

**STAFF REPORT FOR CALENDAR ITEM NO.: 11
FOR THE MEETING OF: June 9, 2011**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorizing Webcor/Obayashi Joint Venture to execute a Subcontract Agreement for On-Call Site Maintenance Services with the firm of Clipper International Equipment Co. for seven years and a maximum compensation of \$5,500,000, increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$5,500,000 and the authorized Construction Services Fixed Fee by \$451,000.

EXPLANATION:

On April 8, 2011, Webcor/Obayashi Joint Venture (“W/O”) released a Request for Proposals (“RFP”) for On-Call Site Maintenance Services. The scope of work under this package is ‘on-call’ site maintenance services to provide general site and staging area maintenance including general debris cleaning and disposal, street sweeping, sidewalk cleaning, weed control, daily graffiti control, perimeter fence maintenance and repair, and curb & gutter maintenance immediately adjacent to the project staging areas. Specific work will be authorized as needed. By the due date of May 6, four firms responded:

- Avalon Construction Co.
- Clipper International Equipment Co.
- CMC Construction
- Eagle Environmental Construction

Three of the four proposals were determined to meet the minimum qualifications. On May 10, a selection committee reviewed the three responsive proposals for technical merit. Based on the scores of the written proposals, the selection committee recommended that an agreement be negotiated with Clipper International. Scores are shown below.

Firm	Panelist A	Panelist B	Panelist C	Total Score
Clipper International	194	188	186	568
CMC Construction	153	173	154	480
Eagle Environmental	147	173	162	482

Clipper is a Small Business Enterprise (SBE) certified by the California Department of General Services; this subcontract will have 100 percent SBE participation.

Work shall be compensated on an hourly basis and the hourly rates are fixed for the seven-year term of the subcontract. The subcontract direct cost will not exceed \$5,500,000.

RECOMMENDATION:

TJPA staff recommends that the TJPA Board authorize Webcor/Obayashi Joint Venture to execute a Subcontract Agreement for On-Call Site Maintenance Services with the firm of Clipper

International Equipment Co. for seven years and a maximum compensation of \$5,500,000, increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$5,500,000 and the authorized Construction Services Fixed Fee by \$451,000.

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 Fixed Fee invoiced at a rate of 8.2% of Direct Costs; and

WHEREAS, On April 8, 2011, the CM/GC issued Request for Proposals TG05.7: Site Maintenance Services for the entire Transbay Transit Center Program to provide general site and staging area maintenance including general debris cleaning and disposal, street sweeping, sidewalk cleaning, weed control, daily graffiti control, perimeter fence maintenance and repair, and curb & gutter maintenance immediately adjacent to the project staging areas; and

WHEREAS, On May 6, 2011, three proposals were received from firms meeting all minimum qualifications in response to the RFP, and a Selection Committee convened to evaluate the proposals for technical merit; and

WHEREAS, The Selection Committee ranked the firm of Clipper International Equipment Co. the highest and found that Clipper International Equipment Co. is well qualified to perform the scope of services; and

WHEREAS, Based on the Selection Committee’s recommendation, the Webcor/Obayashi Joint Venture has negotiated an agreement with Clipper International Equipment Co. to perform Site Maintenance Services as required for a seven year term and a maximum compensation of \$5,500,000; 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 Site Maintenance Services with the firm of Clipper International Equipment Co. for seven years and a maximum compensation of \$5,500,000, increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 by \$5,500,000 and the authorized Construction Services Fixed Fee by \$451,000.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of June 9, 2011.

Secretary, Transbay Joint Powers Authority

AGREEMENT
AMENDMENT NO. 18
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. 18 the TJPA and the CM/GC hereby modify the Agreement No. 08-04-CMGC-000 dated March 17, 2009 (the "Agreement"), only to the extent expressly provided in this Amendment No. 18. 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 Fixed Fee in accordance with Article 5.01 of the Agreement.

C. The CM/GC issued a Request for Proposals for TG05.7: Site Maintenance Professional Services on April 8, 2011, and received four proposals on May 6, 2011.

D. A selection committee reviewed the proposals for technical merit and determined Clipper International Equipment Co. ("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 a term of seven years and maximum compensation of \$5,500,000.

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 \$5,951,000 (Trade Package Direct Costs of \$5,500,000 and CM/GC Fixed Fee, calculated at 8.2 percent of Direct Costs, of \$451,000), and the award of Trade Subcontract No. TG05.7 to Clipper International Equipment Co. for performance of TG05.7: Site Maintenance Professional Services.

2. The detailed scope of work and schedule incorporated by this Amendment is provided in the Request for Proposal Documents dated April 8, 2011.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 18 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:

TJPA Legal Counsel

By: _____

WEBCOR/OBAYASHI, JOINT VENTURE

Authorized Signature

Printed Name

Title