



Legislation Text

File #: 20-25, **Version:** 1

Consider approving the use of "Best Value" method of procurement of construction services for the Sheriff Hot Water and Main Jail Shower Replacement Projects; and Authorize the use of the proposed criteria to ensure the selection is conducted in a fair and impartial manner

Published Notice Required? Yes ☐ No ☒

Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Department of General Services recommends that the Board of Supervisors:

1. Consider approving the use of "Best Value" method of procurement for construction services for the Sheriff Hot Water and Shower Replacement Projects consistent with the Public Contract Code section 20155 et seq. (Attachment A); and
2. Authorize the use of the proposed criteria to ensure the selection is conducted in a fair and impartial manner (Attachments B and C).

SUMMARY:

The Board previously approved funding of \$5,023,006 for Sheriff Hot Water Replacement in Budget Unit 1799 and also approved \$1,600,000 for the Main Jail shower replacements in Budget Unit 1733. To minimize operational disruption, construction of both projects will be awarded under a single construction contract.

Both construction work efforts will take place inside the detention areas of the main downtown jail at 500 Union Avenue in Fairfield. Due to the overlap and complexity of the two projects, it is in the best interest of the County to award the work to a highly qualified contractor with significant experience operating within detention environments under a single contract. Use of the best value procurement method will help ensure selection of a highly qualified contractor, which will likely reduce project costs, expedite the completion of the project and provide features not achievable through awarding the contract solely on the basis of the lowest bid price.

Solano County is among the selected counties in the best value pilot program for construction projects in excess of \$1,000,000 in which cost is one consideration along with quality criteria. Senate Bill 128 (Beall) Public contracts: Best Value Construction Contracting for Counties Pilot Program, recently approved by the Governor, extends the operation of these provisions until January 1, 2025.

The Department of General Services recommends that the Board consider approving the use of this pilot best value procurement program for the piping and shower replacements and, in doing so, adopt and publish procedures and required criteria associated with the pilot program.

FINANCIAL IMPACT:

The Board approved \$5,023,006 from a combination of Capital Renewal and Accumulated Capital Outlay in Budget Unit (BU) 1799, to upgrade domestic water plumbing throughout the facility. An initial Phase 1 (of 2) construction contract for plumbing equipment and piping repairs and replacements in the primary mechanical

room resulted in an initial construction cost of \$761,620. Funds remaining after Phase 1 are \$4,261,386 and will be used to fund Phase 2 of the project.

The Board also approved \$1,600,000 from a combination of Capital Renewal Reserve and Criminal Justice Temporary Construction Fund in BU 1733, to replace aging showers at the main downtown jail (the Justice Center Detention Facility, or JCDF - often referred to as the “main jail” or “downtown jail”), construction of which will be performed jointly with Phase 2 piping replacements. The combined remaining balance of approved funds for the upcoming plumbing and shower replacement construction efforts is \$5,861,386.

The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2019/20 Adopted Budget.

DISCUSSION:

Main Jail (JCDF) Hot Water and Shower Replacement Projects

The JCDF is the County's downtown Fairfield detention facility. Existing water distribution piping in the JCDF has reached the end of its useful life. Whereas initial project scope focused on replacement of domestic hot water piping, further investigation showed domestic cold water piping also needs extensive replacement and is now included in the scope of work. Additionally, as inmate shower finishes, waterproofing, and plumbing fixtures are at the end of their useful lives, their replacement will impact operations in all inmate housing units. To minimize operational disruption within the JCDF during replacements and repairs, construction for both projects will be performed as a combined work effort under a single construction contract. The combined work will improve conditions by replacing domestic piping for hot and cold water and renovating existing inmate showers. Schematic design documents for piping replacement are 75% complete, with schematic design of the shower replacements also underway. Final construction documents for both scopes of work are expected to be completed by early 2020. Under the best value procurement method, contractor pre-qualification will commence in early 2020 as well, followed by submission of bid proposals in March-April, and with the construction contract presented to the Board of Supervisors for approval in late spring or early summer 2020.

Best Value procurement for the Main Jail (JCDF) Hot Water and Shower Replacement Projects

Solano County, along with several other California counties, is authorized by Public Contract Code (PCC) section 20155 et seq. to utilize best value construction contracting under a pilot program. The original program is now extended through January 1, 2025 by Senate Bill 128 (Beall), approved by the Governor on October 3, 2019. Solano County previously utilized the best value pilot program to successfully deliver the \$26M Rourk Vocational Training Center. Solano County sponsored and supported the original best value pilot program legislation SB762 (Wolk) and has more recently supported its extension under SB128 (Beall).

Under this legislation, the successful bidder may be selected on the basis of the best value to the County. Per PCC Section 20155.1(a), “Best value” means a procurement process whereby the selected bidder may be chosen on the basis of objective criteria for evaluating the qualifications of bidders with the resulting selection representing the best combination of price and qualifications.”

PCC further stipulates that an evaluation committee appointed by the County shall evaluate the qualifications of proposing bidders based solely upon the criteria set forth in the solicitation documents, and the committee shall assign a quality score to each bid proposal. The County's evaluation committee will be determined by the Project's Working Group, with guidance from the Sheriff's Office and County Administrator's Office executive management. To determine the best value contractor, the PCC stipulates that the County divide each bidder's price by its qualifications score. The lowest resulting cost per quality point will represent the best value bid.

While the County could award the project construction contract on the basis of the lowest responsible bid

price, awarding the construction contract on the basis of best value will accomplish the objectives of expediting the completion of the project and providing features not achievable through awarding the contract on the basis of the lowest bid price, which includes providing individually qualified and experienced contractor project team personnel dedicated specifically to this project.

To implement best value selection, PCC requires that the Board of Supervisors adopt and publish procedures and required criteria that ensure all selections are conducted in a fair and impartial manner. Attachment B summarizes the proposed procedure and criteria for the Project so that the selection will comply with the best value requirements of the PCC.

Upon approval by the Board to proceed with best value method of procurement, the Department of General Services will initiate the two-step process of prequalification of potential bidders pursuant to PCC section 20101 as required under PCC subsection 20155.3(c), followed by the submittal of bid proposals from prequalified contractors. Notice inviting participation of interested bidders will be published in accordance with PCC 20125.

Staff will also return in early 2020 to request approval of a Project Labor Agreement for the project in compliance with PCC 20155.2 and its requirement for the use of skilled and trained workforce.

ALTERNATIVES:

The Board could choose not to authorize the use of best value delivery method and, instead, direct staff to proceed with a bid on the basis of the lowest responsible bid price. This is not recommended because of the complexity of the work, the nature of critical detention operations in the facility, and the need for a highly qualified and experienced contractor to perform the work and is also not consistent with the Board's previous support for best value construction delivery of appropriate projects.

OTHER AGENCY INVOLVEMENT:

General Services Department's Facilities Operations Division was consulted during preparation of the plans and technical specifications for the project. Sheriff's Office detention facility management team was consulted during project design regarding construction phasing and mitigation of operational impacts. The Department of Resource Management Building Division will review and approve the final project plans. County Counsel will review and approve the best value Request for Qualifications, Request for Proposals and construction contract as to content and form.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION