

**STAFF REPORT FOR CALENDAR ITEM NO.: 8  
FOR THE MEETING OF: November 19, 2012**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Amending Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture (the "CM/GC") to award a Trade Work subcontract to Anvil Builders in an amount not to exceed \$9,250,000 over a term of four years for TG05.3: Personnel and Material Hoist Services, thereby increasing authorized Direct Costs by \$9,250,000 and increasing the authorized Construction Services Fixed Fee by \$758,500, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

**EXPLANATION:**

On August 9, 2012, the CM/GC released a Request for Proposals ("RFP") for TG05.3: Personnel and Material Hoist Services as part of the provision of site logistics. Site logistics has been set aside for 80 percent Small Business Enterprise ("SBE") participation.

The scope of work under this package is to provide, install, maintain and dismantle personnel and material hoists, including but not limited to engineered platforms, jumps, landing gates and any other necessary labor, material, equipment and supplies related thereto. The Trade Subcontractor is required to run power from the temporary power skids to each personnel and material hoist, including but not limited to engineering disconnects, wiring, conduit and any other necessary labor, material, maintenance, equipment, supplies, and removal related thereto. Qualified hoist operators for all shifts shall also be provided as required. An independent cost estimate was prepared in July 2012, and totaled \$12,200,000 over a four year period.

On September 14, 2012, three firms responded to the RFP. Two proposals were not responsive because they did not submit required documents outlined in the RFP. The proposal from Anvil Builders met all of the requirements contained in the RFP.

On September 20, 2012, a selection committee consisting of Brian Dykes from TJPA, Gary Krutsch from Turner Construction, and Sihaya Roselle from the CM/GC reviewed and scored Anvil Builders' proposal for technical merit. Based on this evaluation, the selection committee recommended that an agreement be negotiated with Anvil Builders.

After the notice of intent to negotiate was issued, an appeal was filed by Clipper International, another respondent to the RFP. The appeal was based on licensing requirements. The appeal was evaluated, found to be without merit, and denied; Anvil Builders and its subcontractors possess the necessary licenses for the work.

On October 23, 2012 the CM/GC entered into negotiations with Anvil Builders, which were completed on October 25, 2012. Anvil Builders is a SBE certified by the California Department

of General Services. This Trade Work subcontract will have 80 percent SBE participation. Specific work will be authorized as needed and shall be compensated on an hourly basis in accordance with the Project Labor Agreement. Fixed rates have been negotiated for the Trade Subcontractor's overhead on labor and monthly equipment rates are fixed for the life of the Trade Work subcontract. The term of the Trade Work subcontract is four years with a maximum compensation of \$9,250,000.

**RECOMMENDATION:**

TJPA staff recommends that the TJPA Board authorize amending Contract No. 08-04-CMGC-000, authorizing the CM/GC to execute a Trade Work subcontract to Anvil Builders in an amount not to exceed \$9,250,000 over a term of four years for TG05.3: Personnel and Material Hoist Services for Personnel, thereby increasing authorized Direct Costs by \$9,250,000 and increasing the authorized Construction Services Fixed Fee by \$758,500, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

**ENCLOSURES:**

1. Resolution
2. Contract Modification

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

WHEREAS, On March 12, 2009, the Transbay Joint Powers Authority (“TJPA”) awarded a contract to Webcor/Obayashi Joint Venture as Construction Manager/General Contractor (the “CM/GC”) for the Transbay Transit Center Building and Related Structures (“Contract No. 08-04-CMGC-000” or the “Contract”). Under the Contract, the CM/GC must competitively procure Trade Subcontractors. The Contract provides for the incorporation of Trade Packages by amendment to: (a) authorize award of a Trade Work subcontract; (b) authorize the associated increase in allowable Direct Costs under the Contract; and (c) authorize the CM/GC to charge a Construction Services Fixed Fee invoiced at a rate of 8.2% of Direct Costs (Contract, Section 00 05 20, ¶5.01); and

WHEREAS, On August 9, 2012, the CM/GC issued Request for Proposals TG05.3: Personnel and Material Hoist Services (“TG05.3”) for the entire Transbay Transit Center Program to provide, install, maintain and dismantle personnel and material hoists, including, but not limited to, engineered platforms, jumps, landing gates and any other necessary labor, material, equipment and supplies related thereto. The Trade Subcontractor is required to run power from the temporary skids to each personnel and material hoist, including, but not limited to, engineering disconnects, wiring, conduit and any other necessary labor, material, maintenance, equipment, supplies, and removal related thereto. Qualified hoist operators for all shifts shall be provided as required; and

WHEREAS, Under TG05.3, the Trade Subcontractor will perform all personnel and material hoist related activities for the entire Transbay Transit Center Program; and

WHEREAS, On September 14, 2012, three proposals were received by CM/GC. A Selection Committee convened to evaluate the proposals for technical merit. Only one of the proposals met all minimum qualifications in response to the RFP; and

WHEREAS, The Selection Committee ranked Anvil Builders the highest and found that Anvil Builders is well qualified to perform the scope of services under TG05.3; and

WHEREAS, Based on the Selection Committee’s recommendation, the CM/GC has negotiated a Trade Work subcontract with Anvil Builders for personnel and material hoist services as required under TG05.3. The term of the Trade Work subcontract is four years in an amount not to exceed \$9,250,000; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the CM/GC to execute a Trade Work subcontract for Personnel and Material Hoist Services, as set forth in TG05.3 with Anvil Builders, for four years in an amount not to exceed \$9,250,000; and be it

FURTHER RESOLVED, That upon award of the Trade Work subcontract to Anvil Builders, the Trade Work subcontract shall be deemed part of the Contract Documents under Contract No. 08-

04-CMGC-000; and be it

FURTHER RESOLVED, That Contract No. 08-04-CMGC-000 is hereby modified to incorporate the authorized amount of Trade Work subcontract awarded to Anvil Builders for personnel and material hoist services by increasing authorized Direct Costs by \$9,250,000 and increasing the authorized Construction Services Fixed Fee by \$758,500, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of November 19, 2012.

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Secretary, Transbay Joint Powers Authority

**AGREEMENT**  
**AMENDMENT NO. 25**  
**BETWEEN**  
**TRANSBAY JOINT POWERS AUTHORITY**  
**AND**  
**WEBCOR/OBAYASHI JOINT VENTURE**

THIS AMENDMENT NO. 25 to Contract No. 08-04-CMGC-000 (the "Agreement"), dated March 17, 2009, is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between the TRANSBAY JOINT POWERS AUTHORITY (the "TJPA") and Webcor/Obayashi Joint Venture (the "CM/GC"). By this Amendment No. 25, the TJPA and the CM/GC hereby modify the Agreement only to the extent expressly provided herein. All other terms and conditions of the Agreement shall remain in full force and effect.

**Recitals**

- A.** On March 12, 2009, the TJPA Board of Directors (the "TJPA Board") awarded the Agreement to the CM/GC to perform pre-construction and construction services for the Transbay Transit Center Building and Related Structures Project (the "Project").
- B.** As detailed in the Agreement, the CM/GC is required to procure construction services through the award of Trade Packages, at which time the TJPA shall adjust the value of the Contract Sum to reflect the amount of the awarded Trade Work subcontract plus the proportionate CM/GC's Construction Services Fixed Fee, all in accordance with Section 00 05 02, Paragraph 5.01, of the Agreement.
- C.** The CM/GC issued a Request for Proposals ("RFP") for TG05.3: Personnel and Material Hoist Services ("TG05.3") on August 9, 2012, and received one responsive proposal on September 14, 2012.
- D.** A Selection Committee reviewed the proposal for technical merit and determined Anvil Builders to be responsive and qualified.
- E.** Based on the Selection Committee's recommendation, the CM/GC negotiated a Trade Work subcontract with Anvil Builders for personnel and material hoist services as set forth under TG05.3 for a term of four years in an amount not to exceed \$9,250,000.

**Terms and Conditions**

- 1.** By this Amendment, the TJPA authorizes, under and in accordance with Section 00 05 20, ¶5.01, of the Agreement, an increase in the CM/GC scope of work and the value of the Contract Sum by \$10,008,500 (Trade Package Direct Costs of \$9,250,000 and CM/GC Construction Services Fixed Fee, calculated at 8.2 percent of Trade Package Direct Costs, of \$758,500), and the award of Trade Work subcontract No. TG05.3 to Anvil Builders for performance of Personnel and Material Hoist Services.

2. The detailed scope of work and schedule incorporated by this Amendment is provided in the Construction Documents, including TG05.3 dated August 9, 2012, and all associated Addenda thereto.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 25 on the day first mentioned above.

TRANSBAY JOINT POWERS AUTHORITY

\_\_\_\_\_  
Maria Ayerdi-Kaplan  
Executive Director

Transbay Joint Powers Authority  
Board of Directors  
Resolution No. \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Attest:

\_\_\_\_\_  
Secretary, TJPA Board

Approved as to Form:

By: \_\_\_\_\_  
TJPA Legal Counsel

WEBCOR/OBAYASHI, JOINT VENTURE

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title