

**STAFF REPORT FOR CALENDAR ITEM NO.: 11
FOR THE MEETING OF: July 9, 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 Gordon N. Ball, Inc. (Gordon Ball) as the responsible bidder submitting the lowest responsive bid in the amount of \$16,765,000 for TG12.1: Civil/Site Work at Grade/Ground Level Landscaping (TG12.1), thereby increasing authorized Direct Costs by \$16,765,000, and increasing the authorized Construction Services Fixed Fee by \$586,775, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

EXPLANATION:

On July 10, 2014, the CM/GC issued a Request for Qualifications (RFQ) for TG12.1. On August 7, 2014, eight firms responded to the RFQ. On August 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:

- A & B Construction
- Ghilotti Brothers, Inc.
- Gordon N. Ball, Inc.
- McGuire and Hester
- Proven Management, Inc.
- Ranger Pipelines, Inc.
- Shimmick Construction Company, Inc.

On March 24, 2015, the TG12.1 package was issued for bid. A pre-bid conference was held on April 14, 2015. Three addenda to TG12.1 were issued during the bid period to provide clarifications, respond to bidders' questions, and provide updated specifications, drawings, and sketches. The addenda are described as follows:

- Addendum #1 incorporated Architect's Supplemental Instruction 132 (Revised Site Work and Site Drainage Plans and Specifications) into the Issued For Construction document set.
- Addendum #2 extended the bid date to June 16, 2015, from June 9, 2015, at the bidders' request.
- Addendum #3 was an administrative addendum to officially incorporate into the Contract Documents all responses to TG12.1 bidders' questions during the bid period.

The scope of work under this package includes furnishing and installing ground level exterior finishes around the perimeter of the Transbay Transit Center, including the streets around and through the Transit Center. The major items of work for this package consist of:

- City sidewalks, curbs, tactile indicators, driveways, catch basins, and manholes
- Ground level planters, irrigation, and planting
- Shaw Alley art installation
- Asphalt and concrete street paving, including signal plates and traffic striping
- Street level light poles and lights, controllers and cabinets
- Traffic and pedestrian signals, controllers and cabinets
- Demolition of roadways and curbs, relocation of catch basins, pull boxes and street lights
- Shoring, excavation, cutting, removal, and disposal of 3600 linear feet of CDSM shoring wall and soldier beams to a depth of approximately six feet and import backfill
- Selective excavation for installation/connections of new elements within project site
- Backfill and compaction of all excavated areas
- Infill and compaction including road base, asphalt and striping for First, Fremont and Beale streets
- Site and reinforced concrete, including reinforcing bars
- Removal of temporary bridges at First, Fremont and Beale streets
- Interface with building access control systems and unified security platform

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.

To ensure the best value for the bid scope, TJPA included in the package one deductive alternate, to replace planned alternating color bands of concrete with a single concrete color for sidewalks at the ground level. This deductive alternate was presented to the TJPA Board in July 2013 as a cost mitigation measure and incorporated into the revised baseline budget approved at that time. As a deductive alternate, it is part of the total bid, and thus was a factor in determining the lowest responsive bid.

The package also included two additive alternates, 1) substituting stone paving for concrete paving on the Ground Floor exterior sidewalks around the Grand Hall to match Mission Square paving, and 2) using City and County of San Francisco standard "Lamp Black" concrete for the Bus Plaza paving in lieu of standard concrete color, requested by SFMTA.

Bidders had the option of submitting value engineering (VE) proposals prior to the bid date. No VE proposals were submitted. On June 16, 2015, two bids were received, opened, and evaluated. Below is a summary of the bid results.

Bidder Name	Gordon N. Ball, Inc.	Shimmick Construction Company, Inc.
Base Bid Amount	\$17,310,000	\$27,169,000
Deductive Alternate: Single Color Sidewalk Paving	(\$595,000)	(\$220,000)
Total Bid Price (Bid Price Less Deductive Alternate)	\$16,715,000	\$26,949,000
Add Alternate: Stone paving around Grand Hall	\$2,230,000	\$3,350,000
Add Alternate: City standard "Lamp Black" paving at Bus Plaza	\$50,000	\$500,000
Total Bid (Includes Deductive and Additive Alternates)	\$18,995,000	\$30,799,000

Gordon Ball submitted the lowest responsive bid, based on the Total Bid Price (Base Bid less deductive alternate). The recommended award amount is \$16,765,000, which includes the sum of the Base Bid Amount (\$17,310,000), the deductive alternate (-\$595,000) and the additive alternate for the paving at the Bus Plaza (\$50,000). The additive alternate to substitute stone paving for concrete paving around the Grand Hall is not recommended for acceptance due to cost and budget considerations.

Gordon Ball's bid included 13% SBE participation, exceeding the 10% SBE goal on the package. Gordon Ball's bid for base work includes six SBE firms.

TJPA's budget for TG12.1 is \$19,524,959 (which includes \$87,425 in design contingency and \$698,299 in escalation), and the CM/GC's estimate is \$19,700,000. The savings of \$2,759,959 between the budget and the award amount will be placed in the Program Reserve.

No bid protests were received during the bid protest period, which ended on June 23, 2015.

This Trade Work Subcontract is anticipated to be funded by land sales and TJPA's One Bay Area Grant (OBAG).

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 Gordon N. Ball, Inc. as the responsible bidder submitting the lowest responsive bid in the amount of \$16,765,000 for TG12.1: Civil/Site Work at Grade/Ground Level Landscaping, thereby increasing the authorized Direct Costs by \$16,765,000, and increasing the authorized Construction Services Fixed Fee by \$586,775, 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 March 24, 2015, the CM/GC issued an Invitation for Bids for TG12.1: Civil/Site Work at Grade/Ground Level Landscaping (TG12.1) for the Transbay Transit Center Program to furnish and install ground level exterior finishes around the perimeter of the Transbay Transit Center, including the streets around and through the Transit Center in accordance with the Contract Documents; and

WHEREAS, Under TG12.1, the Trade Subcontractor will perform all exterior finish construction-related activities for the Transbay Transit Center; and

WHEREAS, On June 16, 2015, two bids were received and opened publicly; and

WHEREAS, CM/GC and TJPA have determined that Gordon N. Ball, Inc. (Gordon Ball) is the responsible bidder submitting the lowest responsive bid, with a total bid price of \$16,765,000, which includes the sum of the Base Bid Amount (\$17,310,000), the deductive alternate (-\$595,000), and the additive alternate for the paving at the Bus Plaza (\$50,000); and

WHEREAS, Funds for this Trade Work Subcontract are available from land sales and TJPA's One Bay Area Grant (OBAG); now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the CM/GC to execute a Trade Work Subcontract for TG12.1 with Gordon Ball as the responsible bidder submitting the lowest responsive bid in the contract amount of \$16,765,000; and be it

FURTHER RESOLVED, That upon award of the Trade Work Subcontract to Gordon Ball, 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 Gordon Ball for TG12.1 by increasing authorized Direct Costs by \$16,765,000, and increasing the authorized Construction Services Fixed Fee by \$586,775 (Direct Costs of \$16,765,000 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 July 9, 2015.

Secretary, Transbay Joint Powers Authority

AGREEMENT
AMENDMENT NO. 55
BETWEEN
TRANSBAY JOINT POWERS AUTHORITY
AND
WEBCOR/OBAYASHI JOINT VENTURE

THIS AMENDMENT for AGREEMENT is entered into as of the 9th day of July, 2015, by and between the TRANSBAY JOINT POWERS AUTHORITY (TJPA) and Webcor/Obayashi Joint Venture (CM/GC). By this Amendment No. 55, 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. 55. 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 TG12.1: Civil/Site Work at Grade/Ground Level Landscaping package on March 24, 2015, and received and publicly opened two bids on June 16, 2015.
- D.** Gordon N. Ball, Inc., was the responsible bidder submitting the lowest responsive bid in the amount of \$16,765,000.

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 \$17,351,775 (Trade Package Direct Costs of \$16,765,000 and CM/GC Fixed Fee, calculated at 3.5 percent of Direct Costs, of \$586,775) and the award of Trade Subcontract No. TG12.1 to Gordon N. Ball, Inc., for performance of the construction of TG12.1: Civil/Site Work at Grade/Ground Level Landscaping.
- 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. 55 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