



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: July 13, 2021
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Scott D. McGolpin, Public Works Department, 568-3010
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064
SUBJECT: Delivery and Quantity “As Needed” Construction Materials Testing Services
Contracts; All Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute three (3) Agreements for Services of Independent Contractor with NV5 West, Inc., Twining, Inc., and Achievement Engineering Corp. for construction materials testing services on “as needed” basis. Each Agreement is for a minimum amount of \$50,000 between July 13, 2021 through June 30, 2024 with work being initiated via Task Orders; NV5 West, Inc. agreement total amount not to exceed is \$1,230,250; Twining, Inc. agreement total amount not to exceed is \$1,224,160; and Achievement Engineering Corp. agreement total amount not to exceed is \$1,125,331;
- b) Approve and authorize the Director of Public Works, or designee, to execute Task Orders and approve Task Order amendments within the scope of the Agreement, upon concurrence with the Auditor-Controller’s Office and the Office of County Counsel. No single Task Order shall exceed \$500,000;
- c) Approve and authorize the Director of Public Works, or designee, to make immaterial changes in accordance with the terms of each Agreement; and
- d) Find that the recommended actions do not constitute a “Project” within the meaning of the California Environmental Quality Act pursuant to 14 CCR 15378 (b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

Summary Text:

This item is on the agenda to authorize the Chair to execute Agreements for Services of Independent Contractor with NV5 West, Inc., Twining, Inc., and Achievement Engineering Corp. Public Works constructs transportation facilities using local, state and, federal funds. To comply with state and federal regulations and specific contract specifications, the County administers the Public Works Transportation Quality Assurance Program for materials sampling and testing. Public Works does not have current certified staff or testing equipment to perform the required materials sampling and testing on transportation projects. These firms have the certifications and equipment to perform local, state, and federally compliant materials testing services.

Upon approval of the Agreements by the Board, Task Orders may be issued as needed by the County Public Works Director, or designee. The Agreements include a guaranteed amount of \$50,000 per contractor and a total not to exceed \$3,579,741 total for all three contracts combined. The Agreements also include an option to extend the term for an additional two years. Public Works Transportation is divided into three maintenance areas; each of the three Agreements is area specific except in certain instances described in the Agreement. Such instances include when Public Works Transportation projects contain work in all three divisions and when one Contractor cannot fulfill a Task Order one of the other two Contractors may be used.

Background:

The selected contractors were determined through a publicly advertised, qualifications based and competitive process. This process consisted of a four week publicly posted Request for Proposals (“RFP”) which yielded Proposals from 5 Contractors. An evaluation committee made up of 3 Public Works staff individually scored the 5 Proposals per the RFP criteria based on qualifications in order to determine NV5 West, Inc., Twining, Inc., and Earth Systems Pacific as the three most qualified Contractors.

Staff initiated negotiations with both NV5 West, Inc. and Twining, Inc. the week beginning May 17, 2021. Negotiations were successfully completed with both NV5 West, Inc. and Twining, Inc. on May 21, 2021.

Staff initiated negotiations on May 21, 2021 with Earth Systems Pacific due to their unavailability earlier during the week. Staff received a reduced cost proposal that was still over 30% higher than the independent cost estimate on May 26, 2021. Staff responded to this reduced cost proposal that further cost reductions were required or negotiations with Earth Systems would be terminated. On May 27, 2021, Earth Systems Pacific declined to reduce costs further and negotiations were terminated.

Achievement Engineering Corp., the 4th ranked contract, was contacted on May 27, 2021 to confirm their interest and begin negotiations. Negotiations were successfully completed with Achievement Engineering Corp. on June 3, 2021 with a cost proposal less than the independent cost estimate.

All construction materials testing activities performed by NV5 West, Inc., Twining, Inc., and Achievement Engineering Corp. will be under supervision of a full-time employee of the County who is in responsible charge (the Designated Representative/Contract Manager). NV5 West, Inc., Twining, Inc., and Achievement Engineering Corp. will provide construction materials testing services as needed for various projects including annual road maintenance paving and re-surfacing, sidewalks, walls and other infill, bridge retrofits, new bridges, bridge replacements, and road realignments in the County

maintained road system funded by County, State, and Federal revenue. Construction materials testing activities may include preparation of foundation investigations, measurements, and computation of quantities, testing of construction materials, preparation of estimates, reports, gamma-gamma logging, welding inspections and testing, and other activities performed by the contractor or subcontractor necessary to ensure that the construction is being performed in accordance with the plans and specifications. NV5 West, Inc., Twining, Inc., and Achievement Engineering Corp. may provide construction materials testing services on some, or none, of the transportation projects listed in the Board authorized Capital Improvement Plan, Road Maintenance Annual Plan, disaster repairs, and other Public Works projects.

In support of the County’s Renew ‘22 program, which encourages County-wide efficiency, and the need for flexibility in transportation construction, Public Works determined that an “as-needed” contract is the best approach to fulfill the County’s need for construction materials testing services. Each year, considerable time is taken by Department staff to solicit for and subsequently manage contracts for various projects. An “as needed” contractor will save the Department staff time by reducing the number of requests for proposals and contracts requiring administration.

The typical cost of construction materials testing, inspection and contract administration for a transportation project is 4% of the total cost of the construction contract being administered. The total amount payable to NV5 West, Inc., Twining, Inc., and Achievement Engineering Corp. under the Agreements will not to exceed a total sum of \$3,579,741 (\$1,230,250 + \$1,224,160 + \$1,125,331) for the three year period inclusive of the minimum amount of work guaranteed worth \$150,000 (\$50,000+ \$50,000+\$50,000.) All funding is subject to Board approval through an annual appropriation and budget process and Board authorization of specific projects.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Use of these contracts will be budgeted with individual projects as needed.

Narrative:

The construction materials testing service costs in these contracts reflects estimated funds required to perform construction materials testing over three calendar years Countywide. The estimated maximum total cost is \$3,579,741 (\$1,230,250 + \$1,224,160 + \$1,125,331) from July 13, 2021 through June 30, 2024. Funds for this Agreement are budgeted within the specific projects for which the services may be needed in Department 054, Funds 0016 or 0017, Organizational Units 0500 or 0600, and Programs 2710, 2720, 2730, 2740, 2750, 2810, 2820, or 2830.

Special Instructions:

Please forward the following items to Gail Ocheltree in the Public Works Department, Transportation Division, Materials testing Section office, 123 E. Anapamu Street, Santa Barbara, at extension 3094:

- A certified, stamped Minute Order approving these recommendations
- Two duplicate original executed contracts (one original contract to remain on file with the Clerk of the Board)

Attachments:

Attachment A: Agreements for Services of Independent Contractor for Construction Materials Testing Services IDIQ

- A-1 NV5 West, Inc.,
- A-2 Twining, Inc.,
- A-3 Achievement Engineering Corp.

Attachment B: Contract Summaries

- B-1 NV5 West, Inc.
- B-2 Twining, Inc.
- B-3 Achievement Engineering Corp.

Authored by:

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