

# CITY COUNCIL REPORT



Meeting Date: June 21, 2022  
 General Plan Element: *Community Mobility*  
 General Plan Goal: *Optimize Mobility for City Buildout*

## **ACTION**

**Contract Modification to Job Order Contract for Citywide Civil Site Work Construction Services.** Adopt Resolution 12510 authorizing Job Order Contract 2021-040-COS-A1 with Nesbitt Contracting Co., Inc., increasing the single job order limit from \$1.5 million to \$2.5 million for citywide civil/site construction projects.

## **BACKGROUND**

The purpose of this action is to increase the single job order limit for Nesbitt Contracting for civil/site construction, specifically the Downtown Entertainment District Lighting project.

Job Order Contracting is a method for procuring construction services authorized by Title 34 of the Arizona Revised Statutes as an alternative to the traditional design-bid-build procurement method. Job order contracting allows the City to select a contractor for on-call projects based on the company's demonstrated qualifications to perform the type of work required. Job Order Contracts are used for smaller projects and those with special requirements or schedules.

The JOC single job order limit increase, from \$1.5 million to \$2.5 million, is needed in order to write an all-inclusive job order with Nesbitt Contracting to complete the Downtown Entertainment District Lighting project. Due to the time constraints and increasing costs, using the JOC alternative delivery method is the best option to complete the construction prior to the 2023 Superbowl.

## **ANALYSIS & ASSESSMENT**

### **Traffic Impacts**

Job orders under this contract will likely cause the contractors to construct projects in street right-of-way. Staff will use established procedures to evaluate and approve the contractor's traffic management plans in each case.

### **Community Involvement**

Staff will continue to use the same community involvement and notification procedures for job orders issued under this contract that are used when projects are constructed using other procurement methods.

Community involvement for each individual job order will be coordinated with the sponsoring Division as design progresses. Additionally, at least one week prior to construction, the JOC contractor will distribute door hangers or post informational signs in the project area.

## **RESOURCE IMPACTS**

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### **Available funding**

Award of this contract does not encumber any City funds. Funds for individual job orders issued under these contracts are available in various CIP projects. Available operational funding may also be used to perform construction work using this contract as well.

### **Staffing, Workload Impact**

The contract administrator, responsible for enforcing all contract provisions, will be Melanie Gibson, Public Works Project Coordinator, in the Capital Project Management Department of the Public Works Division. Existing CPM staff will coordinate contractor activities and provide on-site inspection of work.

### **Future Budget Implications**

Total construction cost for all projects under this contract will not exceed \$10,000,000 for the remainder of the initial 2-year term. Operating budget required to support any projects built using these contracts will be addressed through the annual budgeting process.

## **OPTIONS & STAFF RECOMMENDATION**

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### **Recommended Approach**

Adopt Resolution 12510 authorizing Job Order Contract 2021-040-COS-A1-A1 with Nesbitt Contracting Co., Inc., increasing the single job order limit from \$1.5 million to \$2.5 million for citywide civil/site construction projects.

### **Proposed Next Steps:**

If this action is approved, staff will immediately begin considering the use of this contract as an alternative for the construction of various earthwork, road construction, drainage and bikeway projects as appropriate.

## **RESPONSIBLE DEPARTMENT(S)**

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Public Works Division, Capital Project Management

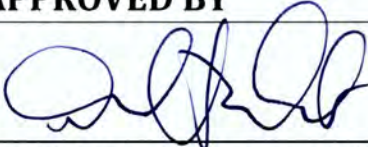
## **STAFF CONTACTS (S)**

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Melanie Gibson, Public Works Project Coordinator [mgibson@scottsdaleaz.gov](mailto:mgibson@scottsdaleaz.gov) (480) 312-7649

**APPROVED BY**

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Daniel J. Worth, Director, Public Works

(480) 312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

6-1-22

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Date

**ATTACHMENTS**

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- 1. Resolution 12510
- 2. Contract 2021-040-COS-A1

RESOLUTION NO. 12510

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, APPROVING CONSTRUCTION SERVICES JOB ORDER CONTRACT NO. 2021-040-COS-A1 WITH NESBITT CONTRACTING CO., INC. INCREASING THE INDIVIDUAL JOB ORDER LIMIT FROM \$1.5M TO \$2.5M

WHEREAS, the City and Nesbitt Contracting Co., Inc. have previously entered into Construction Services Job Order Contract (JOC) No. 2021-040-COS for Citywide Civil/Site Work Construction services; and

WHEREAS, the City has determined that the needs of the City for such services can be best met through an increase in the individual job order limit;

BE IT RESOLVED by the Council of the City of Scottsdale as follows:

Section 1. The City Council authorizes and directs the Mayor to execute Contract Amendment No. 2021-040-COS-A1 with Nesbitt Contracting Co., Inc., increasing the individual job order limit from \$1.5M to \$2.5M. for Civil/Site Work construction services.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST:

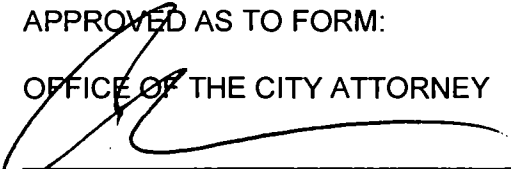
CITY OF SCOTTSDALE, an  
Arizona municipal corporation

By: \_\_\_\_\_  
Ben Lane, City Clerk

By: \_\_\_\_\_  
David D. Ortega, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
Sherry R. Scott, City Attorney

By: Eric C. Anderson, Senior Assistant City Attorney

Resolution 12510

Attachment 1

**CITY OF SCOTTSDALE  
MODIFICATION TO JOB ORDER CONTRACTING SERVICES**

THIS CONTRACT MODIFICATION made and entered into this 21st day of June 2022, between the City of Scottsdale, an Arizona municipal corporation, "the City," and Nesbitt Contracting Co., Inc., an Arizona corporation, "The Contractor", amending the Contract dated April 6, 2021 between the City and the Contractor.

**RECITALS:**

The Mayor of the City of Scottsdale is authorized and empowered by provisions of the City Charter to execute Contracts and Contract Modifications; and

One (1) year of the authorized 5 years under this Contract have been used and the City desires to increase the individual job order limit from \$1.5M to \$2.5M for the second year of the initial term of the original Job Order Contract No. 2021-040-COS for Citywide Civil/Site Work construction services, in accordance with the terms of the original contract; and

The City and the Contractor mutually agree to extend and modify the Contract.

IN CONSIDERATION of the mutual promises and obligations of the Contract, the parties agree as follows:

**1.0 MODIFICATIONS:**

- 2.1 Article 4.1(A), *JOB ORDER PRICE* – AMEND to:  
In no event will any individual Job Order Price exceed \$2,500,000.

**OTHER CONTRACT PROVISIONS:**

All provisions of the original Contract not modified above shall remain in full force and effect as previously stated.

*[END OF CONTRACT-signatures on next page]*

THE CITY OF SCOTTSDALE, by its Mayor and City Clerk have subscribed their names this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AUTHORIZATION

CONTRACTOR:

**NESBITT CONTRACTING CO., INC.,**  
an Arizona corporation

**CITY OF SCOTTSDALE**, an Arizona  
municipal corporation

By: \_\_\_\_\_  
NAME PRINTED: \_\_\_\_\_  
TITLE PRINTED: \_\_\_\_\_

By: \_\_\_\_\_  
David D. Ortega, Mayor

ATTEST:

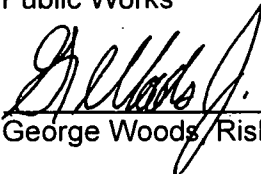
RECOMMENDED:

By: \_\_\_\_\_  
Melanie Gibson, City Contract Administrator

By: \_\_\_\_\_  
Ben Lane, City Clerk

CITY OF SCOTTSDALE REVIEW:

By: \_\_\_\_\_  
Alison Tymkiw, City Engineer  
Public Works

By:  \_\_\_\_\_  
George Woods, Risk Management

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
Sherry R. Scott, City Attorney  
By: Eric C. Anderson, Senior Assistant City Attorney