

STAFF REPORT FOR CALENDAR ITEM NO.: 8.5
FOR THE MEETING OF: June 19, 2015

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorizing the Executive Director to execute Amendment Number 1 of the Cooperative Agreement between the Transbay Joint Powers Authority (TJPA) and the State of California Department of Transportation (Caltrans), identifying design review and oversight services provided by Caltrans for certain Transbay Transit Center Program (Program) elements that affect the State right of way, and providing for TJPA reimbursement to Caltrans for the cost of a portion of such services, not to exceed the originally authorized budget of \$300,000.

SUMMARY:

Four elements of the Program will be constructed within or abutting the State right of way. Due to the close proximity of these Program elements to State right of way, the TJPA and Caltrans agreed to cooperate in the design review and oversight process. On August 26, 2010, the TJPA and Caltrans executed Cooperative Agreement No. 04-2247 (Agreement), identifying the design review and oversight services provided by Caltrans, and providing for TJPA reimbursement to Caltrans for the cost of a portion of the services, not to exceed \$300,000. Caltrans has been providing services under the Agreement for the last five years.

Recently, the TJPA and Caltrans determined that revisions to the budget line items would be appropriate to reflect the level of effort required for review and oversight of certain Program elements, but without any change in the maximum budget of \$300,000.

Staff has negotiated Amendment Number 1 to the Agreement (Amendment) that adjusts the level of effort for certain State services but maintains the original not-to-exceed budget of \$300,000. Caltrans District 4 Office has presented the Amendment to Caltrans Headquarters for approval. Staff requests that the TJPA Board of Directors authorize the Executive Director to execute the Amendment with Caltrans.

The Program elements subject to the Agreement are as follows:

Bus Storage Facility — The Bus Storage Facility (BSF) will be located within the block bounded by Second, Third, Stillman, and Perry streets under Interstate 80 (I-80). The work requires the development of a dynamic modeling analysis, Project Study Report (PSR), airspace lease agreement, and encroachment permit. The original design review and oversight budget was \$120,000. The revised budget is \$110,000.

New Bus Ramp — The new Bus Ramp will be constructed as a combination of at-grade and aerial alignments to connect the Transbay Transit Center and the BSF to I-80. The work required the development of a PSR and encroachment

permit. The original design review and oversight budget was \$55,000. The revised budget is \$189,000.

Downtown Rail Extension (DTX) — The DTX will cross under State right-of-way in a mined tunnel under Second Street and in an open-cut structure near Sixth Street adjacent to Interstate 280. The work will require the development of a PSR and encroachment permit. The original design review and oversight budget was \$124,000. The revised budget is \$0.

Essex Street Transit Lane — The Essex Street Transit Lane was realigned and widened the I-80 Essex Street on-ramp. The work required an encroachment permit. The design review and oversight budget for this work was \$1,000 and will not change.

Under the Amendment, Caltrans will continue to provide Independent Quality Assurance (IQA) at no cost to the TJPA. IQA is defined as Caltrans' policy and procedural guidance through to completion of the Program. Caltrans will continue to provide design review and oversight services, in addition to IQA, for the four Program elements within or abutting the State right of way. TJPA will continue to reimburse Caltrans for the cost of providing these additional review and oversight services at the hourly rates specified in the Amendment, up to \$300,000.

Under the Amendment, TJPA will issue task orders to Caltrans that define the scope of work, budget, and schedule for the services to be performed by Caltrans. TJPA must approve, in advance, changes in the estimated cost of the Caltrans services that are subject to reimbursement under the Amendment.

RECOMMENDATION:

Staff recommends that the Board authorize the Executive Director to execute Amendment Number 1 to the Cooperative Agreement in the form attached to this report.

ENCLOSURES:

1. Resolution
2. Amendment Number 1

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, The Transbay Transit Center Program (Program) includes four distinct elements to be constructed within or abutting the State of California right of way – the Bus Storage Facility, the New Bus Ramp, the Downtown Rail Extension, and the Essex Street Transit Lane; and

WHEREAS, The California Department of Transportation (Caltrans) manages certain State right of way and State highway infrastructure, including Interstates 80 and 280; and

WHEREAS, The Program elements to be constructed within or abutting State right of way require Caltrans review and oversight during design and prior to their construction; and

WHEREAS, Caltrans is willing to provide Independent Quality Assurance (IQA) of the Program elements within or abutting the State of California right of way at no cost to the TJPA, and Caltrans is willing to provide design review and oversight services, in addition to the IQA, subject to reimbursement by the TJPA; and

WHEREAS, On August 26, 2010, TJPA and Caltrans executed a Cooperative Agreement that identified the IQA and other design review and oversight services to be provided by Caltrans for the four Program elements within or abutting the State right of way, at an amount not to exceed \$300,000; and

WHEREAS, TJPA and Caltrans have determined that revisions to the budget line items are appropriate; and

WHEREAS, TJPA and Caltrans have negotiated Amendment Number 1 to the Agreement (Amendment) that adjusts the level of effort for State services for certain Program elements but maintains the original not to exceed budget of \$300,000; and

WHEREAS, Under the Amendment, the TJPA retains the authority to issue task orders to Caltrans, defining the scope of work, budget, and schedule for services to be performed by Caltrans, and the TJPA must approve, in advance, changes in the estimated cost of the Caltrans services; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the Executive Director to execute the Amendment in the form attached, which stipulates a maximum compensation of \$300,000.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of June 19, 2015.

Secretary, Transbay Joint Powers Authority

AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT

THIS AGREEMENT, ENTERED INTO EFFECTIVE ON _____, 2015, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

TRANSBAY JOINT POWERS AUTHORITY, a joint powers agency created under California Government Code sections 6500 et seq., referred to herein as "TJPA."

RECITALS

1. STATE and TJPA, pursuant to Streets and Highways Code sections 114 and 130, entered into a Cooperative Agreement (District Agreement No. 04-2247) on August 26, 2010, defining the terms and conditions under which to cooperate on the Plans, Specifications and Estimates (PS&E) and Right of Way (R/W) phases for certain elements of a project to construct a new Transit Center and associated facilities on the site of the former Transbay Terminal at 1st and Mission Streets in downtown San Francisco (PROJECT). All elements of the PROJECT constructed within STATE's ultimate right of way is referred to as IMPROVEMENTS. Under Agreement 04-2247, TJPA agreed to have STATE perform certain review services beyond STATE's Independent Quality Assurance (IQA) for IMPROVEMENTS, referred to as "STATE SERVICES," for an estimated cost of \$300,000.
2. Subsequent to the execution of Cooperative Agreement 04-2247, it was determined that a revision to the cost estimates for STATE SERVICES for the various elements of IMPROVEMENTS would be necessary due to the following reasons:
 - TJPA has not yet requested any STATE SERVICES for any portion of IMPROVEMENTS associated with the Caltrain Downtown Extension (DTX).
 - The Bus Storage Facility will require less effort for STATE SERVICES than previously anticipated.
 - The new Bus Ramp will require greater effort for STATE SERVICES than previously anticipated.

Although the level of effort for certain STATE SERVICES within the cost estimates have changed, the scope of services and the total cost estimate of \$300,000 for STATE SERVICES has not changed.

3. The parties hereto now wish to enter into this Amendment No. 1 to revise the cost estimates by replacing Exhibit A with Exhibit A-1.

IT IS THEREFORE MUTUALLY AGREED:

1. Exhibit A of the original agreement is hereby replaced entirely with Exhibit A-1, attached to and made a part of this Amendment No. 1 to Agreement. Any reference to Exhibit A in the original agreement shall now be to Exhibit A-1.

2. The other terms and conditions of Cooperative Agreement No. 04-2247 shall remain in full force and effect.
3. This Amendment No. 1 to Agreement is hereby deemed to be part of Cooperative Agreement 04-2247.

STATE OF CALIFORNIA
Department of Transportation

TRANSBAY JOINT POWERS AUTHORITY

MALCOLM DOUGHERTY
Director

MARIA AYERDI-KAPLAN

By: _____
Deputy District Director

By: _____
Executive Director

Approved as to form and procedure:

Attorney
Department of Transportation

Attest: _____
Board Secretary

Certified as to funds:

Approved as to form:

Interim District Budget Manager

Attorney

Certified as to financial terms and
policies:

Accounting Administrator

Exhibit A-1

Cost estimates for STATE SERVICES in oversight of Transbay Transit Center Project

Description		Rate	Estimated Hours	Hours by Project Element	Total Dollars by Project Element
		\$ 110.00	2727		
Caltrain Downtown Extension (DTX) EA 04-0G2531			0		
* Structure analysis of the tunneling and mining activities' impact on State facilities.					\$ -
* Participation in field assessments					\$ -
* The review and approval of Structure Type Selection					\$ -
* Providing technical consultations during the development of the PS&E					\$ -
* Providing technical assistance during construction.					\$ -
* Participation in Value Analysis studies					\$ -
					\$ -
					\$ -
Bus Storage Facility EA 04-0G2521			1000	1,000	\$ 110,000.00
* Structural Analysis of State's facilities due to impacts of excavations.					\$ -
* Participation in field assessments					\$ -
* The review and approval of Structure Type Selection					\$ -
* The analysis of project elements including retaining walls, column protection measures & etc					\$ -
* Providing technical consultations during the development of the PS&E					\$ -
* Providing technical assistance during construction.					\$ -
					\$ -
Essex Street Transit lane EA 04-0G2501			9	9	\$ 1,000.00
* Detailed Operational Analysis					\$ -
* Detailed Geometric Review					\$ -
					\$ -
New Bus Ramp EA 04-0G2511			1718	1,718	\$ 189,000.00
* Structure analysis of the Bus Ramps' impact on our facility					\$ -
* Participation in field assessments					\$ -
* The review and approval of Structure Type Selection					\$ -
* Providing technical consultations during the development of the PS&E					\$ -
* Providing technical assistance during construction.					\$ -
* Participation in Value Analysis studies					\$ -
					\$ -
TOTAL ESTIMATE					\$ 300,000.00