

# Memorandum

**To:** Cost Review Committee

**From:** Ron Alameida, Director of Design & Construction for the Transbay Transit Center, SF Public Works  
Dennis Turchon, Senior Construction Manager, TJPA  
Mary Pryor, TJPA Finance Advisor

**Date:** For the Committee Meeting of April 9, 2019

**Re:** Agenda Item 3

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## **Agenda Item 3 - Opportunity to Comment on Contracts, Change Orders and Contract Amendments that Require CRC Review**

### **Professional Services Contract Amendment in Excess of \$250,000**

*Pelli Clarke Pelli Architects (PCPA)*

TJPA staff is requesting the Cost Review Committee's (CRC) concurrence to amend the Professional Design Services Contract with Pelli Clarke Pelli Architects, Inc., and to increase the Contract amount by a not to exceed amount of \$5,000,000. Please note that the Transbay Joint Powers Authority intends to hold the responsible party for the temporary closure accountable for all costs associated with the girder repairs and remediation. The scopes of work in the contract amendment will include the following:

#### ***Architectural and Engineering Services associated with Girder Repairs (Not to Exceed \$2,000,000)***

Based on the investigation and testing to date to determine the cause of the fissures on the Fremont Street girders, LPI, Incorporated (LPI) has concluded that the cause of the non-conforming work, *i.e.*, cracked girders, resulted from the failure to properly install Weld Access Holes ("WAH") in accordance with the requirements of the Contract Documents and applicable codes, specifically the AWS Structural Welding Code - Steel, Section D1.1.

The WAH were installed by the construction team as part of its means and methods during the fabrication process. The TJPA's design team is not contractually responsible for the construction team's means and methods (nor is the TJPA). Moreover, in making the determination that the WAHs were not properly installed and non-conforming work, LPI reviewed the structural steel superstructure design for both the Fremont and First Street girders and found the design to be within the applicable standard of care for a project of this size and complexity. The TJPA & LPI have determined in this regard that the design is consistent with the determination of the Seismic and Structural Review Committee retained prior to construction to review and concurred with the design of the structure at the First and Fremont Street girders.

For these reasons, the TJPA recommends payment of the TJPA's design team's services related to the 'at issue' non-conforming work. In making any such payments to the

TJPA's design team, the TJPA shall reserve its right to recoup any fees paid for such services, if it is subsequently determined that the TJPA's design team in some manner contributed to or caused the non-conforming work.

Of the work LPI has done, the materials and computational analyses are the only part the MTC Peer Review Panel is tasked with reviewing. This review is still underway, but the Peer Review Panel is in general concurrence with the initial hypothesis that the failure was due to the combination of steel with low fracture toughness at mid-thickness, the presence of an initiating defect caused by the flame cutting of holes, and the presence of stress across the fracture plane. The Peer Review Panel is not tasked with reviewing nor has it opined on any code or contract analysis TJPA or LPI has done used to establish which parties are responsible and which parties would pay for damages.

As of the end of February 2019, Thornton Tomasetti, a sub-consultant to Pelli Clarke Pelli Architects, Inc. has expended \$1,304,000. With the anticipated additional support required until the building-wide review is complete, the TJPA requests concurrence with this expenditure for a not-to-exceed amount of \$2,000,000. Funding for this expenditure is anticipated to be paid from the unrestricted account, and not City Financing or CFD reimbursements for train box and park costs.

***Architectural and Engineering Services for Extended Construction Administration Phase (Not to Exceed \$3,000,000)***

Independent of the repair of the beam, the transit center remains under base scope construction with the latest schedule issued by the Construction Manager/General Contractor (CM/GC) forecasting final completion in August 2019.

Items still under construction include:

- Shaw Alley ceiling, paving and other elements related to the Jamie Carpenter Art.
- Enclosure panels at the Bus Ramp Drop-in Span
- Miscellaneous ceiling panels throughout the transit center.
- Seismic Joint Installation
- Numerous Non-Conformance Reports (NCR) and Field Condition Reports (FCR)
- Numerous Punch List Items, with many areas yet to be reviewed by the Architect for final acceptance
- Final Commissioning

An Add Service Agreement (ASA) with Pelli Clarke Pelli Architects, Inc. is needed to extend the initial scope of work for Construction Administration Basic Services for eight months, from January 1, 2019 through August 31, 2019. Compensation for work related to the extended Construction Administration services shall be for actual costs (Time & Material), for a not-to-exceed value of \$3,000,000.