





Memorandum

Date: 03.04.14 **RE:** Finance Committee
March 11, 2014

To: Finance Committee: Commissioners Cohen (Chair), Wiener (Vice Chair), Chiu, Farrell, Tang and Avalos (Ex Officio)

From: Lee Saage – Deputy Director for Capital Projects 

Through: Tilly Chang – Executive Director 

Subject: **ACTION** – Recommend Increasing the Amount of the Professional Services Contract with Mark Thomas & Company, Inc. by \$117,231, to a Total Amount Not to Exceed \$598,181, for Planning, Environmental, and Engineering Services for the Folsom Street Off-Ramp Realignment Project During the Construction Phase, and Authorizing the Executive Director to Modify Non-Material Contract Terms and Conditions

Summary

In July 2008, the San Francisco Redevelopment Agency (SFRA) entered into an agreement with the Transportation Authority, as San Francisco's Congestion Management Agency, to be the lead agency for the Folsom Street Off-Ramp Realignment Project (Project). In February 2008, the Transportation Authority awarded a professional services contract to Mark Thomas & Company, Inc. (MTCO) in an amount not to exceed \$300,000 for planning, environmental, and engineering services for the Project. With the dissolution of the State's redevelopment agencies in 2012, the Project was put on hold, which led to the contract expiring prior to the completion of the work. On April 30, 2013, the Office of Community Investment and Infrastructure (OCII), as the Successor Agency to the SFRA, authorized a new contract with the Transportation Authority to complete design and provide additional funding, including compensation for unpaid expenses from the original agreement in excess of the original \$300,000. The Transportation Authority approved a contract amendment with MTCO in the amount of \$123,070 in June 2013 to complete design services for the Project. We administratively amended the contract again in September 2013 to add \$57,880 for unpaid cost owed to MTCO that had not been discovered earlier. On November 19, 2013, the Commission on OCII approved a Memorandum of Agreement with the Transportation Authority for services associated the construction phase of the project, including engineering design services during construction. MTCO is the engineering design firm of record for the Project and should be retained to provide engineering design services during construction. **We are seeking a recommendation to increase the amount of the professional services contract with MTCO by \$117,231, to a total amount not to exceed \$598,181, for planning, environmental, and engineering services for the Folsom Street Off-Ramp Realignment Project during the construction phase, and to authorize the Executive Director to modify contract payment terms and non-material contract terms and conditions.**

BACKGROUND

In July 2008, the San Francisco Redevelopment Agency (SFRA) entered into an agreement with the Transportation Authority, as Congestion Management Agency for San Francisco, to be the lead agency for the Folsom Street Off-Ramp Realignment Project (Project). Under the agreement, the Transportation Authority is responsible for the development and issuance of a Request for Proposals (RFP); selection of a consultant to provide planning, environmental, and engineering services through Final Design for the Project; and management and oversight of the contract and consultant work. The Project is a major component of the SFRA Streetscape and Open Space Plan in the Transbay Redevelopment Project Area. The Folsom Street off-ramp provides a San Francisco exit from the Bay

Bridge, currently touching down at Folsom and Fremont Streets. The SFRA reached an agreement with California Department of Transportation (Caltrans) to realign the ramp to provide for a more functional intersection consistent with the area's redevelopment plan. The reconfigured ramp will be parallel to the Fremont Street exit while remaining within the existing right-of-way.

In February 2008, through Resolution 08-45, the Transportation Authority awarded a professional services contract to Mark Thomas & Company, Inc. (MTCO) in an amount not to exceed \$300,000 for the execution of the work. MTCO completed the geometric analysis required by Caltrans, submitted traffic and environmental studies to Caltrans, and prepared the Plans, Specifications, and Estimate to a 95% level. With the dissolution of the State's redevelopment agencies in February 2012, the Project was put on hold, which led to the immediate suspension of the contract.

The San Francisco Office of Investment and Infrastructure (OCII), Successor Agency to the Redevelopment Agency, authorized the completion of the work and requested that the Transportation Authority, as San Francisco's Congestion Management Agency, be the lead agency in the implementation of the project. The total project cost of \$3.5 million is included on the OCII's Recognized Obligation Payment Schedule, which was approved by the California Department of Finance.

In June 2013, the Transportation Authority Board approved a contract amendment in the amount of \$123,070 to complete design services, including adding tasks related to the utility company certifications within the construction zone, as well as producing right-of-way exhibits needed to certify State property as surplus so that it can be transferred to the Office of Community Investment and Infrastructure and sold to the future developer of Block 8. Subsequently, MTCO discovered \$57,880 of cost incurred from the completion of the design phase was not paid before the dissolution of the redevelopment agency. Thus, in September 2013, we administratively amended the contract to add \$57,880 to pay for what was owed to MTCO and to preserve the contract amendment amount of \$123,070 for the intended scope described above.

On November 19, 2013, the Commission on OCII approved a Memorandum of Agreement to authorize the Transportation Authority to provide project management, administrative, construction management, and construction services for the project including the two amendments mentioned above. The scope of work included engineering design services during construction. All costs, including the Transportation Authority's costs to manage and administer the contract, will be borne by OCII.

The purpose of this memorandum is to seek a motion of support for increasing the professional services contract with MTCO by the amount of \$117,231 for engineering design services during the construction phase of the project.

DISCUSSION

Under an existing agreement with OCII, the Transportation Authority is responsible for preparing the construction documents for the project, including the management and oversight of a design consultant to provide planning, environmental, and engineering services through final design for the project and coordinating with the Caltrans, San Francisco Municipal Transportation Agency, and San Francisco Department of Public Works throughout the project development process. The project was found to be categorically exempt from the California Environmental Quality Act. We have completed the project plans, specifications, and estimate to a 100% level and has submitted these for final approval from Caltrans. MTCO is the engineering design firm of record for the Project and should be retained to provide engineering design services during construction.

The project will be constructed under a Caltrans Encroachment Permit, which will allow the project to modify elements within State right of way. In order to obtain the permit, we must obtain Right of Way Certification approval from Caltrans, which includes locating high-risk underground utilities within the project area and preparing utility agreements as needed with the owners of affected facilities. To complete this work, MTCO has submitted a request to add Bess Testlab Inc. and Associated Right of Way Services (AR/WS) and to the project team. AR/WS is an authorized Right of Way representative approved by Caltrans to sign this certification document.

Under the agreement, the Transportation Authority is responsible for the development and issuance of a Request for Proposals (RFP), and selection of a consultant to provide planning, environmental, and engineering services through final design for the Project. When the RFP was issued for the planning, environmental, and engineering services through final design, a market evaluation resulted in the establishment of a Disadvantaged Business Enterprise (DBE) participation goal of 25%. Throughout the design phase of the project, MTCO has maintained a DBE participation of 26% for its contract.

The additional services required necessitate an amendment to the contract with MTCO, in the amount of \$117,231, bringing the total contract amount to \$598,181, and a time extension to June 30, 2015. The additional scope of work is presented in Attachment 1.

We are seeking a recommendation to increase the amount of the professional services contract with MTCO by \$117,231, to a total amount not to exceed \$598,181, for planning, environmental, and engineering services for the Folsom Street Off-Ramp Realignment Project during the construction phase, and to authorize the Executive Director to modify contract payment terms and non-material contract terms and conditions.

ALTERNATIVES

1. Recommend increasing the amount of the professional services contract with MTCO by \$117,231, to a total amount not to exceed \$598,181, for planning, environmental, and engineering services for the Folsom Street Off-Ramp Realignment Project during the construction phase, and authorizing the Executive Director to modify contract payment terms and non-material contract terms and conditions, as requested.
2. Recommend increasing the amount of the professional services contract with MTCO by \$117,231, to a total amount not to exceed \$598,181, for planning, environmental, and engineering services for the Folsom Street Off-Ramp Realignment Project during the construction phase, and authorizing the Executive Director to modify contract payment terms and non-material contract terms and conditions, with modifications.
3. Defer action, pending additional information or further staff analysis.

CAC POSITION

This item was included on the consent calendar for the February 26, 2014 CAC meeting. The CAC unanimously adopted a motion of support for the staff recommendation.

FINANCIAL IMPACTS

The proposed contract amendment will be reimbursed by OCII. The Transportation Authority's adopted FY 2013/14 budget anticipated \$90,000 for current year activities. Budget for additional activities of \$38,000 for the proposed contract amendment will be included in the Transportation Authority's budget amendment and will be funded by OCII. In addition, sufficient funds will be

included in the FY 14/15 budget to cover the remaining cost of this contract.

RECOMMENDATION

Recommend increasing the amount of the professional services contract with MTCO by \$117,231, to a total amount not to exceed \$598,181, for planning, environmental, and engineering services for the Folsom Street Off-Ramp Realignment Project during the construction phase, and authorizing the Executive Director to modify contract payment terms and non-material contract terms and conditions.

Attachment

1. Mark Thomas & Company – Additional Scope of Work

Attachment 1

Folsom Off-Ramp Realignment Project Mark Thomas & Company

ADDITIONAL SCOPE OF WORK

Mark Thomas & Company (MTCO) is the designer of record for the Folsom-Fremont Street Off-Ramp Improvements project (Project) and will provide construction support services for the Project. Below are the engineering tasks to support the construction phase of this project. (Tasks 1 through 6 were included in the original design services scope of work.)

TASK 7: BID SUPPORT SERVICES

Engineering support services performed under this task will involve the following:

7.1 – Right of Way Certification Support – Provide assistance in the Right of Way (ROW) Certification approval, including coordination with Caltrans and utilities, location of high-risk underground utilities, and preparing documentation including utility agreements, temporary construction easement agreements and Caltrans Right of Way Certification form. *Bess Testlab Inc.* will vacuum excavate pothole locations per plans marked out by *MTCO* for the utility location work. *Associated Right of Way Services (AR/WS)*, an authorized Right of Way representative approved by Caltrans to sign the certification document, will prepare and negotiate the utility agreements, necessary temporary construction agreements, and ROW Certification document. *AR/WS* will route and process the ROW Certification package on behalf of the Transportation Authority within Caltrans for approval and signature.

7.2 - Provide Bid Support Assistance - Provide assistance to the Transportation Authority during the bid period, including providing clarifications of the contract documents, providing information in response to bidders' questions, attendance at the pre-bid meeting, and preparation of minor addenda to the contract documents. The Transportation Authority or other agent of the Transportation Authority will be responsible for receiving and responding to bidder's questions and will prepare the final bid summary of all bids received.

TASK 8: CONSTRUCTION SUPPORT SERVICES

Engineering support services performed under this task will involve the following:

8.1 - Perform Project Management - Perform overall project management and coordination duties related to the project history and design, including supervising staff in the execution of the construction phase of the project.

8.2 - Attend Construction and Other Meetings - Attend and participate in construction kick-off meeting, weekly construction meetings, utility coordination meetings and other field meetings as requested by the Transportation Authority during the construction of the project.

8.3 - Respond to Requests for Information (RFIs) – Prepare responses to RFIs as requested by the Transportation Authority and catalog/track *MTCO*'s responses to RFIs received.

8.4 – Provide Design Support for Design Changes – Provide design services for any required design changes/revisions for issues encountered during the construction period. Assist the Transportation

Authority in preparing Contract Change Order (CCO) packages, which includes plans/specifications, quantities, and estimate.

8.5 – Review Shop Drawing and other Technical Document - Review & recommend approval of shop drawing or other appropriate technical submittals made by the Contractor, as requested by the Transportation Authority, including but not limited to the following: *MSE Wall Shop Drawings, Bridge Joint Seal Assembly Shop Drawings*. Materials submittals will be reviewed by the Transportation Authority, Caltrans, San Francisco Municipal Transportation Agency, or the San Francisco Department of Public Works for compliance with the contract plans and specifications.

8.6 - Subconsultant Construction Support - Provide support by subconsultant specialists in the applicable areas of geotechnical engineering and electrical. Review RFI's, review and approved applicable submittals, assist with CCO's and visit to the construction site when requested. Subconsultants included in this scope of work are *AGS, Inc.*, and *CHS Consulting Group*.

8.7 - Prepare As-Built Plans – Prepare a record of as-built conditions based upon information/as-built mark-ups received from the Transportation Authority. As-built plans will be prepared in Microstation in compliance with Caltrans requirements.

ASSUMPTIONS AND EXCLUSIONS

- Construction is assumed to take 8 months to complete.
- Attendance of the designer at weekly construction meetings during periods of significant construction activity is recommended. The scope assumes that the Project Manager and Project Engineer will attend five (5) meetings in total.
- Neither the quantity nor the scope of meetings, RFI's, shop drawing submittals, and design change requests can be accurately determined at this stage. Budgets identified for these tasks are estimates. Actual budget needs may differ significantly from the amounts identified in this proposal. The services outlined above will be provided on a time and material basis.

ADDITIONAL SERVICES SUMMARY	
Bid Support Services	
Right Of Way Certification Process	\$ 30,454
Bid Support Assistance	\$ 9,768
Construction Support Services	
Project Management	\$ 4,804
Construction and Other Meetings	\$ 10,791
Requests for Information	\$ 11,669
Design Support for Design Changes	\$ 13,425
Shop Drawing and other Technical Document Reviews	\$ 11,395
Subconsultant Construction Support	\$ 8,021
As-Built Plans	\$ 16,904
TOTAL ADDITIONAL SERVICES (Amendment)	\$ 117,231
CURRENT CONTRACT	\$ 480,950
TOTAL CONTRACT WITH AMENDMENT	\$ 598,181