

STAFF REPORT FOR CALENDAR ITEM NO.: 9
FOR THE MEETING OF: April 9, 2015

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Amending Contract No. 08-04-CMGC-000, authorizing Webcor/Obayashi Joint Venture (the CM/GC) to award a Trade Work Subcontract to Pacific Erectors, Inc. as the responsible bidder submitting the lowest responsive bid in the amount of \$19,553,000 for TG08.4: Metal Panels (TG08.4), thereby increasing authorized Direct Costs by \$19,553,000, and increasing the authorized Construction Services Fixed Fee by \$1,486,028, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

EXPLANATION:

On August 26, 2014, the CM/GC issued a Request for Qualifications (RFQ) for TG08.4. On September 23, 2014, eight firms responded to the RFQ. On October 29, 2014, a selection committee consisting of representatives from the TJPA, CM/GC, Construction Management Oversight (CMO) consultant, and Program Management/Program Controls (PMPC) consultant reviewed and scored each firm's qualifications for technical merit. Based on its evaluation, the selection committee determined the following bidders to be qualified and free of conflicts of interest:

- A.C. Dellovade
- Cobra BEC
- Engineered Wall Systems, Inc. dba EWS
- Pacific Erectors, Inc.

On November 5, 2014, the TG08.4 package was issued for bid. A pre-bid conference was held on November 19, 2014. Two addenda to TG08.4 were issued during the bid period to provide clarifications, respond to bidders' questions, and provide updated specifications, drawings, and sketches. The addenda are briefly described as follows:

- Addendum #1 incorporated ASI 128 (Conformed IFC Set) into the Contract Documents and extended the bid date to March 19, 2015, at the bidders' request.
- Addendum #2 was an administrative addendum to officially incorporate into the Contract Documents all responses to TG08.4 bidders' questions during the bid period.

The scope of work under this package includes providing metal panel wall systems at various exterior and interior locations throughout the Transit Center. The scope of work includes providing all required primary and secondary support systems to attach the metal panel wall systems to the building structure. The major items of work for this package consist of designing, fabricating, and installing the following:

- W-5: Aluminum Panel Wall System for elevator/stair enclosures at the Ground, Second, and Bus Deck levels
- W-7: Aluminum Panel Wall System for the Stair 201 enclosure (west end of the Transit Center) from the Ground Level to the Rooftop Park
- W-9: Aluminum Cladding at the Bus Deck cast nodes
- W-16A: Prefinished Aluminum Wall and Ceiling Panels at elevator and stair enclosures at the Rooftop Park
- W-16B: Stainless Steel Wall and Ceiling Panels at elevator and stair enclosures at the Rooftop Park and Grand Hall escalator enclosures
- W-16C: Prefinished Aluminum Break-Formed Panels at the Bus Deck and Rooftop Park perimeters
- W-17: Prefinished Modular Façade Trellis (greenwall) at the Rooftop Park building elements, including the rooftop restaurant
- W-19: Prefinished Corrugated Aluminum Panel System installed with and behind the W-17 panels

The scope of work includes all labor, materials, equipment, tools, transportation, disposal fees, incidentals, and any other costs/fees necessary to complete work in accordance with the Contract Documents. All necessary work from mobilization to hand over to the next trade subcontractor is included in the scope of work.

Bidders had the option of submitting value engineering (VE) proposals prior to the bid date. No VE proposals were submitted.

On March 19, 2015, three bids were received, opened, and evaluated. Pacific Erectors, Inc. (Pacific Erectors) submitted the lowest responsive bid based on its Base Bid Amount of \$19,553,000. Below is a summary of the bid results:

	A.C. Dellovade, Inc.	Engineered Wall Systems, Inc.	Pacific Erectors, Inc.
Base Bid Amount	\$23,448,360	\$28,304,000	\$19,553,000

Pacific Erectors submitted information with its bid indicating Small Business Enterprise (SBE) participation of 7%, with four SBE firms included. However, the package SBE participation goal is 8%. In addition, one of the firms listed as an SBE is not a certified SBE, and Pacific Erectors did not include Good Faith Efforts documentation with its bid. On March 25, 2015, under Section XI of the TJPA SBE Policy, a letter was sent to Pacific Erectors requesting provision of additional information to document its Good Faith Efforts and its intention to meet the SBE goal, within ten days. The response is due by April 8, 2015. Pacific Erectors has informed the CM/GC that an additional listed subcontractor is qualified for and pursuing City and County of San Francisco Local Business Enterprise (LBE) certification, which is one of the certifications accepted under TJPA's SBE Program. The City's LBE certification unit has verbally informed the subcontractor and the CM/GC SBE team that the certification will be

approved; however, final approval will take approximately three to four weeks to complete. Once the subcontractor is finally certified, Pacific Erectors' bid will include 9.59% SBE participation, with four SBE firms, exceeding the 8% goal.

TJPA's budget for TG08.4 is \$14,084,839 (which includes \$148,523 in design contingency and \$1,338,407 in escalation), and the CM/GC's estimate is \$20,900,000. It is recommended to fund the \$5,468,161 balance between the awarded amount and the current TG08.4 budget from the Program Reserve. The current available Program Reserve is \$15,000,000. After the award of TG08.4, the remaining balance in the Program Reserve will be \$9,531,839.

No bid protests were received during the bid protest period, which ended on March 26, 2015. This Trade Work Subcontract is anticipated to be funded by land sales.

RECOMMENDATION:

TJPA staff recommends that the TJPA Board authorize amending Contract No. 08-04-CMGC-000, authorizing the CM/GC to execute a Trade Work Subcontract with Pacific Erectors, Inc. as the responsible bidder submitting the lowest responsive bid in the amount of \$19,553,000 for TG08.4: Metal Panels, thereby increasing the authorized Direct Costs by \$19,553,000, and increasing the authorized Construction Services Fixed Fee by \$1,486,028, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

ENCLOSURES:

1. Resolution
2. Contract Modification

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, On March 12, 2009, the Transbay Joint Powers Authority (TJPA) awarded a contract to Webcor/Obayashi Joint Venture as Construction Manager/General Contractor (the CM/GC) for the Transbay Transit Center Building and Related Structures (Contract No. 08-04-CMGC-000 or 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 Work Subcontract; (b) authorize the associated increase in allowable Direct Costs under the Contract; and (c) authorize the CM/GC to charge a Construction Services Fixed Fee invoiced at a rate of 7.6% of Direct Costs (Contract, Section 00 05 20, ¶5.01); and

WHEREAS, On November 5, 2014, the CM/GC issued an Invitation for Bids for TG08.4: Metal Panels (TG08.4) for the Transbay Transit Center Program to construct the Metal Panel wall systems in accordance with the Contract Documents; and

WHEREAS, Under TG08.4, the Trade Subcontractor will perform all Metal Panel wall systems construction-related activities for the Transbay Transit Center; and

WHEREAS, On March 19, 2015, three bids were received and opened publicly; and

WHEREAS, CM/GC and TJPA have determined that Pacific Erectors, Inc. is the responsible bidder submitting the lowest responsive bid, with a Base Bid Amount of \$19,553,000; and

WHEREAS, Funds for this Trade Work Subcontract are available from land sales; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the CM/GC to execute a Trade Work Subcontract for TG08.4 with Pacific Erectors, Inc. as the responsible bidder submitting the lowest responsive bid in the contract amount of \$19,553,000; and be it

FURTHER RESOLVED, That upon award of the Trade Work Subcontract to Pacific Erectors, Inc., the Trade Work Subcontract shall be deemed part of the Contract Documents under Contract No. 08-04-CMGC-000; and be it

FURTHER RESOLVED, That Contract No. 08-04-CMGC-000 is hereby modified to incorporate the authorized amount of the Trade Work Subcontract awarded to Pacific Erectors, Inc. for TG08.4 by increasing authorized Direct Costs by \$19,553,000, and increasing the authorized Construction Services Fixed Fee by \$1,486,028 under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of April 9, 2015.

Secretary, Transbay Joint Powers Authority

AGREEMENT
AMENDMENT NO. 49
BETWEEN
TRANSBAY JOINT POWERS AUTHORITY
AND
WEBCOR/OBAYASHI JOINT VENTURE

THIS AMENDMENT for AGREEMENT is entered into as of the 9th day of April, 2015, by and between the TRANSBAY JOINT POWERS AUTHORITY (TJPA) and Webcor/Obayashi Joint Venture (CM/GC). By this Amendment No. 49, the TJPA and the CM/GC hereby modify the Agreement dated March 17, 2009 (Agreement), only to the extent expressly provided in this Amendment No. 49. 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 (Project).

B. As detailed in the Agreement, the CM/GC is required to procure construction services through the award of Trade Packages, at which time 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 an Invitation for Bids for TG08.4: Metal Panels on November 5, 2014, and received and publicly opened three bids on March 19, 2015.

D. Pacific Erectors, Inc. was the responsible bidder submitting the lowest responsive bid in the amount of \$19,553,000.

Terms and Conditions

1. By this Amendment, TJPA authorizes an increase in the CM/GC scope of work and the value of the Contract Sum by \$21,039,028 (Trade Package Direct Costs of \$19,553,000, and CM/GC Fixed Fee, calculated at 7.6 percent of Direct Costs, of \$1,486,028) and the award of Trade Subcontract No. TG08.4 to Pacific Erectors, Inc. for performance of the construction of TG08.4: Metal Panels.

2. The detailed scope of work and schedule incorporated by this Amendment is provided in the Contract Documents dated December 16, 2014, and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 49 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:

By: _____
TJPA Legal Counsel

WEBCOR/OBAYASHI, JOINT VENTURE

Authorized Signature

Printed Name

Title