



Project title: Authorize the Mayor to sign Job Order Contracting (JOC) Amendment No 2 to Contract #2021-022 for General Construction Services to Forma Construction Company & Burton Construction Inc.

City Council Agenda Item Cover Sheet

Council Bill # *interoffice use*

Agenda dates requested:

December 7, 2022

Briefing

Proposed action

Consent No

Action

Ordinance

Public hearing

Yes No

Budget amendment:

Yes No

PowerPoint presentation:

Yes No

Attachments:

Amendments #2

Department(s) involved:

Procurement

Contact person:

Theresa Bauccio-Teschlog

Phone number:

(425) 257-8901

Email:

tbauccio@everettwa.gov

Initialed by:

sh

Department head

Administration

Council President

Project: Job Order Task Orders

Partner/Supplier: Forma Construction Company and Burton Construction

Location: Forma Construction Company and Burton Construction

Preceding action: 10/13/2021 – Award Request for Proposal #2021-022
11/24/2021 – Authorize the Mayor to sign Job Order Contract Amendment No 1 to Contract #2021-022 for General Construction Services with Forma Construction
11/24/2021 – Authorize the Mayor to sign Job Order Contract Amendment No 1 to Contract #2021-022 for General Construction Services with Burton Construction Inc.

Fund: Various

Fiscal summary statement:

Per Article 17 of the original contract, adjustment factors may be updated on each anniversary of the contract date to account for changes in construction costs. The adjustment factor is applied to costs in a fixed-price Construction Task Catalog to provide project costs for public works projects below \$500,000. The fixed price Construction Task catalog remains fixed for the length of the contract. The adjustment factor covers the contractor’s overhead, profit, and changes to construction costs. For the upcoming year, the following updates are requested:

Description	Burton 2022	Burton 2023	Difference	Forma 2022	Forma 2023	Difference
Non-Pre-Priced	1.1800	1.18	0	1.1500	1.1500	0
Normal Working Hours	1.3000	1.4038	+.1038	1.3200	1.4254	+.1054
Other Than Normal Working Hours	1.3200	1.4254	+.1054	1.3200	1.4254	+.1054

Project summary statement:

RCW 39.10.420 authorizes the City to establish Job Order Contracting (JOC) to reduce the total lead time and cost for the construction of public works projects for repair and renovation at public facilities. JOC uses a competitive process to select general contractors to oversee the completion of smaller projects at established unit pricing. JOC is one of many construction delivery methods available to internal departments. Job Order Contracting allows departments to save on engineering design costs because they do not have to develop a complete set of plans and specifications or provide project management during the construction phase. The JOC contractors also provide value-engineering services in which the contractor can provide alternate construction methods, which can save money upfront. The ability for the project manager to speak directly with the contractor during project development allows the contractor to suggest better means and methods than may have been previously considered. The collaborative approach is unavailable in a small works roster or design-bid-build process.

Recommendation (exact action requested of Council):

Authorize the Mayor to sign Job Order Contract Amendment No 2 to RFP #2021-022 for General Construction Services to Forma Construction and Burton Construction Inc.

**AMENDMENT NO. 2
JOB ORDER CONTRACT
BETWEEN THE CITY OF EVERETT
AND BURTON CONSTRUCTION**

This Amendment No. 2 is dated for reference purposes November 20, 2022. It is by and between the City of Everett, a municipal corporation under the laws of the State of Washington (“**City**”), and Burton Construction Inc.(“**Contractor**”).

RECITALS

A. The City and Contractor are parties to the Job Order Contract dated November 21, 2021, as amended (the “**Contract**”).

B. The City and the Contractor desire to amend the Contract for the purpose of updating adjustment factors listed in Section 4.3 of the Contract.

CONTRACT

The City and Contractor agree as follows:

1. Effective November 21, 2022, Section 4.3 of the Contract is replaced in its entirety with the following:

- 4.3 The Contractor shall perform all work required, necessary, proper for or incidental to completing the Detailed Scope of Work called for in each individual Job Order issued pursuant to this Contract for the Unit Prices set forth in the Construction Task Catalog® and the following Adjustment Factors:

Normal Working Hours Adjustment Factor

7:00 am to 4:00 pm Monday through Friday, except for City Holidays:

1.4038

Other Than Normal Working Hours Adjustment Factor

4:01 pm to 6:59 am Monday through Friday, and all day Saturday, Sunday, and Owner Holidays:

1.4254

Non-Pre-priced Adjustment Factor:

1.1800

2. Regardless of the date that this Amendment is signed by the parties, the parties agree that the revisions to the Contract under this Amendment are deemed effective on November 21, 2022.

3. All provisions in the Contract shall remain in effect except as expressly modified by this Amendment.

**CITY OF EVERETT
WASHINGTON**

BURTON CONSTRUCTION INC.

By: _____
Cassie Franklin, Mayor

Signature: _____
Typed/Printed Name: _____
Title: _____

Date

Date

ATTEST:

APPROVED AS TO FORM:

Office of the City Clerk

Office of the City Attorney

**AMENDMENT NO. 2
JOB ORDER CONTRACT
BETWEEN THE CITY OF EVERETT
AND FORMA CONSTRUCTION**

This Amendment No. 2 is dated for reference purposes November 20, 2022. It is by and between the City of Everett, a municipal corporation under the laws of the State of Washington (“*City*”), and Forma Construction Inc.(“*Contractor*”).

RECITALS

A. The City and Contractor are parties to the Job Order Contract dated November 21, 2021, as amended (the “*Contract*”).

B. The City and the Contractor desire to amend the Contract for the purpose of updating adjustment factors listed in Section 4.3 of the Contract.

CONTRACT

The City and Contractor agree as follows:

1. Effective November 21, 2022, Section 4.3 of the Contract is replaced in its entirety with the following:

- 4.3 The Contractor shall perform all work required, necessary, proper for or incidental to completing the Detailed Scope of Work called for in each individual Job Order issued pursuant to this Contract for the Unit Prices set forth in the Construction Task Catalog® and the following Adjustment Factors:

Normal Working Hours Adjustment Factor

7:00 am to 4:00 pm Monday through Friday, except for City Holidays:

1.4254

Other Than Normal Working Hours Adjustment Factor

4:01 pm to 6:59 am Monday through Friday, and all day Saturday, Sunday, and Owner Holidays:

1.4254.

Non-Pre-priced Adjustment Factor:

1.1500.

2. Regardless of the date that this Amendment is signed by the parties, the parties agree that the revisions to the Contract under this Amendment are deemed effective on November 21, 2022.

3. All provisions in the Contract shall remain in effect except as expressly modified by this Amendment.

**CITY OF EVERETT
WASHINGTON**

FORMA CONSTRUCTION INC

By: _____
Cassie Franklin, Mayor

Signature: _____
Typed/Printed Name: _____
Title: _____

Date

Date

ATTEST:

APPROVED AS TO FORM:

Office of the City Clerk

Office of the City Attorney