

**STAFF REPORT FOR CALENDAR ITEM NO.: 11**  
**FOR THE MEETING OF: December 11, 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 McKendry Door Sales, Inc. (McKendry) as the responsible bidder submitting the lowest responsive bid in the amount of \$137,777 for TG15.1: Dock Levelers and Bumpers (TG15.1), thereby increasing authorized Direct Costs by \$137,777, and increasing the authorized Construction Services Fixed Fee by \$10,471, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

**EXPLANATION:**

On May 14, 2014, the CM/GC issued a Request for Qualifications (RFQ) for TG15.1. On June 12, 2014, five firms responded to the RFQ. On June 18, 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 qualifications for technical merit. Based on its evaluation, the selection committee determined the following bidders to be qualified and free of conflicts of interest:

- Anvil Builders
- McKendry Door Sales, Inc.
- Olsen and Company Steel
- Shimmick Construction Company, Inc.
- The Smith Company, Inc.

On August 7, 2014, the TG15.1 package was issued for bid. A pre-bid conference was held on August 26, 2014. Six addenda to TG15.1 were issued during the bid period to provide clarifications, respond to bidders' questions, and provide updated specifications, drawings, and sketches. Only Addenda #2 and #6 were specific to the TG15.1 package. The addenda are briefly described as follows:

- Addendum #1 incorporated one Architect's Supplemental Instructions (ASI) into the IFC set: ASI 123 (Civil/Utility drawings and responses to bidders' questions).
- Addendum #2 revised the table of contents and Contract Document list in Exhibit A.
- Addendum #3 incorporated two ASIs into the IFC set and revised Division 00 and 01 specification sections. The two ASIs were ASI 124 (incorporation of secondary mitigation/value engineering items) and ASI 125 (moving of the Emergency Communication System/Mass Notification System from one bid package to another).
- Addendum #4 incorporated ASI 126 (glazing package TG08.10 plans and specifications) into the IFC set.
- Addendum #5 incorporated one ASI and three Field Orders (FO) into the IFC set as follows: ASI 127 (bidding clarifications and responses to bidders' questions), FO 29

(SFPUC IFB drawings), FO 29R1 (revised SFPUC IFB drawings), and FO 33 (SFMTA OCS plans and specifications).

- Addendum #6 was an administrative addendum to officially incorporate into the Contract Documents all responses to TG15.1 bidders' questions during the bid period.

The scope of work under this package includes providing loading dock equipment for the two loading docks located in the Transit Center. The major items of work for this package consist of designing, fabricating, and installing:

- dock levelers (to compensate for any height differences between loading docks and truck or trailer beds)
- bumpers (to help protect and prevent impact damage at loading docks)
- truck restraints (to secure trucks during loading/unloading operations)
- bin lifters

The scope of work 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 hand over to the next trade subcontractor is included in the scope of work.

Bidders had the option of submitting value engineering (VE) proposals prior to the bid date. No VE proposals were submitted. No deductive or additive alternates were included in the bid documents.

On October 29, 2014, two bids were received, opened, and evaluated. Below is a summary of the bid results:

	<b>McKendry Door Sales, Inc.</b>	<b>Shimmick Construction Company, Inc.</b>
<b>Base Bid Amount</b>	<b>\$137,777</b>	<b>\$160,000</b>

McKendry submitted the lowest responsive bid based on its Base Bid Amount of \$137,777. McKendry's bid also included 85% Small Business Enterprise (SBE) participation, exceeding the 15% SBE goal on the package. McKendry's bid includes one SBE firm. No bid protests were received during the bid protest period, which ended on November 5, 2014.

TJPA's budget for TG15.1 is \$148,230 (which includes \$3,025 in design contingency and \$12,090 in escalation), and the CM/GC's estimate is \$211,489. 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 the CM/GC to execute a Trade Work Subcontract with McKendry as the responsible bidder submitting the lowest responsive bid in the amount of \$137,777 for TG15.1: Dock Levelers and Bumpers, thereby increasing the authorized Direct Costs by \$137,777, and increasing the authorized Construction Services Fixed Fee by \$10,471, 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 7.6% of Direct Costs (Contract, Section 00 05 20, ¶5.01); and

WHEREAS, On August 7, 2014, the CM/GC issued an Invitation for Bids for TG15.1: Dock Levelers and Bumpers (TG15.1) for the entire Transbay Transit Center Program to provide loading dock equipment for the Transit Center's two loading docks in accordance with the Contract Documents; and

WHEREAS, Under TG15.1, the Trade Subcontractor will design, fabricate, and install all dock levelers, bumpers, truck restraints, and bin lifters for the Transbay Transit Center; and

WHEREAS, On October 29, 2014, two bids were received and opened publicly; and

WHEREAS, CM/GC and TJPA have determined that McKendry Door Sales, Inc. (McKendry) is the responsible bidder submitting the lowest responsive bid, with a Base Bid Amount of \$137,777; and

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

RESOLVED, That the TJPA Board of Directors authorizes the CM/GC to execute a Trade Work Subcontract for TG15.1 with McKendry as the responsible bidder submitting the lowest responsive bid in the contract amount of \$137,777; and be it

FURTHER RESOLVED, That upon award of the Trade Work Subcontract to McKendry, 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 McKendry for TG15.1 by increasing authorized Direct Costs by \$137,777, and increasing the authorized Construction Services Fixed Fee by \$10,471 (Direct Costs of \$137,777 multiplied by the Construction Services Fee of 7.6%) 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 December 11, 2014.

\_\_\_\_\_  
Secretary, Transbay Joint Powers Authority

**AGREEMENT**  
**AMENDMENT NO. 45**  
**BETWEEN**  
**TRANSBAY JOINT POWERS AUTHORITY**  
**AND**  
**WEBCOR/OBAYASHI JOINT VENTURE**

THIS AMENDMENT for AGREEMENT is entered into as of the 11<sup>th</sup> day of December, 2014, by and between the TRANSBAY JOINT POWERS AUTHORITY (TJPA) and Webcor/Obayashi Joint Venture (CM/GC). By this Amendment No. 45, the TJPA and the CM/GC hereby modify the Agreement dated March 17, 2009 (Agreement), only to the extent expressly provided in this Amendment No. 45. 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 (Project).
- B.** As detailed in the Agreement, 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 an Invitation for Bids for TG15.1: Dock Levelers and Bumpers package on August 7, 2014, and received and publicly opened two bids on October 29, 2014.
- D.** McKendry Door Sales, Inc., was the responsible bidder submitting the lowest responsive bid in the amount of \$137,777.

**Terms and Conditions**

- 1.** By this Amendment, TJPA authorizes an increase in the CM/GC scope of work and the value of the Contract Sum by \$148,248 (Trade Package Direct Costs of \$137,777 and CM/GC Fixed Fee, calculated at 7.6 percent of Direct Costs, of \$10,471) and the award of Trade Subcontract No. TG15.1 to McKendry Door Sales, Inc., for performance of the construction of TG15.1 Dock Levelers and Bumpers.
- 2.** The detailed scope of work and schedule incorporated by this Amendment is provided in the Contract Documents dated March 31, 2014, and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 45 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