

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

June 11, 2024

FROM

DON DAY, Director, Project and Facilities Management Department

SUBJECT

Best Value Construction Contract Procurement Procedures and Criteria, Use of Best Value Construction Contract Procurement Method, and Best Value Construction Contract Request for Qualification Package for Contractors

RECOMMENDATION(S)

1. Adopt the two-step Best Value Construction Contract Procurement Procedures and Criteria pursuant to Public Contract Code Section 20155(c).
2. Find that awarding annual contracts for projects in the County that do not exceed \$3,000,000 for repair, remodeling, or other repetitive work to be done according to unit prices utilizing the Best Value Construction Contract Procurement Method achieves the objective of reducing project costs and expediting the completion of projects.
3. Authorize the Project and Facilities Management Department to use the two-step Best Value Construction Contract Procurement Method pursuant to Public Contract Code Section 20155.
4. Approve the use of Best Value Construction Contract Request for Qualification Package to prequalify contractors to propose on the Best Value Construction Contracts and authorize the Director of the Project and Facilities Management Department to solicit for the prequalification of contractors seeking to bid for Job Order Contracts.

(Presenter: Don Day, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

The recommended action will not result in the use of Discretionary General Funding (Net County Cost), as there is no cost associated with the solicitation to prequalify contractors.

BACKGROUND INFORMATION

Approval of this item will authorize the Project and Facilities Management Department (PFMD), pursuant to Public Contract Code (PCC) Section 20155 et seq., to adopt and

**Best Value Construction Contract Procurement Procedures and Criteria,
Use of Best Value Construction Contract Procurement Method, and Best
Value Construction Contract Request for Qualification Package for
Contractors
June 11, 2024**

utilize the two-step Best Value Construction Contract Procurement Method, also known as Best Value Job Order Contract (Best Value JOC) Procurement Method.

On October 9, 2017, the State Legislature passed Senate Bill 793, which amended PCC Section 20155 to authorize counties to use the Best Value JOC Procurement Method. Best Value JOCs are individual annual contracts, with a maximum value of \$3,000,000 each, adjusted annually to reflect the percentage change in the California Consumer Price Index. Best Value JOCs may be extended for two subsequent one-year terms not to exceed \$6,000,000 over the two extended terms of the contract.

Currently, PFMD utilizes JOCs for repair, remodeling, or other repetitive work at County owned facilities, but these current contracts are awarded solely on a low-bid basis that do not consider the experience or qualifications of an individual bidder. The Best Value JOC Procurement Method, which this item seeks approval to implement, considers not only the amount of a bid but also the qualifications of a bidder in order to obtain better quality contractors more likely to complete tasks in a time and cost-effective manner.

The Best Value JOC Procurement Method is a pilot program designed by the State Legislature. In order to utilize this procurement method, the County is required to comply with several State requirements. First, PCC Section 20155(c) requires the Board of Supervisors (Board) adopt and publish procedures and criteria that PFMD will utilize when bidding and awarding Best Value JOCs. While the Board adopts and publishes these procedures and criteria, they are largely dictated by PCC Section 20155 et seq.

After adopting and publishing the procedures and criteria, the Board may authorize the use of the Best Value JOC Procurement Method on a project-by-project basis if the Board determines that doing so will reduce project costs, expedite the completion of the project, or provide features not achievable through awarding the contract on the basis of the lowest bid price. PFMD recommends that the Board make such a finding in this instance. Solano County, one of the several counties authorized under the pilot program, reports that they have delivered over \$31,000,000 in large, complex construction contracts representing over \$40,000,000 in total project value, using Best Value JOCs. They have indicated that use of the Best Value JOC Procurement Method has been useful in attracting well-qualified, collaborative contractors, which has helped ensure efficient, quality delivery of work. PFMD believes the same success could be achieved in the County.

If the Board adopts the procedures proposed by PFMD and approves the use of Best Value JOCs then the first step would be for PFMD to release a Best Value Construction Contract Request for Qualification (RFQ) package to potential bidders as required by PCC Section 20155.3. Those contractors wishing to bid for the Best Value JOCs will complete a questionnaire contained in the RFQ and their responses will be evaluated and given a score based on an objective scoring criterion. Only those contractors

**Best Value Construction Contract Procurement Procedures and Criteria,
Use of Best Value Construction Contract Procurement Method, and Best
Value Construction Contract Request for Qualification Package for
Contractors
June 11, 2024**

whose RFQ packages score a certain point total will be eligible to bid for Best Value JOCs. PFMD recommends the Board to approve the RFQ packet, including questionnaire and objective scoring criteria, and authorize the Director of PFMD to release it to potential Best Value JOC bidders. Once a list of eligible bidders is obtained, PFMD will return to the Board and seek approval for that list of bidders and seek authorization to release the actual bids to them.

PROCUREMENT

Notice of the RFQ will be advertised on June 14, 2024. An online mandatory prequalification conference is scheduled for June 26, 2024, at 3:00 p.m. The deadline for request for clarification is July 5, 2024, at 5:00 p.m. The deadline to submit the prequalification packages is July 25, 2024, at 10:00 a.m. at PFMD, 385 N. Arrowhead Avenue, Third Floor, San Bernardino. PFMD will return to the Board with the list of prequalified contractors and request approval for the solicitation of bids for Best Value JOC contractors.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel 387-5455) on May 8, 2024; Purchasing (Ariel Gill, Supervising Buyer II, 387-2070) on May 9, 2024; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on May 13, 2024; Finance (Yael Verduzco, Principal Administrative Analyst, 387-5285) on May 28, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 28, 2024.

(LL: 909-693-7358)

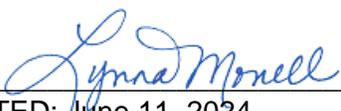
**Best Value Construction Contract Procurement Procedures and Criteria,
Use of Best Value Construction Contract Procurement Method, and Best
Value Construction Contract Request for Qualification Package for
Contractors
June 11, 2024**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 11, 2024



cc: File - Project and Facilities Management w/ CD
JLL 06/26/2024