

**STAFF REPORT FOR CALENDAR ITEM NO.: 14  
FOR THE MEETING OF: November 13, 2014**

**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 in the amount of \$86,799,400 to Fisk Electric Company (Fisk) as the responsible bidder submitting the lowest responsive bid for TG10.4: Electrical, Communications, Security and Integrated Networks (TG10.4), thereby increasing authorized Direct Costs by \$86,799,400, and increasing the authorized Construction Services Fixed Fee by \$6,596,754, under and in accordance with Contract No. 08-04-CMGC-000, Section 00 05 20, ¶5.01B.

**EXPLANATION:**

On October 17, 2013, the CM/GC issued a Request for Qualifications (RFQ) for TG10.4. On November 15, 2013, nine firms responded to the RFQ. On December 3, 2013, 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:

- Fisk Electric Company
- Helix Electric, Inc.
- Redwood Electric Group, Inc.
- Rosendin Electric, Inc.
- Sachs Electric Company & Sprig Electric (A Sprigs/Sachs Joint Venture)
- Shimmick Construction Company, Inc.

On January 30, 2014, the TG10.4 package was issued for bid. A pre-bid conference was held on February 18, 2014. To provide further outreach to bidders, the CM/GC held a second pre-bid question and answer session on July 24, 2014, and a third pre-bid question and answer work session specific to communication and security questions on August 7, 2014. Nine addenda were issued during the bid period to provide clarifications, respond to bidders' questions, and provide updated specifications, drawings and sketches. While some of these addenda were specific to this trade package alone, Addenda #2 and #4 through #7 were issued for all packages currently in the bidding phase for the purpose of providing the 100% issued for construction (IFC) set of drawings, related architect's supplemental instructions (ASIs), and value engineering (VE) items to all bidders. The addenda are described below:

- Addendum #1 added the landscape and site utility drawings and specifications to all bidding trade packages for general reference and extended the bid date to May 22, 2014, to allow bidders time to review the added drawings and specifications.

- Addendum #2 added the 100% IFC set of drawings and specifications to all bidding trade packages for general reference and extended the bid date to June 18, 2014, to allow bidders time to review the IFC set of drawings.
- Addendum #3 included administrative changes, including a reduction of the Small Business Enterprise (SBE) participation goal from 30% to 15% to more accurately reflect the current availability of SBE firms for this type of work based on current construction market conditions. The overall CM/GC contract SBE goal remains at 17%, and even with the reduction for this trade package, the overall project goal is expected to be achieved. Addendum #3 also extended the bid date to August 21, 2014, at the bidders' request, to allow bidders additional time to review the IFC set of drawings issued under Addendum #2.
- Addendum #4 incorporated three ASIs to the IFC set of drawings as follows: ASI 117 (general coordination of bidding documents to respond to bidders' questions), ASI 118 (incorporation of secondary mitigation/value engineering items), and ASI 119 (further incorporation of secondary mitigation/value engineering items). Addendum #4 also incorporated Field Order T-00029 – Transbay Main Power Electric Supply IFB set of drawings produced by the San Francisco Public Utilities Commission (SFPUC).
- Addendum #5 incorporated three ASIs to the IFC set of drawings as follows: ASI 120 (incorporation of changes to glazing packages and responses to bidders' questions), ASI 121 (moving the physical security information monitoring system from one bid package to another), and ASI 122 (further incorporation of secondary mitigation/value engineering items). Addendum #5 also extended the bid date to September 18, 2014, at the bidders' request, to allow bidders additional time to review the changes issued in Addendum #4.
- Addendum #6 incorporated three ASIs to the IFC set of drawings as follows: ASI 123 (Civil/Utility drawings and responses to bidders' questions), ASI 124 (further incorporation of secondary mitigation/value engineering items), and ASI 125 (moving the emergency communications system/mass notification system from one bid package to another).
- Addendum #7 incorporated one ASI to the IFC set of drawings as follows: ASI 126 (incorporation of glazing package TG08.10 plans and specifications). Addendum #7 also extended the bid date to October 23, 2014, at the bidders' request, to allow bidders additional time to review the changes issued in Addendum #6.
- Addendum #8 incorporated one field order to the IFB set of drawings as follows: Field Order T-00029R1 – SFPUC IFB ES Drawing Revision 1. Addendum #8 also officially incorporated into the Contract Documents responses to bidders' questions during bidding.
- Addendum #9 was an administrative addendum to provide clarification to two bidders' questions asked during bidding.

The scope of work under this package includes constructing the electrical, communications, security, and integrated network systems for the Transbay Transit Center, excluding work on the Rooftop Park above the waterproofing protection slab. TJPA and the Mayor's office continue to

seek funding opportunities to fully fund the elements of the Rooftop Park above the waterproofing protection slab, including electrical work, to ensure that the Rooftop Park is opened concurrently with the Transit Center. The Rooftop Park trade package is scheduled to be issued for bid in January 2015 and it must be awarded by June 2015 in order for the park to open concurrently with the Transit Center.

The major items of work for this package consist of general electrical provisions (switchgear, power distribution, equipment connections, meters, wire & cable, raceways & boxes, grounding, vibration isolation, seismic restraints, etc.); interior and exterior lighting and controls; communications infrastructure (conduits, ducts, raceways, panels, boxes, cabinets, fiber optics, cabling, support structures, etc.); emergency power and emergency communications systems; fire and life-safety systems; uninterruptable power system and automated transfer switch system; communications, safety and security systems; audio-video systems; public information, public address and paging systems; building management and control systems; energy management and monitoring; and construction temporary lighting and power.

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 handover to the next trade subcontractor is included in the scope of work.

Bidders had the option of submitting VE proposals prior to the bid date. No VE proposals were submitted. To ensure the best value for the bid scope, TJPA included in the package nine deductive alternates, presented in July 2013 to the TJPA Board as cost mitigation measures and incorporated into the revised baseline budget, that are part of the total bid, and thus were factors in determining the lowest responsive bid. These deductive alternates are as follows:

- Deductive Alternate No. 4: Delete Beale Street Lobby, reconfiguring the Beale Street space as an open-air lobby rather than an enclosed space, and correspondingly reducing the electrical scope in this area.
- Deductive Alternate No. 9: Delete all Tubular Daylighting Devices (TDD) extending from the Rooftop Park to the Bus Deck, substituting TDD custom light fixtures/diffusers with non-custom light fixtures.
- Deductive Alternate No. 10: Delete glass cladding around Elevator 201 including lighting in cavity behind glass and replace with metal panels.
- Deductive Alternate No. 12: Delete ceiling coffers, color changing LED lighting and lighting controls at street pass-through (First and Fremont streets) and replace with ceiling-mounted light fixtures.
- Deductive Alternate No. 13: Defer installation of Service Elevator SE201 until Phase 2 when the train box is built out. Provide electrical rough-in only for electrical power in the future.
- Deductive Alternate No. 15: Eliminate radiant floor mechanical system within the Grand Hall, including any electrical connections.

- Deductive Alternate No. 16: Delete greywater system serving the wetlands area on the Rooftop Park, including any electrical connections.
- Deductive Alternate No. 23: Eliminate electrical systems serving the security guard booth at the top of the vehicle/bike ramp to the Lower Concourse. This booth will be deferred until Phase 2 when the train box is built out.
- Deductive Alternate No. 37: Defer installation of video surveillance and security (VSS) cameras and associated infrastructure within the Phase 2 train box areas.

The package includes two additive alternates. These additive alternates are as follows:

- Additive Alternate No. 18: Incorporate LED screen rough-in into the W-5 Wall System of the Beale Street Lobby to allow for the installation of LED screens in the future.
- Additive Alternate No. 21: Incorporate LED screen rough-in into the W-5 Wall System of the Grand Hall stair cores to allow for the installation of LED screens in the future.

On October 23, 2014, two bids were received, opened and evaluated. The following is a bid tabulation of the two bids:

<b>Bidder Name</b>	<b>Fisk Electric Company</b>	<b>Shimmick Construction</b>
Below Ground Electrical, Communications, Security and Integrated Networks	\$47,410,000	\$71,000,000
Below Ground Underground Electrical Power Installations Associated with Duct Bank and EMH Installations	\$770,000	\$2,888,000
Ground Level and Above Electrical, Communications, Security and Integrated Networks	\$39,590,000	\$78,840,000
<b>Base Bid</b>	<b>\$87,770,000</b>	<b>\$152,728,000</b>
Deduct Alternate No. 4: Delete Beale Street Lobby	-\$73,600	-\$98,000
Deduct Alternate No. 9: Delete TDD	-\$273,900	-\$71,000
Deduct Alternate No. 10: Delete W-7 Channel Glass	-\$10,800	-\$22,000
Deduct Alternate No. 12: Delete LED Lighting at First & Fremont Streets	-\$400,900	-\$355,000
Deduct Alternate No. 13: Defer Service Elevator SE201	-\$1,800	-\$9,800
Deduct Alternate No. 15: Eliminate Grand Hall Radiant Floor System	-\$39,100	-\$8,600
Deduct Alternate No. 16: Delete Greywater System serving Wetlands Area on the Rooftop Park	-\$11,200	-\$6,000
Deduct Alternate No. 23: Eliminate Electrical Serving Security Guard Booth	-\$22,300	-\$32,600
Deduct Alternate No. 37: Defer Train Box VSS Cameras	-\$310,800	-\$460,000
<b>Total Bid Price (Base Bid Less Deductive Alternates)</b>	<b>\$86,625,600</b>	<b>\$151,665,000</b>
Additive Alternate No. 18: Beale Street Lobby LED Screens Rough-in	\$7,000	\$246,000

Additive Alternate No. 21: Grand Hall LED Screens Rough-in	\$20,600	\$280,000
<b>Total Bid</b> (Includes Deductive Alternates and Additive Alternates)	<b>\$86,653,200</b>	<b>\$152,191,000</b>

Fisk submitted the lowest responsive bid, based on the Total Bid Price (Base Bid less deduct alternates) for the bid selection. The recommended award amount is \$86,799,400, which includes the sum of the Base Bid Amount (\$87,770,000) and the following deductive and additive alternates:

Deductive Alternate No. 9	-\$273,900
Deductive Alternate No. 10	-\$10,800
Deductive Alternate No. 12	-\$400,900
Deductive Alternate No. 13	-\$1,800
Deductive Alternate No. 37	-\$310,800
Additive Alternate No. 18	\$7,000
<u>Additive Alternate No. 21</u>	<u>\$20,600</u>
Total	-\$970,600
Base Bid Amount	\$87,770,000
<u>Net Accepted Alternates</u>	<u>-\$970,600</u>
Recommended Award	\$86,799,400

Deductive Alternate Nos. 4 and 23 are not recommended for acceptance in order to allow TJPA to preserve the option of enclosing the Beale Street Lobby and constructing the security guard booth located at the top of the vehicle/bike ramp to the Lower Concourse under future trade packages. Deductive Alternate No. 15 is not recommended for acceptance because the radiant floor system in the Grand Hall will be integrated into the geothermal system that has been installed below the train box mat slab and is an extremely efficient heating and cooling system. The radiant floor system in conjunction with the natural ventilation design strategy that allows doors and operable windows at the perimeter of the Grand Hall and at the Rooftop Park to be open or closed will provide a comfortable environment for patrons. Deductive Alternate No. 16 is not recommended for acceptance in order to preserve the possibility of constructing the wetlands area of the Rooftop Park as directed by the Board.

Additive Alternates Nos. 18 and 21 are recommended for acceptance to preserve the opportunity to provide LED screens in the Beale Street Lobby and Grand Hall for future revenue generating opportunities to help fund the maintenance and operation of the TTC.

Fisk's bid included 20.4% SBE participation, exceeding the 15% SBE goal on the package. Fisk's bid includes seven SBE firms. No bid protests were received during the bid protest period, which ended on October 30, 2014.

TJPA's budget for TG10.4 is \$54,333,295 (which includes \$493,571 in design contingency and \$4,147,372 in escalation), and the CM/GC's estimate is \$68,246,170. The CM/GC estimate incorporates VE items presented at the May 2014 Board meeting as part of the construction cost

estimate update and mitigation plan. The CM/GC estimate does not include the electrical work for the Rooftop Park above the water proofing protection slab. As noted above, TJPA and the Mayor's office continue to seek funding opportunities to fully fund the elements of the Rooftop Park above the waterproofing protection slab, including the electrical work, to ensure that the Rooftop Park is opened concurrently with the Transit Center. The Rooftop Park trade package is scheduled to be issued for bid in January 2015 and it must be awarded by June 2015 in order for the park to open concurrently with the Transit Center.

Consistent with the construction cost estimate update and mitigation plan presented to the Board at the May 2014 Board meeting, the \$32,466,105 balance between the awarded amount and the current TG10.4 budget will be covered using Program Reserve (\$27,267,300) and Construction Contingency (\$5,198,805). The current available Program Reserve is \$42,267,300. After the award of TG10.4, the remaining balance in the Program Reserve will be \$15,000,000, and the remaining balance in the Construction Contingency will be \$54,540,684.

The initial Notice to Proceed for this Trade Work Subcontract is anticipated to be funded by proceeds from 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 in the amount of \$86,799,400 with Fisk Electric Company as the responsible bidder submitting the lowest responsive bid for TG10.4: Electrical, Communications, Security and Integrated Networks, thereby increasing the authorized Direct Costs by \$86,799,400, and increasing the authorized Construction Services Fixed Fee by \$6,596,754, 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 January 30, 2014, the CM/GC issued an Invitation for Bids for TG10.4: Electrical, Communications, Security and Integrated Networks Package (TG10.4) for the Transbay Transit Center Program to construct the electrical, communications, security, and integrated network systems in accordance with the Contract Documents; and

WHEREAS, Under TG10.4, the Trade Subcontractor will perform all electrical, communications, security, and integrated network systems construction-related activities for the Transbay Transit Center Program, excluding work on the Rooftop Park above the waterproofing protection slab; and

WHEREAS, On October 23, 2014, two bids were received and opened publicly; and

WHEREAS, CM/GC and TJPA have determined that Fisk Electric Company is the responsible bidder submitting the lowest responsive bid, with a total bid price of \$86,799,400, which includes Deductive Alternate No. 9 (-\$273,900), Deductive Alternate No. 10 (-\$10,800), Deductive Alternate No. 12 (-\$400,900), Deductive Alternate No. 13 (-\$1,800), Deductive Alternate No. 37 (-\$310,800), Additive Alternate No. 18 (\$7,000), and Additive Alternate No. 21 (\$20,600); and

WHEREAS, Funds for the initial Notice to Proceed 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 TG10.4 with Fisk Electric Company as the responsible bidder submitting the lowest responsive bid in the contract amount of \$86,799,400; and be it

FURTHER RESOLVED, That upon award of the Trade Work Subcontract to Fisk Electric Company, 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 Fisk Electric Company for TG10.4 by increasing authorized Direct Costs by \$86,799,400, and increasing the authorized Construction Services Fixed Fee by \$6,596,754 (Direct Costs of \$86,799,400 multiplied by the Construction Services Fee of 7.6%) 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 November 13, 2014.

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Secretary, Transbay Joint Powers Authority



**AGREEMENT**  
**AMENDMENT NO. 43**  
**BETWEEN**  
**TRANSBAY JOINT POWERS AUTHORITY**  
**AND**  
**WEBCOR/OBAYASHI JOINT VENTURE**

THIS AMENDMENT for AGREEMENT is entered into as of the 13<sup>th</sup> day of November, 2014, by and between the TRANSBAY JOINT POWERS AUTHORITY (TJPA) and Webcor/Obayashi Joint Venture (CM/GC). By this Amendment No. 43, 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. 43. 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 TG10.4 Electrical, Communications, Security and Integrated Networks package on January 30, 2014, and received and publicly opened two bids on October 23, 2014.

**D.** Fisk Electric Company was the responsible bidder submitting the lowest responsive bid in the amount of \$86,799,400, which consists of a Base Bid of \$87,770,000, less Deductive Alternate No. 9 (-\$273,900), Deductive Alternate No. 10 (-\$10,800), Deductive Alternate No. 12 (-\$400,900), Deductive Alternate No. 13 (-\$1,800), and Deductive Alternate No. 37 (-\$310,800), plus Additive Alternate No. 18 (\$7,000) and Additive Alternate No. 21 (\$20,600).

**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 \$93,396,154 (Trade Package Direct Costs of \$86,799,400, and CM/GC Fixed Fee, calculated at 7.6 percent of Direct Costs, of \$6,596,754) and the award of Trade Subcontract No. TG10.4 to Fisk Electric Company for performance of the construction of TG10.4: Electrical, Communications, Security and Integrated Networks.

2. The detailed scope of work and schedule incorporated by this Amendment is provided in the Contract Documents dated September 23, 2013, and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 43 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