



November 2, 2004

TRANSBAY JOINT POWERS AUTHORITY BOARD OF DIRECTORS

MINUTES

Tuesday, November 2, 2004
1 Carlton B. Goodlett Place, Room 416
San Francisco, CA

SPECIAL MEETING
12:00 p.m.

BOARD OF DIRECTORS
Michael Nevin, Chair
Greg Harper, Vice Chair
Julie Brandt
Michael T. Burns
Chris Daly

Executive Director
Maria Ayerdi

Secretary
Roberta Boomer

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12:00 p.m. – SPECIAL MEETING

ORDER OF BUSINESS

1. Call to Order

Chairman Nevin called the meeting to order at 12:02 p.m.

2. Roll Call

Present: Julie Brandt
Michael Burns
Chris Daly
Greg Harper
Mike Nevin

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

Exec. Director Ayerdi presented the Transbay Terminal Project to the California Transportation Commission in October. It was exceedingly well received and staff has been invited to return early next year to give a status update on the project.

Nancy Whelan presented the quarterly contract status report.

Director Harper commented that in the Public Relations RFP, only 20 out of 100 points will be awarded based on price. He would like to see a heavier weight given to price. His personal preference was that price should amount to one-third of the total.

Director Burns asked if the public relations consultant would be eligible to receive federal grant funds. He also concurred with Director Harper about the importance of price when considering proposals. Nancy Whelan confirmed that the cost for the PR consultant was an eligible expense.

6. Public Comment

None.

THE FOLLOWING MATTERS BEFORE THE TRANSBAY JOINT POWERS AUTHORITY ARE RECOMMENDED FOR ACTION AS STATED BY THE EXECUTIVE DIRECTOR OR THE CHAIR.

CONSENT CALENDAR

7. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Transbay Joint Powers Authority, and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(7.1) Approving the Minutes of the September 16, 2004 regular meeting.

(7.2) Approving the Minutes of the September 27, 2004 special meeting.

No public comment.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Brandt, Burns, Harper and Nevin

ABSENT – Daly

SPECIAL CALENDAR

8. Authorizing the Executive Director to enter into an agreement with URS Corporation for program management/program control services for an initial term of three years in an amount not to exceed \$37,611,121.

Liz Wiecha presented the staff report. The initial contract term is for three years. If URS meets the contract provisions during that time, the contract may be extended for two additional three-year terms. URS has committed to a 30% minority participation goal. Funds for this contract will be provided through Prop. K and RM2 monies. The maximum cost of the contract will not exceed \$37,611,121. The three compensation categories include reimbursable costs, which will not exceed \$34 million; non-reimbursable costs, in the amount of \$2.89 million; and a structured compensation provision that provides an incentive for the completion of certain task orders in advance of the deadline. That incentive fee is capped at \$322,000.

Director Daly asked if there had been any discussion of an “at-risk” approach. He noted that Muni had moved to Construction Manager/General Contractor approach to ask a high level contractor to deliver a project for a set cost. Liz Wiecha stated that the Construction Manager/General Contractor was a procurement methodology that needs to have a clear definition of the scope of work. The TJPA was not ready for that type of procurement. The CM/GC method could be appropriate for delivering certain aspects of the program and would be investigated. Construction contracts could use that approach. The URS contract will be focusing on planning and organizational development and will evaluate various approaches for all contract packages. Ms. Wiecha clarified that the URS contract stipulates that, except for future project management contracts, the consultants and subcontractors for this contract were not eligible to receive contracts for other elements of the project.

Director Burns requested a list of the subcontractors that reveals which are minority contractors. He requested that future calendar items contain this breakdown of subcontractors or consultants.

Director Burns noted that the three firms submitting proposals were all reputable and experienced. While he didn't question the selection process he asked for an explanation for why the highest ranked firm was scored much higher than the second and third listed firms.

Ms. Wiecha stated that the URS team contained some of the highest qualified people they've seen. Individuals in key personnel categories had participated in other highly successful projects. Other key items that favored heavily was the local experience that the team had and their approach to service delivery. This team was set apart in terms of their understanding of the project. It was clear that they had done a lot of thinking about providing project management tasks and they appeared to be ready to hit the ground running with extensive knowledge and experience. Their overall team structure outranked the other proposals.

Director Daly asked about potential cost savings and noted that the Transportation Authority has been promoting value engineering. Ms. Wiecha noted that there were a number of ideas in the written proposal that could bring about a potential cost savings and showed a comprehensive approach to value engineering.

Director Harper asked for an explanation about two seeming conflicting paragraphs in the contract regarding the Third Party Beneficiary. Deputy City Attorney Cooper noted that state law requires that the TJPA apply the rules of its administrator to TJPA contracts, which in this case is the City and County of San Francisco. State law also provides a definitive guide that determines which rules govern any given situation. The TJPA is separate from the City and County of San Francisco and must enforce violations for themselves.

Emilio Cruz, URS, introduced the URS team. They expressed their excitement about the project. They were able to put together a team that has over sixty years of living and working in San Francisco as well as working on international projects.

No public comment.

RESOLUTION 04-019

On motion to approve:

ADOPTED: AYES – Brandt, Burns, Daly, Harper and Nevin

9. Approving the Revised Initial Project Report and Resolution of Project Compliance required for the allocation of Regional Measure 2 funds for the Transbay Terminal/CalTrain Downtown Extension Project.



Nancy Whelan presented the staff report. The TJPA must approve an Initial Project Report and Resolution of Project Compliance for each RM2 funding request. The resolution recognizes the existence of pending litigation. She stated that the money would have to be returned only if the project didn't move forward.

No public comment.

RESOLUTION 04-020

On motion to approve:

ADOPTED: AYES – Brandt, Burns, Daly, Harper and Nevin

ADJOURN - The meeting was adjourned at 12:53 p.m.

A tape of the meeting is on file in the office of the Secretary to the Transbay Joint Powers Authority Board of Directors

Roberta Boomer
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin. Code Sections 16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 801, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 554-8757 and web site: sfgov.org/ethics.