



Motion No. M2022-68

Job Order Contract for Construction Services-FORMA

Meeting:	Date:	Type of action:	Staff contact:
System Expansion Committee	08/18/2022	Final action	Ted Lucas, Chief Procurement and Contracts Officer Amanda Lanier, Director, Design and Construction Contracts Kevin Kelly, Manager, Design and Construction Contracts

Proposed action

Authorizes the chief executive officer to execute a two-year contract, plus a one-year option to extend, with FORMA Construction Company to perform Job Order Contracting for construction work for a total authorized contract amount not to exceed \$12,000,000 plus applicable taxes.

Key features summary

- This is one of two Job Order Contracts (JOC) seeking separate authorizations from a single solicitation anticipated to result in two contract awards to provide additional capacity to meet agency needs. Sound Transit has one existing Job Order Contract that is anticipated to expire in 2024. A public body may have three Job Order Contracts in effect at any one time, except for the state's Department of Enterprise Services, which may have six Job Order Contracts in effect at any one time.
- This action authorizes a JOC for Sound Transit infrastructure and facilities projects through on-call public works construction services. The work under this contract is for small building and repair projects for both system expansion and non-system expansion projects that are subject to either federal or non-federal funding requirements.
- The JOC is a contract with a fixed period and indefinite quantities of construction services. The specific work under this contract is discrete, definitive, and negotiated using unit pricing books and executed through individual work orders.
- This contract in compliance with all applicable statutes, including but not limited to, RCW 39.10.420 through 39.10.460, which provide the following limits on this Job Order Contract:
 - The total value of work order that may be issued to an individual job order contractor is limited to \$4,000,000 plus applicable taxes per year. Any unused funds from the previous year may be allocated to the following year, not to exceed \$8,000,000 plus applicable taxes;
 - The maximum amount of a work order is limited to \$500,000 plus applicable taxes;
 - At least 90 percent of the work under the JOC must be subcontracted; and
 - The JOC must distribute subcontracts as equitably as possible among qualified and available contractors, including minority and women-owned subcontractors.

- The amount requested covers the initial two-year contract and an option to extend for an additional year.
- This contract has a guaranteed minimum value of \$50,000.
- Applicable taxes are currently estimated for the full contract value to be \$1,230,000.

Background

The JOC is administered as an on-call type contract, with work executed through Individual work orders. It provides a mechanism for Sound Transit to quickly and efficiently complete public works projects including repair, rehabilitation, modification, emergency response, or follow-on construction activities.

The JOC provides effective means of reducing the total lead-time and cost for the construction of public works projects by eliminating time-consuming, costly aspects of the traditional public works process, which requires separate contracting actions for each small project. Use of this contracting method generally reduces the level of engineering, design, contract procurement time, and construction project procurement costs. As projects are identified, work orders will be developed, negotiated, and executed. Environmental review for each project is determined as work orders are developed and prior to execution.

The contract includes the possibility of being used for the Residential Sound Insulation Program (RSIP) near the East Link and Lynnwood Link Extensions to retrofit windows, doors, and central ventilation for affected residences that require sound insulation. For Lynnwood Link, 107 residential units are identified to have potential noise impacts from Park and Ride buses. An additional nine residences are predicted to have residual noise impacts from train operations. East Link has five residential units and one hotel with predicted residual noise impacts from train operations.

Additionally, Sound Transit has determined that the use of the JOC procedure will benefit the public by increasing the utilization of small and minority businesses on Sound Transit projects.

Procurement information

This JOC was procured utilizing a competitive best-value process authorized by RCW 39.10.430. The solicitation reserved the right to award up to two contracts. Sound Transit received four Statement of Qualifications (SOQ) in response to the solicitation on May 25, 2022 from FORMA Construction Company, Saybr Contractors, Inc., Centennial Contractors Enterprises, Inc., and GLY Construction, Inc. The SOQ proposals were evaluated by the following criteria: qualifications of the proposer, qualifications of the proposer's key personnel, proposer's approach to executing the project, outreach efforts and commitments to small businesses and disadvantaged businesses, and commitment to and compliance with equal employment opportunity (EEO) laws, and labor relations.

After the SOQ evaluation, Sound Transit short-listed to three proposers that were interviewed and invited to submit proposals in response to the Request for Final Proposals (RFFP) on July 15, 2022.

FORMA scored highest on the qualifications and interview process, plus submitted the lowest coefficient pricing. Sound Transit determined the pricing to be fair and reasonable based on review of previous JOC contract coefficient rates as well as the current market conditions for construction. FORMA's proposed coefficient is lower than their 2019 coefficient. As a result of all of the previous evaluation steps, FORMA was determined to be the highest-ranked proposer and is therefore recommended for award.

Fiscal information

Services provided under this contract will be funded by the requesting department for which the work will be performed. Since the proposed services will be performed on an as-needed basis using individual work orders, the budget for each work order will be established and verified for availability as each work order is executed.

Disadvantaged and small business participation

Participation by small businesses and disadvantaged business enterprises (DBEs)

Sound Transit promotes and encourages small business participation, which also includes disadvantaged business enterprises (DBEs). Consistent with Sound Transit Policies and federal regulations, Sound Transit has established small business/DBE goals for this contract. These goals are based upon an examination of subcontracting opportunities contained in the work of this contract and the number of small businesses/DBEs available to perform such subcontracting work.

For this specific contract, the following goals were set and the successful Bidder/Proposer has committed to the following small business/DBE participation:

Small business and disadvantaged business enterprise (DBE) goals	
Sound Transit small business goal: 25%	Small business commitment: 25%
DBE goal: 5%	DBE commitment: 5%

Apprentice utilization commitment

Work orders over \$350,000, that also includes over 600 single trade hours, shall utilize a state registered apprenticeship program for that single trade and subject to the requirements of RCW 39.10.450 and 39.04.320.

Public involvement

Not applicable to this action.

Time constraints

A one-month delay would not create a significant impact to the procurement schedule.

_____ **Environmental review** – KH 8/11/22

Legal review – JSA 8/11/22



Motion No. M2022-68

A motion of the System Expansion Committee of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a two-year contract, plus a one-year option to extend, with FORMA Construction Company to perform Job Order Contracting for construction work for a total authorized contract amount not to exceed \$12,000,000 plus applicable taxes.

Background

The Job Order Contract (JOC) is administered as an on-call type contract, with work executed through Individual work orders. It provides a mechanism for Sound Transit to quickly and efficiently complete public works projects including repair, rehabilitation, modification, emergency response, or follow-on construction activities.

The JOC provides effective means of reducing the total lead-time and cost for the construction of public works projects by eliminating time-consuming, costly aspects of the traditional public works process, which requires separate contracting actions for each small project. Use of this contracting method generally reduces the level of engineering, design, contract procurement time, and construction project procurement costs. As projects are identified, work orders will be developed, negotiated, and executed. Environmental review for each project is determined as work orders are developed and prior to execution.

The contract includes the possibility of being used for the Residential Sound Insulation Program (RSIP) near the East Link and Lynnwood Link Extensions to retrofit windows, doors, and central ventilation for affected residences that require sound insulation. For Lynnwood Link, 107 residential units are identified to have potential noise impacts from Park and Ride buses. An additional nine residences are predicted to have residual noise impacts from train operations. East Link has five residential units and one hotel with predicted residual noise impacts from train operations.

Additionally, Sound Transit has determined that the use of the JOC procedure will benefit the public by increasing the utilization of small and minority businesses on Sound Transit projects.

This is one of two Job Order Contracts seeking separate authorizations from a single solicitation anticipated to result in two contract awards to provide additional capacity to meet agency needs. Sound Transit has one existing Job Order Contract that is anticipated to expire in 2024. A public body may have three Job Order Contracts in effect at any one time, except for the state's Department of Enterprise Services, which may have six Job Order Contracts in effect at any one time.

This action authorizes a JOC for Sound Transit infrastructure and facilities projects through on-call public works construction services. The work under this contract is for small building and repair projects for both system expansion and non-system expansion projects that are subject to either federal or non-federal funding requirements.

The JOC is a contract with a fixed period and indefinite quantities of construction services. The specific work under this contract is discrete, definitive, and negotiated using unit pricing books and executed through individual work orders.

This contract in compliance with all applicable statutes, including but not limited to, RCW 39.10.420 through 39.10.460, which provide the following limits on this Job Order Contract:

- The total value of work order that may be issued to an individual job order contractor is limited to \$4,000,000 plus applicable taxes per year. Any unused funds from the previous year may be allocated to the following year, not to exceed \$8,000,000 plus applicable taxes;
- The maximum amount of a work order is limited to \$500,000 plus applicable taxes;
- At least 90 percent of the work under the JOC must be subcontracted; and
- The JOC must distribute subcontracts as equitably as possible among qualified and available contractors, including minority and women-owned subcontractors.

The amount requested covers the initial two-year contract and an option to extend for an additional year. This contract has a guaranteed minimum value of \$50,000. Applicable taxes are currently estimated for the full contract value to be \$1,230,000.

Motion

It is hereby moved by the System Expansion Committee of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a two-year contract, plus a one-year option to extend, FORMA Construction Company to perform Job Order Contracting for construction work for a total authorized contract amount not to exceed \$12,000,000 plus applicable taxes.

APPROVED by the System Expansion Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on August 18, 2022.



Claudia Balducci
Committee Chair

Attest:



Kathryn Flores
Board Administrator