

**STAFF REPORT FOR CALENDAR ITEM NO.: 12**  
**FOR THE MEETING OF: March 10, 2011**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Authorizing Webcor/Obayashi Joint Venture to execute a Subcontract Agreement for On-Call Survey & Control Services with the firm of Chaudhary & Associates, Inc., for three years and an initial compensation of \$1,250,000 (with an option to extend the term for an additional two 2-year terms and increase the compensation by \$1,250,000), increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$1,250,000 and the authorized Construction Services Fee by \$102,500 for the initial survey subcontract.

**SUMMARY:**

On November 18, 2010, Webcor/Obayashi Joint Venture (W/O) released a Request for Proposals (RFP) for On-Call Surveying & Control Services, to which five surveying firms responded, submitting proposals on or before the due date of January 17, 2011. Two of the five firms were disqualified from continued participation in the RFP process due to conflict of interest and lack of overall technical and professional experience.

A selection committee evaluated the remaining three proposals and conducted interviews with the remaining three firms that were the most responsive and qualified for the surveying services as described in the RFP. Chaudhary & Associates, Inc. was ranked highest by the selection committee. Chaudhary & Associates is a Small Business certified by the California Department of General Services; this subcontract will have 100 percent SBE participation.

The scope of work under this package is provision of 'on-call' surveying services to provide benchmark and gridline controls, grid transfers, grid & benchmark maintenance and periodic survey layouts of excavations, structure and perimeter site work along with QA/QC surveys of ongoing construction. Specific work will be authorized as needed. Work shall be compensated on an hourly basis and the hourly rates are fixed for the life of the subcontract. The initial authorization is for a three-year term and services of \$1,250,000. An additional \$1,250,000 may be authorized all or in part and the parties may mutually agree to exercise one or both of the two-year options.

**RECOMMENDATION:**

TJPA staff recommends that the TJPA Board authorize Webcor/Obayashi Joint Venture to execute a Subcontract Agreement for On-Call Survey & Control Services with the firm of Chaudhary & Associates, Inc., for three years and compensation of \$1,250,000 (with options to increase the compensation by \$1,250,000 and to extend the term for an additional two 2-year terms), increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$1,250,000 and the authorized Construction Services Fee by \$102,500 for the initial survey subcontract.

**ENCLOSURES:**

1. Resolution
2. Contract Modification

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

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

WHEREAS, On March 12, 2009, the TJPA awarded a contract to Webcor/Obayashi Joint Venture as Construction Manager/General Contractor (CM/GC) for the Transbay Transit Center Building and Related Structures (Contract No. 08-04-CMGC-000 (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 Subcontract, (b) authorize the associated increase in allowable Direct Costs under the Contract (Agreement (Section 00 05 20), ¶5.01), and (c) authorize the CM/GC to charge a Construction Services Fee invoiced at a rate of 8.2% of Direct Costs; and

WHEREAS, On November 18, 2010, the CM/GC issued Request for Proposals TG05.1: Survey & Control services for the entire Transbay Transit Center Program for establishing, transferring and maintaining control of project benchmarks and construction gridlines; and

WHEREAS, Under TG05.1, the Trade Subcontractor will perform all survey related activities relative to Benchmark and Grid control for the entire Transbay project; and

WHEREAS, On January 17, 2011, three qualified proposals were received; and,

WHEREAS, A selection committee evaluated each proposal for technical merit and the proposal of Chaudhary & Associates, Inc. was ranked highest by the selection committee; and

WHEREAS, The Webcor/Obayashi Joint Venture has negotiated an agreement with Chaudhary & Associates, Inc. to serve as Building Control Surveyor as required, at fixed hourly rates; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the Webcor/Obayashi Joint Venture to execute a Subcontract Agreement for On-Call Survey & Control Services with the firm of Chaudhary & Associates, Inc., for three years and compensation of \$1,250,000 (with an option to extend the term for an additional two 2-year terms and increase the compensation by \$1,250,000), increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$1,250,000 and the authorized Construction Services Fee by \$102,500 for the initial survey subcontract.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of March 10, 2011.

\_\_\_\_\_  
Secretary, Transbay Joint Powers Authority

**AGREEMENT**  
**AMENDMENT NO. 15**  
**BETWEEN**  
**TRANSBAY JOINT POWERS AUTHORITY**  
**AND**  
**WEBCOR/OBAYASHI, J.V.**

THIS AMENDMENT for AGREEMENT is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by and between the TRANSBAY JOINT POWERS AUTHORITY ("TJPA") and Webcor/Obayashi, J.V. (the "CM/GC"). By this Amendment No. 15 the TJPA and the CM/GC hereby modify the Agreement dated March 17, 2009 (the "Agreement"), only to the extent expressly provided in this Amendment No. 15. 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 (the "Project").

**B.** As detailed in the Agreement CM/GC is required to procure construction services through the award of Trade Packages, at which time the 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 Fee in accordance with Article 5.01 of the Agreement.

**C.** The CM/GC issued a Request for Proposals for TG05.1: Survey & Control Professional Services on November 18, 2010, and received five proposals on January 17, 2011.

**D.** A selection committee reviewed the proposals for technical merit and determined Chaudhary & Associates, Inc. ("Trade Subcontractor") to be the highest-ranked respondent to the RFP and the CM/GC invited the Trade Subcontractor to exclusive negotiations.

**E.** A Trade Subcontract has been negotiated for an initial term of three years and compensation of \$1,250,000, with the option to extend the term by two 2-year options and increase the compensation to a maximum of \$2,500,000 in the aggregate for the initial term and all options.

**Terms and Conditions**

**1.** By this Amendment the TJPA authorizes an increase in the CM/GC scope of work and the value of the Contract Sum by **\$1,352,500** (Trade Package Direct Costs of **\$1,250,000** and CM/GC Fee, calculated at 8.2 percent of Direct Costs, of **\$102,500**), and the award of Trade Subcontract No. TG05.1 to **Chaudhary & Associates, Inc.** for performance of TG05.1: Survey & Control Services.

**2.** The detailed scope of work and schedule incorporated by this Amendment is provided in the Request for Proposal Documents dated November 18, 2010 and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 15 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:

Dennis J. Herrera, City Attorney

By: \_\_\_\_\_  
Deputy City Attorney

WEBCOR/OBAYASHI, JOINT VENTURE

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title