Requests to renew JOC contracts must be supported by assurances that the job order contractor has performed satisfactorily and that the job order contractor's work is reasonably priced. The Contractor's performance and pricing must be a consideration in determining whether to renew the JOC. The Procurement Department may request and review the supporting evidence underlying the assurances.

I. Review

Departmental use of JOCs is subject to review by the Procurement Department. Departments must cooperate fully with all such reviews. The Procurement Director, with the approval of the County Administrator, may withdraw, modify or curtail the authority of any department or any staff member of any department that has been determined on the basis of such review to have misapplied, abused or misused a JOC.

Implementation

This Policy applies to all solicitations for A&E-related professional services and APDM contracts advertised after the revision date below.

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The performance evaluation requirements of this Policy are effective on the revision date for all existing and future A&E or APDM contracts.

Adoption Date:	September 25, 1990
Revised Date:	May 5, 1998
	November 24, 1998
	October 1, 2002
	March 18, 2003
	April x, 2003
	July 11, 2006
	June 15, 2010
	April 1, 2011
	November 19, 2013
	July 7, 2015
	September 5, 2017
	October 1, 2017
	December 4, 2018
	January 4, 2019
	December 3, 2019
Effective Date:	January 1, 2020

Shonna McBride <shonna.mcbride@pinal.gov>

RE: Job Order Contracting

2 messages

Purchasing <purchasing@coconino.az.gov>
To: Shonna McBride <shonna.mcbride@pinal.gov>

Tue, Sep 7, 2021 at 1:54 PM

Hi Shonna – Coconino County uses the statutory limit of 2 mil per project.

Scott Richardson, CPPO

Purchasing Manager

Coconino County

928.679.7191

From: Shonna McBride <shonna.mcbride@pinal.gov>
Sent: Tuesday, September 7, 2021 9:16 AM
To: Purchasing <purchasing@coconino.az.gov>
Subject: Job Order Contracting

Good morning,

I'm trying to do a comparison of Arizona Counties and the maximum individual job limit they award with Job Order Contracting. Can you tell me what your JOC limits are?

Thanks,

Shonna McBride, NIGP-CPP, CPPB, CPSM, C.P.M.

Purchasing Manager
(520) 866-6265
Shonna.McBride@Pinal.gov



Interested in doing business with Pinal County?

Please visit Pinal County's [Bonfire Portal](#) to register as a vendor. To be notified of future solicitations, visit your Global Vendor Record to select NIGP Commodity Codes and Service Regions.

Don't forget to check the box for notifications of matching opportunities.

Shonna McBride <shonna.mcbride@pinal.gov>
Draft

Tue, Sep 7, 2021 at 3:25 PM

Shonna McBride, NIGP-CPP, CPPB, CPSM, C.P.M.
Purchasing Manager
(520) 866-6265
Shonna.McBride@Pinal.gov



Interested in doing business with Pinal County?

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Don't forget to check the box for notifications of matching opportunities.

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