



DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation

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**DATE:** February 24, 2016  
**TO:** MERA Governing Board  
**FROM:** Pat Echols, Operations Officer  
**SUBJECT:** AGENDA ITEM C-1: UPDATE ON PROJECT DELIVERY APPROACH

Accounting

Recommended Action: Accept the report.

Airport

Background and Discussion:

Building Maintenance

At your January 27, 2015 Board meeting a verbal overview was provided regarding project delivery options for MERA Next Gen system implementation and requested that a written summary be provided for you Board’s February 24<sup>th</sup> meeting. At your June 24, 2015 meeting, your Board approved an implementation agreement with the County of Marin the Next Generation Radio System. The agreement provides that the County of Marin will enter into all project contracts and therefore the County’s procedures will be followed in the procurement process.

Capital Projects

Certified Unified Program Agency (CUPA)

Communications Maintenance

County Garage

The design-build process allows for selection of a vendor/project team to provide seamless design and construction services. This process also allows for the selection to be based on ‘best value’ rather than lowest bid. Most cities and counties in California, including Marin County, (some charter cities and counties have different authorities) cannot use this process for construction projects other than building construction (valued at \$1 million or more) and are required to use a Design-Bid-Build process, which is a two-step process: 1) develop a design (including construction plans & specifications) and 2) solicit construction bids in accordance with Public Contract Code using a low responsible bid criteria.

Disability Access

Engineering & Survey

Flood Control & Water Resources

Land Development

Purchasing

County staff recently contemplated what alternative might be considered to utilize the design-build method for the MERA Next Gen project. State codes appear to allow for certain special districts (such as transit and fire protection) to use alternative bid/procurement methods that cities/counties cannot employ. Two potential options were identified. One would require amending Section 5.13 of the MERA JPA agreement to assign bid procurement authority to one of MERA’s special district agencies. The second would involve a separate Joint Exercise of Powers Agreement (JEPA) between the County and one of the special districts. In reviewing options with

Real Estate

Reprographic Services

Road Maintenance

Stormwater Program

Transportation & Traffic Operations

Waste Management

Federal Engineering, MERA, and County Counsel, it was agreed that these procedures have potential issues and that the risk of project delay responding to such challenges was not acceptable. Accordingly, the County intends to use the design-bid-build method for the MERA Next Gen project construction elements.

There will be no impact to current Phase 1 contract with Federal Engineering as it was contemplated in Task 1.4.5 of the contract. The only change to the work program posed by using design-bid-build process is that the vendor RFP scope will not include construction of civil/infrastructure work (design, preparation of plans, specifications, estimates and contractor bid solicitation assistance will still be included in vendor RFP scope). Bids for the construction of civil infrastructure work will be solicited separately once the vendor develops a detailed design. The County will have two contracts (vendor & construction contractor) to administer during the construction/installation phase (sometime in late 2017/early 2018).

The design-bid-build process will require more coordination by the County between the vendor and the construction contractor than if the construction contractor worked directly for the vendor, but the upside is that MERA is expected to benefit from lower construction costs for the civil/infrastructure improvements using competitive bidding. DPW will continue to regularly report on project progress to the Next Generation Project Oversight Committee.