

**STAFF REPORT FOR CALENDAR ITEM NO.: 11  
FOR THE MEETING OF: May 14, 2015**

**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 Best Contracting Services, Inc. (Best) as the responsible bidder submitting the lowest responsive bid in the amount of \$16,620,707 for TG13.2: Roofing/Waterproofing (TG13.2), thereby increasing authorized Direct Costs by \$16,620,707, and increasing the authorized Construction Services Fixed Fee by \$581,725, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

**EXPLANATION:**

On May 29, 2014, the CM/GC issued a Request for Qualifications (RFQ) for TG13.2. On June 26, 2014, eight firms responded to the RFQ. On July 8, 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:

- Alcal Specialty Contracting, Inc.
- Alliance Roofing Company, Inc.
- Best Contracting Services, Inc.
- Blue's Roofing Company
- Enterprise Roofing Service, Inc.
- Western Roofing Service

On August 27, 2014, the TG13.2 package was issued for bid. A pre-bid conference was held on September 18, 2014. Eight addenda to TG13.2 were issued during the bid period to provide clarifications, respond to bidders' questions, and provide updated specifications, drawings, and sketches. Addenda #1, #3, #6, #7 and #8 were specific to the TG13.2 package. The addenda are briefly described as follows:

- Addendum #1 incorporated Architect's Supplemental Instruction (ASI) 126 (TG08.10 Glass Curtain Wall (W-2, W-3, W-4, W-6 & W-8) plans and specifications) into the IFC set and changed the submission date for questions on bidding documents (QBDs) and pre-bid requests for substitutions.
- Addendum #2 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 #3 extended the bid date from November 18, 2014 to March 12, 2015, and the QBDs and pre-bid requests for substitutions submission date from October 28, 2014 to February 19, 2015, due to the pending issuance of conformed Contract Documents early in the first quarter of 2015.

- Addendum #4 incorporated ASI 128 (Conformed Issued for Construction (IFC) set of plans and specifications, dated 12/16/2014, incorporating all previously issued ASIs, construction RFIs and pre-construction RFIs) into the IFC set.
- Addendum #5 incorporated ASI 129 (Rooftop Park Bus Jet Fountain plans) into the IFC set.
- Addendum #6 incorporated FO 35 (updated Specification Divisions 00/01, dated 02/11/2015) and extended the bid date from March 12 to March 24, 2015.
- Addendum #7 further extended the bid date from March 24 to April 7, 2015, at the bidders' request.
- Addendum #8 was an administrative addendum to officially incorporate into the Contract Documents all responses to TG13.2 bidders' questions during the bid period.

The scope of work under this package includes providing roofing and waterproofing for the Transbay Transit Center. The major items of work for this package consist of furnishing and installing:

- Polyvinyl chloride (PVC) waterproofing under the Rooftop Park
- Sheet waterproofing over the train box lid
- Thermoplastic water tank liners
- Floor coatings
- Repellent coatings
- Joint sealants
- Crystalline concrete waterproofing
- Sheet metal flashing and trim

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 April 7, 2015, four bids were received, opened, and evaluated. Below is a summary of the bid results:

	<b>Alcal Specialty Contracting, Inc.</b>	<b>Best Contracting Services, Inc.</b>	<b>Enterprise Roofing Service, Inc.</b>	<b>Western Roofing Service</b>
<b>Bid Amount</b>	<b>\$19,117,685</b>	<b>\$16,620,707</b>	<b>\$27,132,996</b>	<b>\$19,535,599</b>

Best submitted the lowest responsive bid based on its Bid Amount of \$16,620,707. Best's bid also included 10% Small Business Enterprise (SBE) participation, meeting the 10% SBE goal on the package. Best's bid includes one SBE firm. No bid protests were received during the bid protest period, which ended on April 14, 2015.

As the awarded direct work has exceeded \$910 million, the construction services fixed fee percentage is reduced to 3.5 percent, under the terms of the CM/GC contract. TJPA's budget for TG13.2 is \$13,337,864 (which includes \$119,856 in design contingency and \$1,156,546 in

escalation), and the CM/GC's estimate is \$16,059,856. It is recommended to fund the \$3,282,843 balance between the awarded amount and the current TG13.2 budget from the Program Reserve. The current available Program Reserve is \$7,102,992. After the award of TG13.2, the remaining balance in the Program Reserve will be \$3,820,149.

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 the CM/GC to execute a Trade Work Subcontract with Best Contracting Services, Inc. as the responsible bidder submitting the lowest responsive bid in the amount of \$16,620,707 for TG13.2: Roofing/Waterproofing, thereby increasing the authorized Direct Costs by \$16,620,707, and increasing the authorized Construction Services Fixed Fee by \$581,725, 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 3.5% of Direct Costs (Contract, Section 00 05 20, ¶5.01); and

WHEREAS, On August 27, 2014, the CM/GC issued an Invitation for Bids for TG13.2: Roofing/Waterproofing (TG13.2) for the Transbay Transit Center Program to furnish and install the roofing and waterproofing in accordance with the Contract Documents; and

WHEREAS, Under TG13.2, the Trade Subcontractor will perform all roofing and waterproofing construction-related activities for the Transbay Transit Center; and

WHEREAS, On April 7, 2015, four bids were received and opened publicly; and

WHEREAS, CM/GC and TJPA have determined that Best Contracting Services, Inc. (Best) is the responsible bidder submitting the lowest responsive bid, with a Bid Amount of \$16,620,707; and

WHEREAS, Funds for the initial Notice to Proceed 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 TG13.2 with Best as the responsible bidder submitting the lowest responsive bid in the contract amount of \$16,620,707; and be it

FURTHER RESOLVED, That upon award of the Trade Work Subcontract to Best, 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 Best for TG13.2 by increasing authorized Direct Costs by \$16,620,707, and increasing the authorized Construction Services Fixed Fee by \$581,725 (Direct Costs of \$16,620,707 multiplied by the Construction Services Fee of 3.5%) 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 May 14, 2015.

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

**AGREEMENT**  
**AMENDMENT NO. 54**  
**BETWEEN**  
**TRANSBAY JOINT POWERS AUTHORITY**  
**AND**  
**WEBCOR/OBAYASHI JOINT VENTURE**

THIS AMENDMENT for AGREEMENT is entered into as of the 14<sup>th</sup> day of May, 2015, by and between the TRANSBAY JOINT POWERS AUTHORITY (TJPA) and Webcor/Obayashi Joint Venture (CM/GC). By this Amendment No. 54, 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. 54. 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 TG13.2: Roofing/Waterproofing package on August 27, 2014, and received and publicly opened four bids on April 7, 2015.

**D.** Best Contracting Services, Inc., was the responsible bidder submitting the lowest responsive bid in the amount of \$16,620,707.

**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 \$17,202,432 (Trade Package Direct Costs of \$16,620,707 and CM/GC Fixed Fee, calculated at 3.5 percent of Direct Costs, of \$581,725) and the award of Trade Subcontract No. TG13.2 to Best Contracting Services, Inc., for performance of the construction of TG13.2 Roofing/Waterproofing.

**2.** The detailed scope of work and schedule incorporated by this Amendment is provided in the Contract Documents dated December 16, 2014, and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 54 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