

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

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Amending Contract No. 08-04-CMGC-000, (a) authorizing Webcor/Obayashi Joint Venture to award a Trade Subcontract to Bass Electric as the responsible bidder submitting the lowest responsive bid in the amount of \$650,000 for TG05.2R: Temporary Power, (b) increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 (Section 00 05 20 Agreement, ¶5.01B), by \$650,000, and (c) increasing the authorized Construction Services Fixed Fee by \$53,300.

SUMMARY:

- On October 15, 2010, the CM/GC issued a Request for Qualifications (RFQ) for the temporary power scope of work to be performed as part of overall project requirements. Five qualification packages were received by March 25, 2011 and evaluated by a panel of CM/GC, TJPA, and PMPC staff. Temporary Power has been set aside for 100 percent Small Business Enterprise (SBE) participation, and five SBE contractors were determined to be qualified. One additional contractor qualified during the bid period for the Temporary Power package.
- The scope of work is installation of temporary power meters for overall construction use until permanent power is established. The work includes the complete design/build of five temporary power skids with switchgear and distribution panels.
- The Invitation for Bids (IFB) was issued on March 3, 2011. No addenda were issued during the bid period. Five bids were received and opened on April 21, 2011.
- Staff recommends awarding Trade Subcontract TG05.2R to Bass Electric as the responsible bidder submitting the lowest responsive bid, in the total amount of \$650,000.
- Bass Electric is an SBE, certified by the State of California Department of General Services. One SBE subcontractor is also included in the bid; this contract will have 100% SBE participation.
- This Trade Subcontract will be initially funded by the American Recovery and Reinvestment Act funding granted to the TJPA by the Federal Railroad Administration.

EXPLANATION:

Scope of Work

The scope of work under this package is to design/build five 1500KVA 3 phase temporary power skid stations for PG&E metered switchgear and panels for general construction site power distribution. Scope will include underground duct banks for PG&E conductor pathways from street vaults to switchgear and five step-down transformers to single phase distribution panels

along with concrete pads and protective fencing/gates around temporary skids. These temporary skids are to remain in place until permanent power is established, currently scheduled for 2016.

Schedule

The time allowed for completion is 540 calendar days from issuance of notice to proceed to the Trade Subcontractor.

Invitation for Bids

The original TG05.2 Invitation to Bid (IFB) was issued on December 9, 2010 noting that the value of the IFB was anticipated to be in excess of \$600,000 and with a bid due date of January 28, 2011. One addendum was issued on January 24, 2011, extending the bid date to February 17, 2011. Two bids were submitted and both bids were non-responsive due to incomplete and missing documentation. Both bidders were notified accordingly and the IFB was re-issued on March 3, 2011. No addenda were issued during the TG05.2R bidding period. A pre-bid conference was held on March 10 to go over the required documents in detail, to ensure that future bids would be complete.

Bids Received

Bidding closed on April 21, 2011 at 2:00 pm, at which time CM/GC and TJPA received and opened five bids, as follows:

<u>Bidders</u>	<u>Bid Amount (Base Plus Allowances)</u>
1. Reliance Engineering, Inc. P.O. Box 882103 San Francisco, CA 94188	\$672,700
2. Phoenix Electric 1300 Van Dyke Avenue San Francisco, CA 94124	\$738,000
3. Bass Electric 856 Folsom Street San Francisco, CA 94107	\$650,000
4. Sierra Electric 3112 Geary Blvd San Francisco, CA 94118	\$694,251
5. U.S. Electric Technologies Inc. 1065 Folsom Street San Francisco, CA 94103	\$880,000

The apparent low bidder at bid opening was Bass Electric. Upon initial review, Bass Electric's bid did not appear to meet the 100% SBE requirement because a non-SBE fence supplier was listed, and the firm was informed that its bid was non-responsive. Bass Electric notified W/O that the supplier listing was a clerical error as Bass Electric intended to install the fence with its own forces. TJPA legal counsel reviewed the correspondence and confirmed that the supplier should be considered unlisted. Suppliers are not subcontractors, and SBE participation is based

upon the participation of the SBE contractors and SBE subcontractors, not suppliers. TJPA staff confirmed that Bass Electric possesses an A license, which allows it to install fence. TJPA thus notified Bass Electric that its bid was considered responsive and that it was considered the low bidder.

As Bass Electric was pre-qualified, CM/GC, TJPA and PMPC staff is satisfied that the company possesses the requisite experience to perform the scope of work for this subcontract. Bass Electric 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.

Bass Electric has also included Small Business Enterprise (SBE) participation of 100% in its contract bid, meeting the contract goal of one hundred percent (100%).

Bid Protests

No bid protests were received.

RECOMMENDATION:

Staff recommends that the TJPA Board of Directors authorize amending Contract No. 08-04-CMGC-000, (a) authorizing Webcor/Obayashi Joint Venture to award a Trade Subcontract to Bass Electric as the responsible bidder submitting the lowest responsive bid in the amount of \$650,000 for TG05.2R: Temporary Power, (b) increasing the authorized Direct Costs, and (c) increasing the authorized Fixed Fee.

ENCLOSURE:

1. Resolution
2. Contract Amendment

**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 March 3, 2011, the CM/GC advertised for bids for TG05.2R: Temporary Power ("TG05.2R"), which is part of the Transbay Transit Center Program and which involves providing temporary power to facilitate construction of the Transbay Transit Center; and

WHEREAS, Under TG05.2R, the Trade Subcontractor will perform the installation and maintenance of temporary power for general construction activities; and

WHEREAS, On April 21, 2011, five bids were received and opened publicly; and

WHEREAS, CM/GC and TJPA have determined that Bass Electric of San Francisco, California, is the responsible bidder submitting the lowest responsive bid, with a bid of \$650,000; and

WHEREAS, Funds for this contract are available from the American Recovery and Reinvestment Act grant from the Federal Railroad Administration; and

WHEREAS, The time allowed for completion of the work under this contract is 540 calendar days after issuance of the Notice to Proceed; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes Webcor/Obayashi Joint Venture to award a Trade Subcontract to Bass Electric as the responsible bidder submitting the lowest responsive bid in the amount of \$650,000; and be it

FURTHER RESOLVED, That upon award of TG05.2R, the Trade 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 Trade Subcontract TG05.2R: Temporary Power, by increasing authorized Direct Costs under Contract No. 08-04-CMGC-000 (Section 00 05 20 Agreement, ¶5.01B), by \$650,000; and increasing the authorized Construction Services Fixed Fee by \$53,300.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of May 12, 2011.

Secretary, Transbay Joint Powers Authority

AGREEMENT
AMENDMENT NO. 16
BETWEEN
TRANSBAY JOINT POWERS AUTHORITY
AND
WEBCOR/OBAYASHI, J.V.

THIS AMENDMENT for AGREEMENT is entered into as of the _____ day of May, 2011, by and between the TRANSBAY JOINT POWERS AUTHORITY ("TJPA") and Webcor/Obayashi, J.V. (the "CM/GC"). By this Amendment No. 16 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. 16. 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 an Invitation for Bids for TG05.2R: Temporary Power on March 3, 2011, and received and publicly opened five (5) bids on April 21, 2011.

D. Bass Electric was the responsible bidder submitting the lowest responsive bid in the amount of \$650,000, which consists of a base bid of \$625,000 and a \$25,000 allowance for Unforeseen Site Power Skid Revisions.

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 \$703,300 (Trade Package Direct Costs of \$650,000 and CM/GC Fixed Fee, calculated at 8.2 percent of Direct Costs, of \$53,300), and the award of Trade Subcontract No. TG05.2R to Bass Electric for performance of TG05.2R: Temporary Power.

2. The detailed scope of work and schedule incorporated by this Amendment is provided in the Invitation for Bid Documents dated March 3, 2011, and all associated Addenda.

IN WITNESS WHEREOF, the parties hereto have executed this contract Amendment No. 16 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

WEBCOR/OBAYASHI, JOINT VENTURE

Authorized Signature

Printed Name

Title