MEETING DATE: December 6, 2018 (10:00 AM)

ATTENDEES:
William Morgan (COSD-DPW)  
Jason Mordhorst (Hazard Construction)  
Art Hernandez (TC Construction Co.)  
Catherine Dungca (City of San Diego)  
Orland Mott (Mott Engineering Inc.) - LEAD

PUBLIC COMMENTS IN ACCORDANCE WITH BROWN ACT:
- No Public Comments

OVERVIEW:
- Meeting began with participants’ self-introductions. Orland Mott, Lead for the County of San Diego (County) provided an overview of the Contracting Subcommittee - a group created to discuss how contracting can be incorporated to help agencies in their mission of building better roads. Discussion topics included general improvements to the procurement process including responses to bidder inquiries, bid and project start dates, and Job Order Contracts, as well as discussions on discrete items (traffic control and materials testing).

PROCUREMENT TRANSPARANCY
Utilizing an Online Bidding Process
- The County has experienced issues with bids being rejected due to incomplete bid packages and minor clerical errors and is seeking ideas to improve the process.
- Contractors and the County agree that agencies need to utilize an online bidding process.
- The County currently is in procurement process for a vendor to replace Buy Net with a contract management system with a module for procurement; hoping it will go live within six months to one year.
- Contractors cautioned on using a new system that is not consistent with other agencies; note that the City of San Diego’s DBE requirements do not align with other agencies and makes it difficult to comply.

Responding to Bidder Inquiries
- Contractors ask that the agencies post all bidder inquiries and answers on an online portal/website for all bidders to see
• County stated that often contractors don’t ask questions until the last minute; Contractors state that if questions are posted for all to see, it will motivate other contractors to ask questions sooner
• Hard Deadlines for submitting questions – the City of San Diego (City) will answer questions past deadline only if the answer will not affect bids; Caltrans answers questions with the caveat that some answers are informational only and nonbinding
• Contractors ask that addendums posted near bid date should include a bid date extension

Coordinating Bid Start Dates with other Agencies
• The City and County compete for contractors, all agree that agencies need to coordinate bid starts
• Caltrans works nights, County doesn’t want to work at night to compete
• Associated General Contractors (AGC) has an internal system for coordinating local bid start dates

ALTERNATIVE METHODS OF CONTRACTING
Delayed Start / Flexible Start
• Notice to proceed – the County currently implements a 15-day notice to proceed; The City of San Diego uses 14 days; Caltrans uses 15, 55, or 100 days with a flex start of up to one year. Days stated are calendar days
• Contractors agree that 15 days is too short to book subcontractors, get materials and to work on submittals like mix designs; implementing a longer delayed start could produce lower bid prices if there is more flexibility
• County stated that flex start is difficult to manage for staffing; difficult to update stakeholders about projects if delayed start is more than three months
• Contractors state that contractors and the County both must coordinate staff for the project - flexibility helps everyone
• A reasonable compromise could be a 55-day delayed start; could produce lower bid prices if there is more flexibility

Job Order Contracts (JOC)
• The County and the City of San Diego’s current JOCs have too large of a scope (e.g. asphalt paving contracts include concrete curb ramps and other flat work); broad scope makes small business compliance challenging; requires too much overhead for both the County and contractor
• County asks if the current JOC system is something that could be successful if structured properly; contractors and County agree that this system has faults and generates disputes; purpose was to simplify and expedite contract process, but the system has become too cumbersome
• Los Angeles County successfully uses JOCs because of their very narrow scopes
• Contractors suggest allowing best value contracts outside of JOCs; California law requires low bid contracts
• Contractor suggests eliminating the use of only one pay factor since it is impossible to assess risk; recommend allowing a factor for every item

OPEN DISCUSSION
Number of Days on Alternative Bid Items
• Contractor – Number of days may not be feasible for contractors to mobilize to new area; number of days doesn’t align with work to be performed
• County – intent is to consider work in general area; may not be the amount of time required to do that work by itself

Curb Ramps
• Contractors believe curb ramps should not be design/build; ramps should be designed with specific locations in mind; would reduce claims

Traffic Control
• Contractors – inability to fully close roads to perform work like resurfacing; limits efficiencies, reduces quality of work, greater impact to public (contractor on site longer)
• County indicated that it is difficult to detour traffic with the nature of county roads (detours may be very long); general policy is to not allow road closures for single location capital improvement jobs; resurfacing jobs during construction with a single day impact to public can be considered
• Contractors ask why traffic control is lumped into bid items and not a separate lump sum bid item; suggests that paying for extra traffic control used with extra work is easy through T&M

Working Hours
• Short work window leads to inefficiencies and therefore more days affecting the public
• Noise ordinances make night work rare; permitting is time consuming
• The City of San Diego has begun phasing projects; sections of roads get done before moving on to another section; can be more expensive but results in a better-quality product with less public outcry

Materials Testing
• There is ambiguity as to who performs testing and at what frequency
• Contractors suggest improving QC/QA program; contractors must continue to perform QC testing during life of the project while the County can adjust QA testing based on contractor performance; will reduce cost
• Contractors advise the County to update their specs to more recent Greenbook and/or Caltrans specifications to keep up with local labs and best asphalt mix designs; be careful of cut and pasting different specs, consistency is important
• Contractors suggest using recycled demoed materials within the project (i.e. pipe bedding, shoulder backing, etc.)
• Contractors can utilize DBE labs to reach DBE goals

TAKE AWAY
• May want AGC involved in further discussions

ACTION ITEMS
• County will create and distribute meeting minutes to group
• Assign action items