

**STAFF REPORT FOR CALENDAR ITEM NO.: 7  
FOR THE MEETING OF: July 10, 2014**

**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 Sheedy Drayage Company for TG05.8: Rooftop Cranes in an amount not to exceed \$11,500,000 over a term of four years, with the option to extend the term, by mutual agreement of the parties, for three additional one-year periods. Authorized Direct Costs are thereby increased by \$11,500,000, and the authorized Construction Services Fixed Fee is increased by \$874,000, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

**EXPLANATION:**

On January 7, 2014, the CM/GC issued a Request for Proposals (RFP) for TG05.8: Rooftop Cranes. On April 3, 2014, three firms responded to the RFP. On April 10, 2014, a selection committee consisting of representatives from the TJPA, CM/GC, Construction Management Oversight (CMO) consultant and Program Management/Program Controls (PMPC) consultant reviewed and scored each firm's proposals for technical merit and cost. Based on its evaluation, the selection committee determined the following bidders to be qualified, cost responsive, free of conflicts of interest, and eligible to move forward to the interview phase:

- Sheedy Drayage Company
- Shimmick Construction Company

A third proposal did not meet the minimum score determined by the Selection Committee. On April 28, 2014, the selection committee convened for an interview with Shimmick Construction Company and on April 29, 2014, the selection committee convened for an interview with Sheedy Drayage Company. The selection committee's interview scores were added to the previous scores for each firm's proposal. On May 8, 2014, the selection committee reviewed each firm's total scores and determined that Sheedy Drayage Company had the highest overall score and recommended that an agreement be negotiated with Sheedy Drayage Company. On May 28, 2014, the CM/GC and TJPA staff entered into negotiations with Sheedy Drayage Company.

The use of rooftop cranes provides the most effective coverage for loading material and equipment onto the building, providing multiple points of access to the building, while having the least impact to the rooftop landscaping and other trade work. The use of rooftop cranes will allow for a constant flow of work when traffic lane closures are prohibited from 7:00AM to 9:00AM and from 3:00PM to 7:00PM. Rooftop cranes will also allow for access to all sides of the building that may otherwise be inaccessible due to neighboring buildings and street traffic proximity.

The scope of work under this package includes the following:

1. Design, Furnish, Install, Maintain and Remove Rooftop Crane Railway: Trade Subcontractor shall design, furnish, install, maintain and remove the rooftop crane railway, including but not limited to wet stamped engineered shop drawings, bolt up, welding, and any other necessary labor, material, equipment, and supplies.
2. Rooftop Cranes: Trade Subcontractor shall furnish, install, maintain and remove two rooftop cranes (minimum one 30-ton and one 50-ton), which will operate on the rooftop crane railway, including but not limited to providing all necessary power, fuel, railway platforms for movement of materials, and any other necessary labor, material, maintenance, equipment, supplies, and removal.
3. Operators and Required Personnel: Trade Subcontractor shall provide qualified crane operators, ironworkers, and other necessary labor for all shifts as required.
4. Temporary Loading Platforms: Trade Subcontractor shall furnish, install, maintain and remove a temporary loading platform with 100,000 lb. capacity at the Bus Deck level with temporary stair tower and all necessary shoring, labor, material, maintenance, equipment, and supplies. Trade Subcontractor shall furnish, install, maintain, and remove two cantilevered loading platforms at the Bus Deck level.

The scope of work also includes all labor, materials, equipment, tools, transportation, disposal fees, incidentals, and any other costs/fees necessary to complete work in accordance with the Contract Documents. All necessary work from mobilization to handover to the next Trade Subcontractor is included in the scope of work.

Sheedy Drayage Company's bid included 10% Small Business Enterprise (SBE) participation, meeting the 10% SBE goal on the package. Sheedy Drayage Company's bid includes one certified SBE firm: XKT Engineering, Inc., SBE certified by State of California Department of General Services. Specific work will be authorized as needed and compensated based upon negotiated labor and equipment rates. The Trade Work subcontract shall have a not to exceed amount of \$11,500,000 over a term of four years, with the option to extend the term, by mutual agreement of the parties, for three additional one-year periods.

TJPA's budget for TG05.8 is \$7,987,500 (which includes \$487,500 in escalation), and the CM/GC's estimate is \$13,975,204. Consistent with the construction cost update mitigation plan presented at the May 8, 2014 Board meeting, the \$3,512,500 balance between the awarded amount and the current TG05.8 budget will be funded by using Program Reserve. The current available Program Reserve funding is \$58,908,700. The remaining funding balance in the Program Reserves will be \$55,396,200 after TG05.8 is awarded. The maximum compensation amount of \$11,500,000 is \$2,475,204 or 17.7% under the CM/GC's estimate. The initial Notice to Proceed for this Trade Work subcontract is anticipated to be funded by land sales.

**RECOMMENDATION:**

TJPA staff recommends that the TJPA Board authorize amending Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture (CM/GC) to award a Trade Work subcontract to Sheedy Drayage Company for TG05.8: Rooftop Cranes in an amount not to exceed \$11,500,000 over a term of four years, with the option to extend the term, by mutual agreement of the parties, for three additional one-year periods. Authorized Direct Costs are thereby increased by \$11,500,000, and the authorized Construction Services Fixed Fee is increased by \$874,000, 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 on Direct Costs (Contract, Section 00 05 20, ¶5.01); and

WHEREAS, On January 7, 2014, the CM/GC issued a Request for Proposals (RFP) for TG05.8: Rooftop Cranes (TG05.8) for the entire Transbay Transit Center Program to design, furnish, install, operate, maintain and remove two rooftop cranes, including rooftop crane railway and temporary loading platforms; and

WHEREAS, Under TG05.8, the Trade Subcontractor will perform all rooftop crane activities, including but not limited to all necessary labor, materials, equipment, supplies, maintenance, and removal, for the entire Transbay Transit Center Program; and

WHEREAS, On April 3, 2014, three proposals were received by the CM/GC. A selection committee convened to evaluate the proposals for technical merit and cost, and to interview the two proposers that met the minimum qualifications of the RFP and determined that Sheedy Drayage Company was best qualified to perform the scope of services under TG05.8; and

WHEREAS, Based on the selection committee's recommendation, the CM/GC and TJPA have negotiated a Trade Work subcontract with Sheedy Drayage Company for rooftop crane services as required under TG05.8. The Trade Work subcontract will have a not to exceed amount of \$11,500,000 over a term of four years, with the option to extend the term, by mutual agreement of the parties, for three additional one-year periods; and

WHEREAS, Funds for this Trade Work subcontract are available from land sales proceeds; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the CM/GC to execute a Trade Work subcontract with Sheedy Drayage Company for rooftop crane services, as set forth in TG05.8, in an amount not to exceed \$11,500,000 over a term of four years, with the option to extend the term, by mutual agreement of the parties, for three additional one-year periods; and be it

FURTHER RESOLVED, That upon award of the Trade Work subcontract to Sheedy Drayage Company, 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 the Trade Work subcontract awarded to Sheedy Drayage Company for rooftop crane services by increasing authorized Direct Costs by \$11,500,000 and increasing the authorized Construction Services Fixed Fee by \$874,000 (7.6% of Direct Costs of \$11,500,000), 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 July 10, 2014.

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Secretary, Transbay Joint Powers Authority

**AGREEMENT**  
**AMENDMENT NO. 32**  
**BETWEEN**  
**TRANSBAY JOINT POWERS AUTHORITY**  
**AND**  
**WEBCOR/OBAYASHI JOINT VENTURE**

THIS AMENDMENT for AGREEMENT is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the TRANSBAY JOINT POWERS AUTHORITY (TJPA) and Webcor/Obayashi Joint Venture (the CM/GC). By this Amendment No. 32 the TJPA and the CM/GC hereby modify the Agreement dated March 17, 2009 (the Agreement), only to the extent expressly provided in this Amendment No. 32. All other terms and conditions of the Agreement shall remain in full force and effect.

**Recitals**

**A.** On March 12, 2009, 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 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 in accordance with Article 5.01 of the Agreement.

**C.** The CM/GC issued a Request for Proposals (RFP) for TG05.8, Rooftop Crane Services, on January 7, 2014, and received two responsive proposals on April 3, 2014.

**D.** A selection committee reviewed the proposals for technical merit and determined Sheedy Drayage Company to be responsive and qualified.

**E.** Based on the selection committee's recommendation, the CM/GC negotiated a Trade Work subcontract with Sheedy Drayage Company for rooftop crane services, as set forth under TG05.8, for an amount not to exceed \$11,500,000 over a term of four years, with the option to extend the term, by mutual agreement of the parties, for three additional one-year periods.

**Terms and Conditions**

**1.** By this Amendment, the TJPA authorizes an increase in the CM/GC's scope of work and the value of the Contract Sum by \$12,374,000 (Trade Package Direct Costs of \$11,500,000 and CM/GC Fixed Fee, calculated at 7.6 percent of Direct Costs, of \$874,000), and the award of Trade Work subcontract No. TG05.8 to Sheedy Drayage Company for performance of Rooftop Crane Services.

**2.** The detailed scope of work and schedule incorporated by this Amendment is provided in the Contract Bid Documents dated January 7, 2014, and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 32 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