

JOB ORDER CONTRACTING (JOC) USERS GUIDE

OBJECTIVES FOR THE USE OF JOB ORDER CONTRACTING

The main objective for a Job Order Contract (JOC) is to enable the NYS Department of Transportation (NYSDOT) to augment maintenance activities performed by State forces. A JOC provides a flexible, non-specified quantity, non-specified location(s) contract, suitable for identified needs within the scope of the contract. NYSDOT may have identified some work it would like to perform under this contract before the contract is advertised, but this information is not shared with the Contractor at the time of the letting. Additional work is identified as possible JOC work orders during the course of the contract.

NYSDOT is responsible for maintaining an ever expanding transportation system while undergoing significant reductions in the resources available to perform cyclical, preventive, element specific replacement in kind and unscheduled maintenance activities. Resources that can be called upon to perform the necessary activities, in a timely manner, are necessary to maintain the existing system at an acceptable level of service to the traveling public.

A Job Order Contract allows NYSDOT managers the flexibility to deploy contracted resources to perform a variety of maintenance type activities. Currently, the Federal JOC contracts are a pilot program for NYSDOT.

FUNDING AND DURATION

The base term for a JOC is one year, with the completion date being one year from the date the contract is awarded by the NYS Office of the State Comptroller (OSC). The contract proposal will indicate an estimated completion date based on the scheduled Letting date. There are potentially 3 separate one year bilateral (mutually agreed upon) option periods, called terms and corresponding increases in funding, called fund replenishment. Both the NYSDOT and the Contractor must mutually agree to extend the contract for the next one year term.

State Funded JOCS

All types of JOC contracts are eligible for State funds. The maximum initial contract value for all State-funded JOCs in Regions 1-7 and 9 is \$1.0 Million prior to application of the Contractor's Bid Factor(s). The maximum initial contract value for all State-funded JOCs in Regions 8, 10 and 11 is \$2.0 Million prior to application of the Contractor's Bid Factor(s). The contract cannot extend beyond 4 years from the date of award, and cannot exceed four times (4 x) the original contract value, whichever comes first.

Federal Aid Bridge JOCS

NYSDOT was given approval from the FHWA to use Federal Aid on Bridge JOCs under Special Experimental Project 14 (SEP 14), Innovative Contracting Practices pilot(s). The SEP 14 second pilot project expires on 12/31/2017, and the SEP 14 third pilot project expires on 12/31/2021, after which additional funding of FA JOC contracts must be confirmed by FHWA.

The maximum initial contract value for all Federal Aid JOCs in Regions 1-7 and 9 is \$1.0 Million prior to application of the Contractor's Bid Factor(s). The maximum initial contract value for all Federal Aid JOCs in Regions 8, 10 and 11 is \$2.0 Million prior to application of the Contractor's Bid Factor(s). The contract cannot extend beyond 4 years from the date of award, and cannot exceed four times (4 x) the original contract value, whichever comes first.

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DESIGN

JOC types (scopes of work) are limited to Bridges, Highways, Overhead Sign Structures, Culverts, and Combined. They will be used when other existing NYSDOT contracts are not practical or cost beneficial. No additional types will be allowed without prior approval from OSC.

- Highways– work on highways or appurtenances (ex. paving, drainage, guide rail, signs). Highway work includes maintaining the traveled lanes, shoulders, drainage structures and drainage surfaces, guiderail, safety hardware (for example signs or impact attenuators) and other appurtenances within the ROW.
- Bridges– work on bridges (ex. maintenance, cleaning, repair, element specific replacement in kind). Bridge work includes actions that deter or correct deterioration of a bridge asset to extend its useful (service) life; it does not entail structural or operational improvement of an existing bridge beyond its originally designed strength or capacity. Element specific replacement refers to, for example, replacement of all of the bridge joints on a bridge or bridges. A JOC will not be used to construct complete replacements of existing bridges.
- Overhead Sign Structures – work on sign structures over highways. The work will be performed to address structural condition flags which have been issued on these types of structures based on NYSDOT's inspection program. A JOC will not be used to construct complete replacements of existing overhead sign structures.
- Culverts– work on culverts under or along a highway. A culvert is a structure with a span less than 20 feet (over 20 feet is considered a bridge).
- Combined –includes any combination of the above. (This type will not be allowed if it includes any of the types above that are included in a current JOC contract for the county/region unless prior approval is granted by OSC).

Naming Convention: It is very important to use consistent naming with all JOC contracts. All Job Order Contracts will use the appropriate contract description from the list below.

Job Order Contract (JOC): Bridge

Job Order Contract (JOC): Highway

Job Order Contract (JOC): Overhead Sign Structures

Job Order Contract (JOC): Culvert

Job Order Contract (JOC): Combined

NYSDOT will limit JOCs to one per county or Region per type. The smallest jurisdictional area (contract limits) of a JOC contract will be a County. This will allow Regions to meet the needs for infrastructure maintenance and repair without creating overlapping contract limits. For replacement JOCs (new contracts with the same scope), there may be some overlap during the letting and award process, but new job orders cannot be issued through the existing JOC once the replacement JOC has been awarded.

Unit Price Book

The Unit Price Book (UPB) is developed by and provided to the NYSDOT by the Job Order Contracting Consultant. The UPB is an area specific document which contains a series of work tasks with preset unit prices. Each contract has a unique UPB. The UPB is applicable for the life of the contract.

Each task in the UPB contains a description, unit of measurement, and a unit price. Each unit price contains locally developed direct costs for material, labor, and equipment. The UPB follows the Construction Specifications Institute (CSI) specifications format. The CSI is a nationally recognized organization that maintains and advances the standardization of construction building specifications. The UPB tasks have been modified to reflect civil heavy and highway work. The prices in the UPB should be used as the basis for the Contractor to determine the Contractor's Bid Factors.

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Initial Project Proposal (IPP)/Final Design Report (FDR)

Regional Design Groups will copy the Office of Transportation Maintenance on the Regional IPP/FDR Approval memo which the designer sends out once Regional approval of the IPP/FDR (Design Approval) has been received. The Office of Transportation Maintenance will then notify the Job Order Contracting Consultant to begin to prepare the Unit Price Book (UPB).

Plans, Specifications, and Estimate (PS&E)

Upon receipt of an approved IPP/FDR from the Region, the Office of Transportation Maintenance will notify the Job Order Contracting Consultant and identify the Region, the PIN number, the proposed scoping and the Plans, Specifications, and Estimate (PS&E) due date.

The UPB is prepared in the time between notification by the Department and the PS&E due date. Draft copies of the UPB are forwarded to the Region for review prior to final publication.

LETTING AND AWARD

Advertisement: Design Quality Assurance Bureau (DQAB), the Project Letting and Management Bureau, and the Contracts Management Bureau work together to ensure that the project is properly advertised. The Project Letting and Management Bureau either authorizes advertisement or obtains FHWA's authorization to advertise, as appropriate. The contract description used in the advertisement shall be in accordance with the naming convention above.

Pre-Bid Meeting: A pre-bid meeting is typically held at the Regional Office, 3 to 4 weeks prior to the letting date. The meeting is held to provide the prospective bidders with an overview of how a JOC contract with NYSDOT works, as it is different from traditional construction contracts. The overview is provided by the Department's Job Order Contracting Consultant, with assistance from appropriate NYSDOT staff, including Regional and Main Office personnel.

CONTRACT ADMINISTRATION

All recordkeeping will be maintained in accordance with Manual for Uniform Recordkeeping (MURK), Part 1A *Contract Administration Manual* (CAM). In addition to the typical record keeping performed using Site Manager, contract administration also includes using the Job Order Contracting Consultant's web-based contract management program. An electronic version of the "Job Order Contracting Consultant's User's Guide is available on line. The Job Order Contracting Consultant will provide assistance for both NYSDOT and the Contractor in learning and familiarizing themselves with this program throughout the duration of the contract.

The proposed work type and locations are selected by the Regional Maintenance Group, while the construction work is monitored by an Engineer in Charge (EIC) from the Regional Construction Group. During the construction phase, a strong working relationship between the Regional Construction group and the Regional Maintenance group is crucial to success.

Preconstruction Meeting: The Contractor, EIC, Regional staff, and other interested parties involved in the contract meet to discuss the contract scope, work plan and schedule and review administrative procedures necessary to begin work. Potential job orders will be discussed and at least one job scope field review will be scheduled.

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JOB ORDERS

All Job Orders are to be consistent with the scope of work listed in the proposal.

Individual job orders are capped at \$500,000. Approval to exceed this threshold must be obtained from the Office of the State Comptroller prior to ordering the work. Notice of this provision will be included in the contract proposal.

Individual Job Orders in excess of \$150,000 where the aggregate Non Pre-priced task value is in excess of 10% of the Job Order value, the Non pre-priced task will require the prior approval of the OSC. All requests for this approval will be through the Office of Construction.

All job orders are to be reviewed for compliance to NEPA, SEQRA, ROW, Railroad FA, Work Zone Traffic Control, permit requirements, etc.

Job Orders should not be issued if the Contractor cannot complete the work, including allowances for weather delays, by the contract completion date.

FIELD OFFICES

Field personnel managing Job Order Contracts will work out of State owned facilities whenever possible. If space in a State owned facility is not available, or if a majority of the proposed work is in a remote area, an Engineers Field Office may be necessary. An Engineers Field Office may be shared between several contracts. Shared Field Offices will be paid for out of a single contract. If an Engineers Field Office is required for the contract, payment will be made as follows:

- For construction inspection staff of 1 to 3 employees, the office furnished shall meet the requirements of Standard Specification Item 637.11, Engineers Field Office- Type 1.
- An Item is contained in the Unit Price Book to mirror the Standard Specifications.
- Basic office supplies such as printer paper, pens, envelopes, etc. will be supplied by the Regional office.
- Field Office computer hardware and cell phones will be supplied by the Regional office.

CHANGE ORDERS

Time Extensions for Additional Terms.

Requests for a time extension must be submitted in a Change Order (CO). If the contract is to be extended for an additional term, the Form CONR 250 *Application for Extension of Completion Date* signed by the Contractor must be attached to the CO, in accordance with the Contract Administration Manual (CAM).

Fund Replenishment.

Request for fund replenishment must be submitted via a Change Order (CO). The value of the CO will be the amount estimated to be needed by the Region, up to the original contract amount. Fund replenishment must be requested concurrently with an additional term. The funding CO number should be one higher than the time extension. Any fund replenishment amount less than the original contract amount cannot be added later in the term, and cannot be added to the fund replenishment for a subsequent additional term.

Adjustments made to the Contractor's Bid Factors will be made annually, effective on the contract anniversary date. Adjustments will be calculated as stated in the Special Note, Job Order Contract, found in the contract proposal.

Submittal to OSC.

In order to achieve a smooth transition from one term to the next and not experience any gaps in the time available to perform work, COs will be submitted to OSC up to 30 days prior to the current completion date. This will allow OSC sufficient time to review, and approve the CO and prevent any lost time for field construction.

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NYSDOT will create and approve both COs in Site Manager, and submit them to OSC via SFS as close together as is possible, with the Term Extension submitted first. (OSC cannot approve fund replenishment without an additional term).

Job Order Tracking Report

All COs shall include a list of all Job Orders which have: (1) been completed, (2) are in progress, and (3) are currently planned to be performed during the extended period (this will not be an all inclusive or complete list). *An easy way to document this information is by including a copy of the “Job Order Tracking by Status” report, or by including a copy of the “Job Order Tracking by Region” report. This report should be exported into Excel, and the other contracts should be deleted from the report.*

DEVELOPMENT OF A JOB ORDER:

After the work needs are identified by Regional Maintenance staff, the EIC, in conjunction with the appropriate Regional Maintenance staff, will investigate the work to be accomplished, the availability of the use of existing NYSDOT non JOC related contracts (where practical or cost beneficial), the availability of information and documents concerning the site and the existing conditions (as built drawings), the availability of information and documents concerning the proposed work (drawings, sketches, etc...), and will review items to be discussed at the Joint Scope Meeting. Following this preliminary investigation, the EIC and the appropriate maintenance personnel will prepare a preliminary Scope of Work. The EIC will then schedule a Joint Scope Meeting with the Contractor and all other stakeholders. The EIC will send a Notice of Joint Scope Meeting to all invitees.

A. The Joint Scope Meeting is held on site of the proposed work. The EIC and the appropriate Regional staff will explain the preliminary Scope of Work to the Contractor. During the Joint Scope Meeting, the following, at minimum, should be discussed: the overall intent of the work and the specific tasks to be performed; a duration for the construction in days and a possible start date; the hours of the day during which the work can be performed; access to the site; requirements for work zone traffic control; the presence or absence of any hazardous materials, and testing required for such hazardous materials; sketches, drawings, catalog cuts, shop drawings, technical data on materials, material samples, or other submittals which may be required; necessity of permits or special inspections; requirements for as- built drawings; and the due date for the Job Order Proposal. During the Joint Scope Meeting, NYSDOT personnel and the Contractor should take any necessary measurements of key project conditions. This will assist in developing and approving the Contractor's Price Proposal.

B. Detailed Scope of Work. Following the Joint Scope Meeting, NYSDOT staff will prepare the Detailed Scope of Work. The Detailed Scope of Work may reference drawings, sketches, Standard Specifications, Standard Sheets, or other documents, and should also include any work zone traffic control requirements and/or reference to a standard MUTCD plan. The EIC will then forward the Detailed Scope of Work to the Contractor along with a Request for Proposal (RFP) which will include the date on which the Proposal is due and indicate whether Liquidated damages will apply.

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C. Contractor's Job Order Proposal. Following the Joint Scope Meeting, and a Request for Proposal from NYSDOT, the Contractor will develop a Job Order proposal for performing the work. The Contractor will use tasks and prices found in the Unit Price Book. Design, estimating, and coordination work in developing the project (developing the cost proposal for the Job Order) will be performed using the Job Order Contracting Consultant's web-based software.

The Contractor's Proposal will include a Price Proposal (with cover sheet and back-up for all Non Pre-Priced Tasks) and a construction schedule expressed in number of days. The Contractor shall prepare, and provide to NYSDOT, all back-up calculations, diagrams, etc. used to determine quantities included in the Proposal.

When a work task has been identified but a corresponding item is not available in the Unit Price Book, the proposed work will be developed using a Non Pre-Priced Task. The documentation supporting each Non Pre-Priced Task should include a cover sheet setting forth in detail the calculation in accordance with the Special Note in the contract proposal and copies of all material and subcontractor quotes.

D. NYSDOT Proposal Review. When the Contractor has developed an acceptable Proposal package, the Contractor will submit the Contractor's Proposal to the EIC for review. The EIC and the appropriate Regional staff will review the Proposal, including: review the Detailed Scope of Work and Standard Specifications, drawings, or other materials referenced therein; review the Contractor's proposed schedule; determine whether all necessary documents and information have been submitted; request any information which is missing.

For each Pre-priced task (for which there is an Item in the UPB) the following will be considered when reviewing: Is this task required?; Is the task used the most appropriate task in the UPB for the work specified?; Is the task part of another task?; Are the quantity(ies) correct? (ask for calculations, conversions, sketches, etc... to identify); and Has the Contractor used the correct Contractor's Bid Factor?

For each Non Pre-Priced Task included in the Contractor's proposal, the reviewer should consider the following during review: Is this task required? Should the Contractor have used a Pre-priced task from the UPB? If not, then is there any task in the UPB that covers a portion of this item of work?; Is the required back up provided, including the calculation from the Special Note and three independent quotes for material and subcontractor prices (which should be verified as independent)?; and Has the Contractor used an Contractor's Bid Factor of 1.0?

Following this initial review of the Contractor's Proposal, the EIC should transmit comments to the Contractor with an explanation. The reviewer should not approve a task or quantity if he/she is not sure it is appropriate. Quantities should be verified in the field or from approved drawings.

E. Proposal Review Meeting. If the NYSDOT and the Contractor feel a Proposal Review Meeting is necessary, follow these guidelines: Prior to the meeting: NYSDOT should document clearly and specifically changes which have been made/suggested to the Contractor's original Proposal. Prior to the meeting the EIC should forward a marked up copy of the Contractor's Proposal to the Contractor. This will make the Contractor aware of the proposed changes.

During the proposal Review meeting, NYSDOT should be knowledgeable of and ready to explain all requested changes to the Proposal. NYSDOT should be prepared to make changes to the Price Proposal and/or the Detailed Scope of Work. The Contractor should have his supporting documentation available and be prepared to explain the tasks he selected and calculations performed. If an agreement on specific tasks or quantities cannot be reached, a second site visit with all interested parties may be appropriate.

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F. Job Order Issuance. When the EIC has reviewed the Contractor's Proposal and has determined that it is fair and reasonable compensation for the proposed work, NYSDOT will issue a Job Order. Once an acceptable Proposal is received and accepted by NYSDOT, the EIC will approve the Price Proposal in Job Order Contracting Consultant's web-based software, schedule the start date for construction, enter the Job Order Issued date, and print out the approved Job Order. The EIC will obtain the required signatures for the Job Order and will forward a signed copy of the Job Order to the Contractor. The EIC will maintain at a minimum the following information in the files for each approved Job Order: copies of the Notice of Joint Scope Meeting, Detailed Scope of Work, Request for Proposal, Price Proposal with all back up, and the approved Job Order.

No Job Orders will be issued if a CO for additional funding is required and not approved or if a time extension is required to reasonably complete the work.

G. Performance of Work: All work performed via issued Job Orders shall conform to NYSDOT Standard Specifications, Standard Sheets, etc. or in accordance with specific requirements contained in the approved Job Order.

H. Supplemental Job Orders. After the Job Order is issued, if the EIC determines that additional, extra, or changed work is or has been required in connection with the construction of the approved Job Order, a supplemental Job Order will be developed. This supplemental can be either a positive quantity or a negative quantity depending on the situation involved (additional quantity/extra work performed or quantity/work in the original approved Job Order which was not performed). The development and approval of the Supplemental Job Order will follow the same guidelines as used when developing the original Job Order (Detailed Scope of Work, submittal and review of Proposals, issuing a Supplemental Job Order, etc.).

The original Job Order and Detailed Scope of Work, and all related documentation, shall not be modified and shall be retained in its original condition as part of the permanent Job Order File records.

PAYMENTS. Payments to the Contractor will be made at the completion of the work identified in each Job Order. Semi-monthly or monthly payments will generally be made to the contractor in accordance with the provisions of §109-06 of the NYSDOT Standard Specifications.

JOB ORDER STATUS. As work progresses, the EIC will update the status and the dates in Job Order Contracting Consultant's web-based software with accurate information (construction start date, construction completion date, etc.)

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GLOSSARY

The following are definitions of key words, or phrases, used throughout the JOC process:

Contractor's Bid Factor: is the competitively bid factor multiplied by the pre-priced tasks appearing in the Unit Price Book. There are two Contractor's Bid Factors for each contract. One Bid Factor is to be applied to tasks performed during normal working hours. The second Bid Factor is to be applied to tasks performed during other than normal working hours.

Detailed Scope of Work: is a document prepared by the EIC after the Joint Scope Meeting describing in detail the work the Contractor will perform in connection with a particular Job Order.

Job Order: is a document prepared by the EIC and issued to the Contractor authorizing the Contractor to proceed with the Detailed Scope of Work based on the Job Order Proposal submitted by the Contractor and approved by NYSDOT.

Job Order Completion Time: is the period of time, expressed in calendar days, set forth in the Job Order within which the Contractor must complete the Detailed Scope of Work.

Job Order Price: is the lump sum price appearing on the Job Order Price Proposal to be paid to the Contractor for completing the Detailed Scope of Work.

Job Order Price Proposal: is a document prepared by the Contractor containing the pre-priced tasks required to accomplish the Detailed Scope of Work multiplied by the quantities multiplied by the appropriate Contractor's Bid Factor, and the costs for any non-pre-priced tasks.

Job Order Proposal: is the documents submitted by a Contractor in response to a Request for Proposal including: a Job Order Price Proposal, required architectural or engineering drawings, catalog cuts, a list of anticipated subcontractors and material suppliers, a construction schedule, and sample warranties or guarantees.

Joint Scope Meeting: is a meeting held at the site of the proposed work during which the EIC, Contractor, and appropriate others review the proposed work and any other issues relating to the Job Order.

Non Pre-Priced Task: is a construction task for which a pre-set price is not contained in the Unit Price Book.

Notice of Joint Scope Meeting: is a document prepared by the EIC and sent to the individuals invited to the Joint Scope Meeting.

Pre-priced Task: is a construction task for which a pre-set price is contained in the Unit Price Book.

Request for Job Order Proposal: is a document prepared by the EIC and sent to the Contractor requesting that the Contractor prepare a Job Order Proposal for the Detailed Scope of Work.

Unit Price Book: the document containing all Pre-priced Tasks and associated unit prices.