



MEMORANDUM

November 9, 2023

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

FROM: Elaine Forbes 
Executive Director

SUBJECT: Informational presentation and possible action to approve request to advertise for competitive bids for Construction Contract No. 2861, WRP Wharf J9 Replacement Project, Phase 1 – Float & Gangway.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution No. 23-51

EXECUTIVE SUMMARY

Port staff requests the Port Commission authorize the advertisement for competitive bids for Construction Contract No. 2861, WRP Wharf J9 Replacement Project, Phase 1 – Float & Gangway (the "Project"). The Project is in Fisherman's Wharf adjacent to Wharf J9 in the Outer Lagoon between Leavenworth Street and Al Scoma Way (see Exhibit "A" for Area of Work Location Map). Funding is provided by the Waterfront Resilience Program (WRP) and American Rescue Plan Act sources as further described below.

The Project scope of work includes the fabrication and installation of a new concrete float, gangway, and access platform to serve as an American Disability Act (ADA) accessible guest dock adjacent to the existing, red-tagged fixed berths of Wharf J9. The float and gangway are envisioned as the first phase of a planned WRP project to replace the Wharf J9 seawall and wharf structure with a modern resilient structure incorporating a floating berth. This Project supports Off-Boat Fish and Crab Sales through the ERP by providing early access to the float in the Outer Lagoon while the design of the planned wharf replacement is completed. The outcome of this Project will provide a safer and more reliable space for commercial fishers and provide ADA access to the public.

THIS PRINT COVERS CALENDAR ITEM NO. 8A

The Port's Waterfront Resilience Program is managing the Project and developed the scope in a collaborative process with the Port Maritime Division. Bid documents were prepared by the Port Engineering Division's As-Needed consultant, Moffatt and Nichol, and OLMM Joint Venture. The engineer's construction cost estimate prepared by M. Lee Corporation, including a 10% contingency, is \$5,882,391.

STRATEGIC OBJECTIVE

This Project supports the goals of the Port's Strategic Plan as follows:

Economic Growth:

This Project will support Economic Recovery in Fisherman's Wharf by improving the Off-Boat Fish and Crab Sales to address the economic impacts of the COVID-19 pandemic. The project will generate revenue from the commercial fishers participating in the Off-Boat Fish and Crab Sales.

Equity:

This Project will provide an equitable and accessible dock for commercial fisherman programs that currently use stern tie berths with ladder access to the wharf which are not accessible. This Project will also provide ADA access to the wharf.

Resilience:

This Project will deliver the float and gangway component of a larger planned WRP project that will address sea level rise and seismic risks. The larger project will replace the existing Wharf J9 seawall and wharf structure with a resilient, accessible, and adaptable wharf structure incorporating a floating berth.

Evolution:

This Project responds to the changing needs of the public and Port in Fisherman's Wharf.

PROJECT DESCRIPTION

Wharf J9 and the fixed berths in the Outer Lagoon are currently closed due to the deterioration of the timber wharf structure and bulkhead. In 2021, the Port's Waterfront Resilience Program identified the replacement of Wharf J9 and the adjacent seawall as a potential early project and pre-design is well underway with delivery anticipated between 2027 and 2030. At the request of Port Maritime staff, the replacement project is being designed to incorporate a floating berth to better support modern fishing operations and provide ADA accessibility to the vessels. Maritime staff also expressed a strong desire to help the area recover from the COVID pandemic by accelerating construction of the float as early as possible to support Off-Boat Fish and Crab Sales while the replacement project is being designed. This Project, called the WRP Wharf J9 Replacement Project, Phase 1 – Float and Gangway Project, will fabricate and install the new float and gangway adjacent to the closed Wharf J9 in time for crab season opening in November 2024 to support economic recovery in Fisherman's Wharf and improve customer contact for the Off-Boat Fish and Crab Sales. As described below, portions of this Project are designed to be incorporated into the potential wharf replacement project.

The Project includes the fabrication and installation of the concrete float, aluminum gangway, steel pipe guide piles, and a steel access platform. The float is approximately 12 feet wide by 270 feet long, is designed to safely accommodate the largest fishing vessels, and includes lighting, electrical power, potable water, and a fire standpipe. The float and gangway are high quality and intended to last 50 years. Completing this Project will provide berths for Off-Boat Fish and Crab Sales until a Wharf J9 Replacement Project can be completed, at which time the float and gangway will be incorporated into the replacement project.

BUDGET AND FUNDING

The engineer’s construction cost estimate, including a 10% contingency for this proposed Project, is \$5,882,391. The funding will come from the Waterfront Resilience Program (WRP); non-bond-eligible costs will potentially be paid from American Rescue Plan Act (ARPA) sources, with the specific source to be identified at contract approval. The Project will be bid as a design-bid-build low-bid project.

The engineer’s estimate and funding source for the Project are noted below:

Project Scope	Amount
Concrete Float and Gangway	\$ 2,977,836
<u>All Other Work</u>	<u>\$ 2,369,792</u>
Subtotal Engineer’s Estimate:	\$ 5,347,628
<u>10% Contingency:</u>	<u>\$ 534,763</u>
Total Estimated Cost with Contingency:	\$ 5,882,391
Funding Source	Amount
2018 Seawall General Obligation Bond	\$2,977,836
<u>ARPA sources</u>	<u>\$2,904,555</u>
Total Funding	\$5,882,391

This is the first use of the 2018 Seawall General Obligation Bond funds for construction. The Seawall Bond funds will be used for construction of the float and gangway and the final amount will be based on the actual cost.

LOCAL BUSINESS ENTERPRISE ROLE/OPPORTUNITIES

The City’s Contract Monitoring Division (CMD) enforces the City's Administrative Code Chapter 14B, the Local Business Enterprise and Non-Discrimination in Contracting Ordinance. The ordinance establishes 10% bid discounts for Local Business Enterprise (“LBE”) prime contractors and empowers CMD to set LBE subcontractor participation goals based on the availability of LBE firms to complete the type of work included in the Contract.

CMD staff have reviewed the Contract scope and funding sources for this Contract and established an 8% LBE subcontractor participation goal. (Refer to Exhibit B – CMD

Memorandum). This percentage is lower than some other recent contracts due to the specialized nature of overwater work. Materials are also specialized to be able to withstand the marine environment and skew the typical ratio of material to labor costs, resulting in relatively low labor costs.

Port staff will work with CMD staff on outreach to construction contractors located in San Francisco to encourage bidding by LBE contractors. Staff outreach will include phone calls and emails to LBE contractors, newspaper advertisements, and facilitating introductions at the pre-bid meeting.

SAN FRANCISCO LOCAL HIRING ORDINANCE

The proposed contract will comply with the San Francisco Local Hiring Policy for construction, San Francisco Administrative Code section 6.22(g). The mandatory participation level currently in effect and applicable for this contract is 30% of all project hours within each trade performed by local residents. At least 50% of the project work hours performed by apprentices within each trade will be performed by local residents. The Office of Economic and Workforce Development administers the Local Hiring Policy.

REGULATORY PERMITS & APPROVALS

This Project requires notification to and/or approval from several regulatory agencies as well as a Port Building Permit. The major regulatory approvals and their status are shown in Table 1. Due to the nature of the work and existing permits for such work, the regulatory agencies have been notified and applications submitted.

Table 1: Permitting & Approval Summary

<u>Agency</u>	<u>Permit or Approval Required</u>
CEQA	Existing Port-wide CEQA Categorical Exemption for Ongoing Maintenance
BCDC	Minor (*Administrative) Permit
USACE	CWA Section 404/10 Nationwide Permit Preconstruction Notification (PCN)
RWQCB	CWA Section 401 Water Quality Certification Notice of Intent
Port of San Francisco Building Permit	Permit to be secured prior to start of work.

SCHEDULE

The anticipated contract schedule is as follows:

Port Commission Authorization to Advertise Contract	November 2023
Advertise for Bids	November 2023
Port Commission Approval of Award of Contract	January 2024
Substantial Completion	November 2024

SUMMARY

Port staff is prepared to seek bids for the WRP Wharf J9 Replacement Project, Phase 1 – Float & Gangway contract, and therefore respectfully ask the Port Commission for authorization to advertise for competitive bids for this Construction Contract No. 2861.

Prepared by: Wendy Proctor
Acting Deputy Director of Engineering

Prepared for: Steven Reel
Waterfront Resilience Program
Deputy Program Manager
Engineering & Project Delivery

Exhibits: A - Area of Work Location Map
B - CMD Memorandum

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

RESOLUTION NO. 23-51

- WHEREAS, Port staff seeks Port Commission authorization to solicit competitive bids for construction Contract No. 2861, WRP Wharf J9 Replacement Project, Phase 1 – Float & Gangway (the “Contract”); and
- WHEREAS, The scope of work for Contract No. 2861 includes fabrication and construction of a concrete float, gangway, guide piles, and access platform to be installed adjacent to Wharf J9 in the Fisherman’s Wharf Outer Lagoon; and
- WHEREAS, When complete, the Project will serve as a much-needed ADA-accessible guest dock for the fishing industry to berth vessels and support off-the-boat fish and crab sales for a period of up to 5 years; and
- WHEREAS, The float and gangway are envisioned to be incorporated into a planned Waterfront Resilience Program project to replace the existing Wharf J9 seawall and wharf structure with a new wharf and floating berth; and
- WHEREAS, Advancing this Project provides benefits to the fishing industry and public sooner and supports the Port’s goal of economic recovery; and
- WHEREAS, The bid documents were prepared by the Port Engineering Division’s As-Needed consultant, Moffatt and Nichol, and OLMM Joint Venture. The engineer’s construction cost estimate prepared by M. Lee Corporation, including a 10% contingency, is \$5,882,391; and
- WHEREAS, The estimated Contract cost for the full bid package, including a 10% contingency, will be funded by the Seawall Bond and other sources to be identified at contract approval; and
- WHEREAS, Port staff will secure permits and approvals prior to construction; and
- WHEREAS, CMD staff have reviewed the Contract scope and funding sources for this Contract, and established an 8% LBE subcontractor participation goal; now, therefore be it
- RESOLVED, That the Port Commission hereby authorizes Port staff to advertise for and accept competitive bids for construction Contract No. 2861, WRP Wharf J9 Replacement Project, Phase 1 – Float & Gangway, and be it further,

RESOLVED, That the Port Commission authorizes Port staff to take further actions in connection with the advertisement as necessary to achieve the purposes described in this Resolution.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of November 14, 2023.

Secretary

EXHIBIT A

AREA OF WORK LOCATION MAP



EXHIBIT B

CMD MEMORANDUM



CONTRACT MONITORING DIVISION OFFICE OF THE CITY ADMINISTRATOR



London N. Breed, Mayor
Carmen Chu, City Administrator

Stephanie Tang, Director

MEMORANDUM

Date: September 22, 2023

To: Wendy Proctor, Senior Architect, SF Port
Steven Reel, Project Manager III, SF Port

From: Melinda Kanios, Contract Compliance Officer, CMD

Subject: 2861 WRP Wharf J9, Phase 1 - Float & Gangway- LBE Subcontracting Requirement

The Contract Monitoring Division ("CMD") has completed its review of the Engineer's Estimate for subcontracting opportunities on the above referenced project. Based on this review and the Local Business Enterprise ("LBE") availability data, the LBE subcontracting requirement is **8.00%** for this project.

In addition, the following availability information should be conveyed in the bid specifications:

The LBE subcontractor participation requirement for this Contract is 8.00%. The subcontracting requirement is less than 20% due to the significant cost of specialty materials representing over half of contract amount and the additional safety licensing requirement for work above water.

In accordance with 14B.8(B) of the Administrative Code, in order for the Bidder to be exempt from meeting the "Good Faith Outreach" requirements described in 1.02B in CMD Attachment 1, the total amount of the LBE participation must equal or exceed 11.0% (this percentage is the LBE sub requirement plus the 35% good faith exemption percentage).

Pursuant to Section 14B.9 of the Administrative Code, bidders are hereby advised that the availability of Minority Business Enterprises ("MBE"), Women Business Enterprises ("WBE") and Other Business Enterprises ("OBE") to perform subcontract work on this project is as follows:

4.00% MBE; 1.00% WBE; 3.00% OBE;

Bidders are further advised that they may not discriminate in the selection of subcontractors on the basis of race, gender, or any other basis prohibited by law, and that they shall undertake all required good faith outreach steps in such a manner as to ensure that neither MBEs nor WBEs nor OBEs are unfairly or arbitrarily excluded from the required outreach.

Should you have any questions, please feel free to contact me at Melinda.Kanios@sfgov.org.

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