

**NYSDOT/FHWA SEP 14 Pilot Program  
Job Order Contracts for Bridge Maintenance  
Interim JOC-2 Report  
December 2012 to February 2017**

**FEDERAL AID BRIDGE JOCs, JOC-2 PILOT PROGRAM**

In January 2013, the NYSDOT sought approval from the FHWA for the second time to use Federal funding for a non-determinate quantity, non-determinate location type contract for bridge maintenance activities through the Federal “Alternative Contracting” SEP-14 program. A 2<sup>nd</sup> three year pilot program to contract element-level bridge maintenance activities using the Job Order Contracting (JOC) system was approved in September 2013. The JOC-2 Pilot is extended and will expire December 31, 2018 and NYSDOT will be pursuing approval of a JOC-3 with FHWA.

Six bridge JOCs have been let with federal aid funding under the JOC-2 Pilot, with at least three, and possibly more, being awarded in 2017 prior to JOC-2’s expiration. If the Regions seek extension of these contracts, it is desired that they be extended under the JOC-3 Pilot program if/when available.

**FEDERALLY-AIDED JOB ORDER CONTRACTS – SEP 14 JOC-2 PILOT PROJECTS**

CONTRACT NUMBER	DESCRIPTION	DATE AWARDED	DATE COMPLETE	CONTRACT VALUE
D262603	R8 Bridge JOC; Dutchess	05/29/2014	05/28/2016*	\$965,652
D262596	R2 Bridge JOC	06/12/2014	06/12/2016*	\$464,112
D262604	R8 Bridge JOC; Orange	06/20/2014	06/19/2016*	\$1,000,000
D263128	R3 Bridge JOC	08/01/2016		\$990,074
D263223	R8 Bridge JOC; Rockland	08/26/2016		\$1,082,898
D263293	R6 Bridge JOC	11/30/2016		\$905,946
D263376	R9 Bridge JOC; Broome and Tioga	Spring 2017		
D263377	R9 Bridge JOC; Otsego and Schoharie	Spring 2017		
D263378	R9 Bridge JOC; Chenango, Delaware, and Sullivan	Spring 2017		

\*includes a 1-year time and funding extension

There were (5) Bridge JOCs, (1) in R5 and (4) in R9, that were awarded as State Dedicated Funding projects in Spring/Summer 2013 during the period between JOC-1 expiring in December 2012 and the approval of JOC-2 in September 2013. Award of these projects was necessary to avoid a lapse in the Region’s ability to contract for bridge maintenance work, given the uncertainty of a JOC-2 approval by FHWA. Most of these JOCs went to the fullest extent of SDF funding and time extensions (3 times) with final expiration in 2017. This is the reason for the noticeable lack of federal-aid bridge JOCs the past few years.

**JOC-2 Extension**

To avoid another lapse in federal-aid funding (as occurred between JOC-1 and JOC-2) JOC-2 is extended until 12/31/2018 and overlap with JOC-3 once it is approved (anticipated by 1/1/2018). This will allow contracts that are awarded in 2017, under JOC-2, to have consistent funding throughout the life of the contract, including any extensions the Regions may seek.

As an example, R9 is scheduled to award a federal-aid bridge JOC on April 1, 2017 under JOC-2. This contract will expire March 31, 2018 and will continue to be funded under JOC-2 until that date. Once expired, the contract can be extended under JOC-3 funding. When JOC-3 is available, all new contracts will be awarded under JOC-3 funding.

### **REGIONAL USE OF JOCs**

The use of JOCs across NYSDOT has still not reached its full potential. Unfortunately, some of NYSDOT's Regions that previously utilized JOCs no longer have the necessary staffing resources in their Design, Construction, and Maintenance Groups to successfully administer and manage their JOCs.

However, the six Regions that have successfully used JOCs are continuing to expand their use to one JOC per County, not only for bridge JOCs but also for SDF highway and culvert SDF JOCs. A couple of Regions have also found JOC to be beneficial for their overhead sign structure maintenance. Awarding JOCs at the County level not only encourages smaller business competition (thereby procuring a better bid/contract price for NYSDOT) but it also allows the Department to achieve more infrastructure maintenance.

### **JOC USER'S GUIDE AND CONSTRUCTION SPECIAL NOTE REVISIONS**

Revisions to the JOC User's Guide and Construction Special Note were submitted to the NYS Office of State Comptroller on 1/24/2017 for approval. The revisions will better align the two documents to avoid contradictions, remove excess verbiage, improve terminology, and provide consistency across both documents (see attached draft documents).

### **CONSULTANT CONTRACT**

The consultant contract to service and administer NYSDOT's JOC (currently held by the Gordian Group; Contract #C030790) will expire October 31, 2017. In order to continue the JOC program NYSDOT will release a Request For Proposals for Job Order Contracting (JOC) Services for NYSDOT Contract #C037621 in Spring/Summer 2017.

### **DISADVANTAGED BUSINESS ENTERPRISES (DBE) GOALS**

As per the NYSDOT Highway Design Manual Chapter 21, JOC is a work type that does not lend itself to setting DBE goals. JOCs are contracts where the detailed scopes of work, locations of work, and schedule are not determined until after the award. Therefore, DBE goals are not required for this type of work. However, at pre-bid/pre-con meetings, contractors are encouraged to use DBEs for sub-contractors and to purchase their materials and supplies from DBEs. For more information on why JOC DBE goals are 0%: [See the NYSDOT Webpage on Setting Disadvantaged, Minority and Women Business Enterprise Goals on Construction Projects](#)

### **FEDERAL ENVIRONMENTAL APPROVAL WORKSHEET (FEAW)**

FEAWs should be filled out for each individual job site/project scheduled for work under a JOC contract. However, the NYSDOT Regions have been inconsistent with completing them. NYSDOT Main Office will work with the Regions to provide guidance, and training if necessary, to ensure full compliance with this requirement.