



MEMORANDUM

July 7, 2023

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Willie Adams, Vice President
Hon. Gail Gilman
Hon. Ed Harrington
Hon. Steven Lee

FROM: Elaine Forbes
Executive Director 

SUBJECT: Request approval of a Cooperative Agreement Between the San Francisco Bay Area Rapid Transit District (“BART”) and the Port of San Francisco for the Repair and Replacement of a Fire Water Line and Fire Hydrant and Delegation of Authority to Enter into Future Agreements to Repair Property for Tenants and Government Agencies.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution No. 23-32

EXECUTIVE SUMMARY

Port discovered several cracks in a water line for the fire protection system which services the ventilation building for BART as well as the former restaurant space referred to as Ferry Plaza East. BART is responsible for the maintenance and repair of the fire protection system but did not receive any responsive bids for the work required. Port has the staff and expertise to complete the work and the parties are seeking to have Port provide the labor and materials to perform the repairs at BART’s sole cost and expense.

STRATEGIC OBJECTIVE

This supports the Engagement objective of the Port’s Strategic Plan to partner with the city and governmental agencies to align communication, engagement, and activities.

BACKGROUND

Between 2012 and 2014 the San Francisco Bay Area Rapid Transit District (“BART”) conducted a partial upgrade to the water line that feeds the BART tunnel sprinkler system from the San Francisco side. The project removed old, corroded steel pipe and replaced it with stainless steel pipe between the seawall and certain BART facilities. The main that was replaced included a “T” that fed the Ferry Plaza Fire hydrant piping. BART’s scope did not include replacing the Ferry Plaza pipeline or hydrant line because it did not directly feed the tube sprinkler system and was considered out of scope.

In November 2021, a leak from the pipe that feeds the fire hydrant under the plaza behind the Ferry Building was reported. Bart was supposed to complete repairs; however, the repairs did not occur in a timely manner prompting Port to make an emergency repair.

To ensure the continued reliability of the fire protection system to the Ferry Plaza East Building and the BART ventilation building, both the water pipeline and the fire hydrant need to be replaced.

In April and May of 2022, BART solicited proposals for the repair work, but no bids were received. Port and BART now propose to enter a Cooperative Agreement under which Port will provide all labor and materials to perform the needed repairs at BART’s sole cost and expense, as well as facilitate future inspections of relevant facilities under the Ferry Plaza pier deck upon agreement with and subject to BART’s reimbursement to Port. The repair work and payment to Port were approved by BART’s Board during its June 8, 2023 meeting (Item 6.f as part of the consent calendar).

PROJECT SCOPE

Port will install a temporary fire hydrant and install a new stainless steel “T” and new valve box below deck, install a valve shut off above deck, and remove and cap the original Ferry Plaza Fire Hydrant. Port will disconnect the damaged fire line and replace it with a new stainless-steel pipe. A new hydrant will be installed in place of the original Ferry Plaza Fire Hydrant.

The repairs will be done in accordance with the permit application submitted by BART to Port with BART being responsible for all permit costs. Upon completion of the work, BART will assume responsibility for the operation and maintenance of the repairs as part of the fire protection system.

In addition to Port’s one-time performance of repairs, the agreement allows Port to facilitate annual inspections of the repair areas for up to five years. For each annual inspection, Port will provide BART with an estimated cost. Subject to BART’s agreement to Port’s waiver and/or release of liability terms and BART’s payment of costs of the inspections, BART personnel will be allowed to be present on Port boats to visually inspect the repair areas and other relevant facilities.

PAYMENT

The estimated cost of the repairs is \$268,823.06 which includes the Department of Building Inspection's inspection costs and a 10% administrative fee to Port. Within 30 days of the execution of the agreement, BART will provide the Port with a payment of \$134,500 to cover the purchase of materials and partial reimbursement of labor costs. Funds will be held by Port and applied to invoices until depleted after which BART will pay each subsequent Port invoice with supporting documentation within 30 days of receipt. Once the cost of the repairs has reached 75% of the estimated costs, the Port is to notify BART. Should costs exceed the estimated costs, BART will still be responsible for the actual costs of the repairs plus the administrative fee.

SUMMARY

Repairs are needed to the waterline and fire hydrant for the fire protection system serving the Ferry Plaza East Building and Bart's ventilation building which is BART's responsibility. BART did not receive any bids in response to a solicitation for the repair work and believes it is unlikely that they would if they advertised for bids again. As Port has the expertise in performing such repairs and the repairs will ensure the continued reliability of the Ferry Plaza fire hydrant pipeline, it is in Port's best interest to complete the work.

Port staff recognize this situation is not unique and there are other times when it is in Port's best interest to complete repairs on behalf of a tenant, or other city or governmental agency. For this reason, it is recommended that staff be given the authority to enter into these types of agreements in the future.

RECOMMENDATION

Port staff recommends that the Port Commission approve the attached resolution authorizing staff to enter into the Cooperative Agreement for the repair work as described above and subsequent inspections. Port staff further recommends authority be given to the Executive Director or her designee, in consultation with the City Attorney, to enter into future agreements which allow Port staff to perform repairs on behalf of a tenant, city or governmental agency, provided such actions are in the best interest of the Port and do not materially increase the obligations of the City or Port.

Prepared by: Kimberley Beal, Acting Deputy Director
Real Estate and Development

Attachments: Cost Summary Record

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 23-32

WHEREAS, Port discovered several cracks in a water pipe related to the fire protection system which services the ventilation building for BART as well as the former restaurant space referred to as Ferry Plaza East; and

WHEREAS, BART is responsible for the maintenance and repair of the fire protection system but did not receive any responsive bids for the repair work;

WHEREAS, BART has requested Port's assistance in facilitating the repairs and subsequent inspections; and

WHEREAS, Port has the staff and expertise to complete the work and would provide all labor and materials to perform the repairs at BART's sole cost and expense at an estimated cost of \$268,823.06 which includes a 10% administrative fee to benefit Port; now, therefore, be it

RESOLVED, That the Port Commission hereby authorizes the Executive Director or her designee to enter into a Cooperative Agreement with the Bay Area Rapid Transit District to complete the repairs and inspections as described in the attached Memorandum; and be it further

RESOLVED, That the Port Commission hereby authorizes the Executive Director or her designee to enter into future agreements with a Port tenant, City Department, or other governmental agency to authorize Port staff to conduct repairs when, in the opinion of the Executive Director, Port staff has the expertise and capacity to perform such repairs and further determines, in consultation with the City Attorney to determine and ensure the actions are in the best interest of the Port and do not materially increase the obligations or liability of the City or Port or materially decrease the benefits to the City or Port.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of July 11, 2023.

Secretary

COST SUMMARY RECORD

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Location/Site			
Bart fire line connection at Ferry Plaza			22-May-23
Description of Work Performed:			
1. Demolition and disposal of existing fire line 2. Installation of 75' of SS 6" pipe and fire hydrant per approved plan set. 3. Inspection of installation by SF Dept of Building Inspection			
	Hours	Costs	Comments
Labor: Regular Time	1,310.00	\$141,390.80	Plumbers 3 EE for 2 months, Pile workers for demo 3 EE for 2 weeks
Labor: Overtime	0.00	\$0.00	
Equipment	150.00	\$21,673.80	Service Trucks and Boats
Material		\$74,820.00	Fluid Gauge Company
Rental Equipment		\$0.00	
Contracts		\$6,500.00	Department of Building Inspection and debris disposal
Sub Total		\$244,384.60	
		\$24,438.46	10% Administrative Fee
Total		\$268,823.06	