

**STAFF REPORT FOR CALENDAR ITEM NO.: 9.5
FOR THE MEETING OF: May 12, 2016**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorizing the amendment of the professional services agreement (Agreement) between the Transbay Joint Powers Authority (TJPA) and Enovity, Inc. (Enovity) for Commissioning Agent Services, to extend the term through June 30, 2019 with no additional compensation.

SUMMARY:

The Commissioning Agent is responsible for reviewing, overseeing the completion of, and documenting the effective commissioning of building systems necessary to assure the achievement of the Leadership in Energy and Environmental Design (LEED) for New Construction Fundamental and Enhanced Commissioning credits.

In September 2009, following a competitive procurement process, the TJPA Board of Directors authorized the award of the Agreement to Enovity to provide Commissioning Agent Services for the Transbay Transit Center Program. Enovity is a Small Business Enterprise and 100 percent of the contract work is thus being performed by an SBE. The maximum compensation under the Agreement was originally \$762,196 and the original term runs through June 30, 2016, as the contract award was made when the original “top-down” construction method (not including the train box and having a shorter construction duration) was planned. In August 2013, the Executive Director executed Amendment No. 1 to the Agreement to add \$66,000 to the original Agreement value in order to manage, review and update interim design development documents and plans, bringing the Agreement’s total not-to-exceed value to \$828,196.

As the Transit Center’s design and construction schedule has been extended since the Agreement was executed, an extension to the Agreement is necessary. During the construction phase, the Commissioning Agent will continue to review contractor submittals for systems being commissioned to verify compliance with the Owner’s Project Requirements and design documents, develop a systems manual to provide future operating staff the information needed to understand and optimally operate commissioned systems, verify that operating personnel and building occupants receive required training, work with the CM/GC and the TJPA to coordinate all testing and inspecting of commissioned systems, and compile a commissioning report documenting the satisfactory completion of the commissioning process and training including all appropriate records, exceptions, and recommendations.

Commissioning services for the warranty phase will be needed through the first year of Transit Center operations. During this phase, the Commissioning Agent will complete all required documentation for facility certification and for LEED Energy & Atmosphere Prerequisite Fundamental Commissioning and Enhanced Commissioning and shall participate in reviewing building operation with operations and maintenance staff and occupants within

10 months after substantial completion, including a plan for resolution of outstanding commissioning-related issues including any seasonal or deferred testing that might be required.

Amendment No. 2 to the Agreement would extend the term of the Agreement through June 30, 2019, but would not make any other changes to the Agreement. In particular, the maximum compensation under the Agreement, detailed below, would not change.

Phase	Contract Amount	Authorized Amount	Billed through March 2016	Remaining Amount
Design	\$277,585	\$277,585	\$277,585	\$ -
Construction	\$501,706	\$165,100	\$ 65,413	\$436,293
Warranty	\$ 48,905	\$ -	\$ -	\$ 48,905

RECOMMENDATION:

Authorize the amendment of the professional services agreement between the TJPA and Enovity, Inc. for Commissioning Agent Services, to extend the term through June 30, 2019 with no additional compensation.

ENCLOSURES:

1. Resolution
2. Amendment

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, On September 10, 2009, in Resolution No. 09-044, the Transbay Joint Powers Authority (TJPA) Board of Directors resolved to authorize the Executive Director to execute a professional services agreement (Agreement) with Enovity, Inc. (Enovity) to provide Commissioning Agent Services for the Transbay Transit Center Program for a maximum compensation of \$762,196 with a term ending June 30, 2016; and

WHEREAS, In August 2013, Amendment No. 1, was executed, adding \$66,000 to the original Agreement value for additional scope during design development of the New Transbay Transit Center Program, bringing the Agreement's total not-to-exceed value to \$828,196; and

WHEREAS, The planned schedule for commissioning has been extended, due to incorporation of the train box into Phase 1 of construction as well as refinement to the Transit Center design documents; and

WHEREAS, The TJPA continues to require Enovity's services over the next three years as construction continues and commissioning activities proceed through the first year of operations; and

WHEREAS, TJPA Staff and the SFDPW Director of Design & Construction recommend extending the term of the Agreement through June 30, 2019, without increasing the maximum compensation under the Agreement, and such change to the term requires a second amendment to the Agreement, but does not change the scope, price or deliverables under the agreement; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes Amendment No. 2 to the Agreement with Enovity, Inc., to modify the Agreement to extend term of the Agreement through June 30, 2019, without increasing the maximum compensation under the Agreement.

I hereby certify that the forgoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of May 12, 2016.

Secretary, Transbay Joint Powers Authority

Amendment No. 02
Professional Services Agreement between
the Transbay Joint Powers Authority and
Enovity, Inc.

THIS Amendment No. 2 to the Professional Services Agreement to furnish Commissioning Agent Services dated September 10, 2009, as amended August 21, 2013 (“Agreement”) is entered into as of the 12th day of May 2016 in San Francisco, California, by and between **Enovity, Inc.** (“Contractor”), and the **Transbay Joint Powers Authority** (“TJPA”).

The TJPA and Contractor desire to extend the term of the Agreement without changing the scope, price, or deliverables under the Agreement. The TJPA and Contractor agree to amend Section 2 of the Agreement in its entirety to read as follows:

2. Term of the Agreement

Subject to Section 1, the term of this Agreement shall be from the Effective Date of the Agreement through June 30, 2019, as described in Section 3 below.

All other provisions of the Agreement shall remain in full force and effect.

**TRANSBAY JOINT POWERS
AUTHORITY**

**CONTRACTOR
Enovity, Inc.**

Ronald Alameida
Director of Design & Construction
SF Public Works

Transbay Joint Powers Authority
Board of Directors

Resolution No. _____
Adopted: _____

Attest:

Secretary, TJPA Board

Approved as to Form:

TJPA Legal Counsel

Greg Cunningham
Principal
Enovity, Inc.
100 Montgomery Street, Suite 600
San Francisco, CA 94104

Tax Identification Number: 04-3657838