

**THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 9  
FOR THE MEETING OF: October 17, 2008**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Awarding Contract No. 08-07-CONTT-000, Temporary Terminal Project, to McGuire and Hester of Oakland, California, as the responsible bidder submitting the lowest responsive bid in the amount of \$18,065,500, contingent upon approval of funding by the Metropolitan Transportation Commission at their meeting of October 22, 2008.

**SUMMARY:**

- On June 20, 2008, the TJPA issued an Advertisement for Bids for construction of the Temporary Terminal Project. Six bids were received and opened on August 5, 2008. Two bid protests were received. Following review of the bid documents and protests and consultation with the San Francisco City Attorney's office, the TJPA re-advertised the project with revised specifications on September 17, 2008.
- The main scope of work of this project is demolition, paving, utility and irrigation work, lighting, installation of buildings and canopies, and landscaping. New street paving and traffic signal work is also included, as well as revisions to the overhead catenary system.
- Five bids were received and opened on October 1, 2008. Staff recommends awarding Contract 08-07-CONTT-000 to McGuire and Hester in the amount of \$18,065,500, as the responsible bidder submitting the lowest responsive bid.
- Funding for this project is through Regional Measure 2 (RM2) funds, as administered by the Metropolitan Transportation Commission. The request will be in front of the Commission for approval at its meeting on October 22, 2008.

**EXPLANATION:**

Scope of Work

The Temporary Terminal Project is the initial construction contract in the Transbay Transit Center Program. Construction of temporary facilities is necessary in order to temporarily relocate transit partners currently utilizing the Transbay Terminal. The Temporary Terminal facilities will be located in the block bounded by Beale, Folsom, Main and Howard, and will be constructed in two phases, allowing for the relocation of transit operations prior to the demolition of the bus ramp crossing the site.

The time allowed for completion is 420 calendar days and the work includes the following:

- Demolition and removal of a pair of two-story buildings, asphalt paving, trees, underground utilities, piles and pile caps, concrete sidewalks/curbs/gutters, and light poles
- New concrete and asphalt paving and drainage, concrete sidewalks/curbs/gutters and curb ramps
- New utility and irrigation work
- New roadway and pedestrian lighting with power supply lines
- New street paving and traffic signal work
- Revisions to Muni Overhead Contact System (OCS)
- Fabrication/installation of three new modular buildings

- Fabrication/installation of new steel-framed fabric canopies
- Landscaping including soil preparation, and planting of trees, shrubs, and ground cover

Phasing and Site Control

The project will be constructed in two phases in order to keep the elevated bus ramps serving the current terminal functional until operations can be relocated to the Temporary Terminal in Phase 1. Phase 2 work will include completion of the area below the elevated bus ramps following their demolition and removal.

The TJPA has acquired the four privately held parcels on the site and has agreements in place with the California Department of Transportation (Caltrans) to transfer the state owned parcels to the City and County of San Francisco and the TJPA in order to construct the Temporary Terminal.

Advertisement for Bids

The initial Advertisement for Bids was issued on June 20, 2008, noting that the engineer's estimate was in excess of \$18,000,000. The second Advertisement for Bids was issued on September 17, 2008, noting that the engineer's estimate was in excess of \$19,000,000. The final engineer estimate, completed prior to the first bid opening, is \$20,341,255. This was announced as the construction budget at the time of both bid openings.

Bids Received

On August 5, 2008, TJPA received and opened six bids, with the low bid in an amount of \$19,130,000. Following the rejection of all bids and re-issuance of the advertisement, on September 17, 2008, TJPA received and opened five bids, as follows:

<u>Bidder</u>	<u>Bid Amount (Base Plus Alternates 1-3/Allowances)</u>
1. West Bay Builders 250 Bel Marin Keys Blvd., Bldg. A Novato, CA 94949	\$18,739,734
2. McGuire and Hester, Inc. 9009 Railroad Avenue Oakland, CA 94603	\$18,065,500
3. S.J. Amoroso Construction 390 Bridge Parkway Redwood Shores, CA 94065	\$18,357,000
4. Proven Management Inc. 706 Sansome Street San Francisco, CA 94111	\$18,093,829
5. Shimmick Construction Co. Inc. 8201 Edgewater Drive #202 Oakland, CA 94621	\$18,177,000

Staff has reviewed the qualifications that were included in the bid package submitted by McGuire and Hester, and staff is satisfied that McGuire and Hester possesses the requisite experience to perform the scope of work for this contract. McGuire and Hester complied with the instructions to bidders and submitted all required forms and certifications, including certification that it is signatory to a recognized

apprenticeship and/or training program under Chapter 4 of the California Code as certified by the State of California Division of Apprenticeship Standards. McGuire and Hester has also included DBE participation of 31 percent in their contract bid.

#### Bid Protests

Two bid protests were received within five days of the August 5 bid opening, one from Proven Management, Inc. and one from Bird Air, a proposed subcontractor to supply the tension membrane structures to Proven Management. TJPA staff consulted with the San Francisco City Attorney's office and determined that the best course of action would be to reject all bids and clarify the specifications—in particular the specification regarding the tension membrane structures (the canopies that will protect the passengers). The TJPA, in consultation with the San Francisco City Attorney's office, determined that the original specification was potentially ambiguous and should be clarified. The TJPA did not receive any material protests following the second bid opening.

#### Funding

Funding for this project is through Regional Measure 2 (RM2) funds, as administered by the Metropolitan Transportation Commission. The request will be in front of the Commission for approval at its meeting on October 22, 2008. The TJPA Board approved the update to the Initial Project Report (IPR) requesting this funding at its meeting of September 29, 2008.

As noted at the September 29, 2008, meeting, and included in the IPR which was approved by the TJPA Board, the TJPA must meet additional requirements in order for the funds to be released, even after MTC approval. One of these requirements, approval of a Lease and Use Agreement with AC Transit, was accomplished at the meeting of September 29, 2008. The other requirements are: TJPA securing an investment grade rating from Fitch (underway), submittal of a TIFIA loan application (underway), and approval of an Exclusive Negotiating Agreement (ENA) with Hines, which is scheduled for consideration at the October 17, 2008, Board meeting. These conditions are consistent with prudent financial practices which require that all funding be secured before construction begins.

#### **RECOMMENDATION:**

Staff recommends that the TJPA Board of Directors authorize award of Contract No. 08-07-CONTT-000 to McGuire and Hester the lowest responsive and responsible bidder, in the amount of \$18,065,500.

#### **ENCLOSURE:**

1. Resolution

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

WHEREAS, On June 20, 2008, the Transbay Joint Powers Authority (TJPA) advertised for bids for TJPA Contract No. 08-07-CONTT-000, Temporary Terminal Project, which is part of the Transbay Transit Center Program and will allow for the relocation of transit agencies from the Transbay Terminal in order to demolish the Transbay Terminal and construct a new Transbay Transit Center; and

WHEREAS, Under this project, the contractor will demolish the existing buildings, pavement, sidewalks, curbs, gutters, trees, and light fixtures on the block bounded by Beale, Folsom, Main and Howard; and

WHEREAS, The contractor's work also includes new lot paving, sidewalks, curbs, gutters, trees, light fixtures, buildings, street paving and striping, and revisions to the overhead catenary system; and

WHEREAS, On August 5, 2008, TJPA received and opened publicly six bid proposals; and

WHEREAS, On September 12, 2008, the Executive Director rejected all bids and on September 17, 2008, the TJPA re-advertised the project; and

WHEREAS, On October 1, 2008, TJPA received and opened publicly five bid proposals; and

WHEREAS, TJPA determined that McGuire and Hester of Oakland, California, is the responsible bidder submitting the lowest responsive bid, with a bid of \$18,065,500; and

WHEREAS, Funds for this contract will be available once approved by the Metropolitan Transportation Commission (MTC) on October 22, 2008 and once the TJPA has met the additional requirements included in the updated MTC Initial Project Report (IPR); and

WHEREAS, The time allowed for completion of the work under this contract is 420 calendar days after issuance of the Notice to Proceed; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the award of TJPA Contract No. 08-07-CONTT-000, Temporary Terminal Project, to McGuire and Hester, as the responsible bidder submitting the lowest responsive bid, in an amount not to exceed \$18,065,500.

I certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board at its meeting of October 17, 2008.

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Secretary, TJPA Board of Directors