



MEMORANDUM

December 8, 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 to execute an amendment to the professional services contract with COWI/OLMM Joint Venture for architectural and engineering services for the Mission Bay Ferry Landing Project to extend the contract term through June 16, 2026.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution No. 23-54

EXECUTIVE SUMMARY

Port staff seeks authorization to execute an amendment to the professional services contract with COWI/OLMM Joint Venture (COWI) for architectural and engineering services for the Mission Bay Ferry Landing Project (MBFL). On August 5, 2016, the Port advertised a Request for Proposals for Mission Bay Ferry Landing Architectural and Engineering Consulting Services for an original term of five years with the ability to extend based on the service and project needs at the Port's sole and absolute discretion. On November 15, 2016, the Port Commission awarded a contract with a five-year term, and an option to extend at the Port's sole and absolute discretion for an additional two years. The Port subsequently executed the contract with a term ending on January 2, 2022. On January 1, 2022, the Port amended the contract to extend the term through January 3, 2024. Port staff now seek to extend the contract term through June 16, 2026.

The Port has been working in partnership with the San Francisco Water Emergency Transportation Authority (WETA) to implement the MBFL project and boost WETA's ferry

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service to the central waterfront. The MBFL project has been delayed by several factors, including the onset of the COVID-19 pandemic as well as a legal challenge to Regional Measure 3 (RM3), among other items. The RM3 legal challenge was resolved in March 2023 and other questions have also been addressed to the point where Port and WETA staff have refocused their collaboration to analyze the best approach to implementing the MBFL project.

Through these collaborations, WETA has advised that the project plan needs to expand from the base MBFL project to address certain other issues that have become more salient over time. For example, the original plan for the MBFL project was to construct the ferry landing infrastructure without the full electrical connection needed for vessel charging; full electrification was expected to be a follow-on project. However, the project delay means that WETA is facing an upcoming California Air Resources Board (CARB) deadline for zero-emission ferry service and therefore the parties will be required to deliver full electrification as part of the base project. Similarly, in the absence of MBFL, WETA has implemented a temporary ferry terminal for special event service and has recently begun pilot commuter operations at Pier 48.5. Accordingly, WETA has asked that the project plan for MBFL implementation also address the modification and/or removal of the Pier 48.5 assets owned by WETA in support of its service goals. The Port supports these modifications to the project plan in support of a cohesive funding and implementation strategy for the MBFL project that will best deliver improved ferry service to the central waterfront.

WETA has sought and obtained approval from its Board of Directors to spend \$700k on a consultant contract to assist the parties in analyzing these and other related issues. The proposed extension of the term of the Port's contract with COWI is intended to provide the parties with access to the COWI design team for these collaborative efforts. Port staff will report back to the Port Commission after the completion of this analytical work with an assessment of project scope changes, funding and delivery strategy, and projected timeline.

STRATEGIC OBJECTIVES

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

Resilience:

Reduce seismic and climate change risks to protect the waterfront, City neighborhoods, and infrastructure.

The additional capacity added by WETA with MBFL bolsters emergency preparedness for the region by providing critical redundancy should other transportation infrastructure be compromised and by improving access for fire boats to the southern waterfront. The landing is designed to accommodate future projected sea level rise.

Sustainability:

Advance environmental stewardship to limit climate change and protect the Bay.

MBFL will help to address climate change and local pollution impacts by reducing vehicle miles traveled and utilizing the region's first zero-emission ferry vessel.

Evolution:

Evolve the waterfront to respond to changing public and Port needs.

MBFL is responding to development in the central and southern waterfront by providing transit access to new and existing residential, employment, and recreational uses in the area.

BACKGROUND

The Port and WETA are pursuing the development of the Mission Bay Ferry Landing to create a southern hub for ferry service into San Francisco that will address regional transportation demand generated by current and future developments near Mission Bay, including the Port's developments at Mission Rock and Pier 70.

On July 12, 2016, the Port Commission authorized Port staff to advertise a Request for Proposals to solicit professional architectural and engineering consulting services for design and development support of the Mission Bay Ferry Landing Project (Port Commission Resolution 16-29).

On November 15, 2016, the Port Commission authorized Port staff to award a contract to the COWI/OLMM Joint Venture for \$3,981,369 and authorized a contract contingency of \$398,137 (10% of \$3,981,369) for a total contract authorization of \$4,379,506 (Port Commission Resolution 16-44). The contract was awarded in the amount of \$3,981,369 and COWI started Project work in early 2017.

On May 8, 2018, the Port Commission authorized Port staff to execute an amendment to the COWI contract to increase the contract amount by \$785,166 resulting in an amended contract amount not to exceed \$4,766,535 (Port Commission Resolution 18-30).

On January 1, 2022, the Port amended the contract to extend the contract term through January 3, 2024.

PROJECT SCOPE

Under the contract, COWI's work has been divided into three primary phases:

- Phase 1: Conceptual Architectural and Engineering ("A/E") Design and Ferry Landing Location Alternatives Analysis – Completed;
- Phase 2: Engineering Design for the Development at the Selected Ferry Landing Site as well as assisting with obtaining environmental permits under CEQA

(California Environmental Quality Act) and NEPA (National Environmental Policy Act) – Ongoing; and

- Phase 3: Bid and Construction Stage A/E Services – Not yet started.

Since the contract award, COWI has completed Phase 1. The site on Terry Francois Blvd. at 16th Street was selected for the ferry landing.

Phase 2 of the COWI contract provides for the detailed design of the piles, floats, gangways, fixed piers, canopies, utilities, landside improvements as well as dredging. This required the following services:

- Interview project stakeholders to establish additional ferry terminal design criteria.
- Perform the soil sediment investigation for dredging as well as for structural design.
- Commence the regulatory agency outreach and environmental permit applications.
- Conduct public outreach.
- Prepare A/E designs for the selected ferry landing site, including construction cost estimates.
- Complete the selected site A/E design, including all specifications, drawings, and regulatory and environmental permits.

Phase 2, Engineering Design, was largely completed in 2020. At that time, the Port Commission authorized Port staff to award Construction Contract No. 2830, Mission Bay Ferry Landing Dredging and Site Preparation to The Dutra Group. The MBFL Dredging and Site Preparation project supported the overall MBFL project by dredging and preparing the site for the ferry landing construction. The Dutra Group performed demolition and disposal of marine debris; dredging and disposal of the site dredge materials; and import and placement of a sand cap on a portion of the site. This work was completed in November 2020.

The remaining work to implement MBFL includes the installation of piles, floats, gangways, fixed piers, canopies, utilities, and landside improvements. While the design of these components was completed in 2020, the MBFL project has been delayed by several factors, including the onset of the COVID-19 pandemic as well as a legal challenge to Regional Measure 3 (RM3), among other items. The RM3 legal challenge was resolved in March 2023 and other questions have also been addressed to the point where Port and WETA staff have refocused their collaboration to analyze the best approach to implementing the MBFL project.

Through these collaborations, WETA has advised that the project plan needs to expand from the base MBFL project to address certain other issues that have become more salient over time. For example, the original plan for the MBFL project was to construct the ferry landing infrastructure without the full electrical connection needed for vessel charging; full electrification was expected to be a follow-on project. However, the project delay means that WETA is facing an upcoming California Air Resources Board (CARB) deadline for zero-emission ferry service and therefore the parties will be required to deliver full electrification as part of the base project. Similarly, in the absence of MBFL, WETA has implemented a temporary ferry terminal for special event service and has recently begun

pilot commuter operations at Pier 48.5. Accordingly, WETA has asked that the project plan for MBFL implementation also address the modification and/or removal of the Pier 48.5 assets owned by WETA in support of its service goals. The Port supports these modifications to the project plan in support of a cohesive funding and implementation strategy for the MBFL project that will best deliver improved ferry service to the central waterfront.

WETA has sought and obtained approval from its Board of Directors to spend \$700k on a consultant contract to assist the parties in analyzing these and other related issues. The proposed extension of the term of the Port’s contract with COWI is intended to provide the parties with access to the COWI design team for these collaborative efforts. Port staff will report back to the Port Commission after the completion of this analytical work with an assessment of project scope changes, funding and delivery strategy, and projected timeline.

LOCAL BUSINESS ENTERPRISE (LBE) PARTICIPATION

COWI/OLMM JV is exceeding the LBE subcontracting requirement of 20% with a total participation of 27.29%. In addition to the LBE subcontracting requirement, this joint venture received a rating bonus for committing that 40% of the prime-level work would be performed by OLMM. Currently, OLMM has performed 34% participation of Prime level work. The Joint Venture reports that OLMM will be the lead during the construction phase which will allow COWI/OLMM to meet the LBE JV partner participation requirement.

Table 1: Mission Bay Ferry Landing LBE Subcontractor Participation

LBE Subconsultant	Portion of Work	LBE Status	Listed	Actual
Robin Chiang & Company	Architecture	LBE MBE	5.20%	5.76%
Geotechnical Consultants	Geotechnical Engineering	LBE OBE	4.00%	4.40%
HRA Consulting Engineers	Electrical Engineering	LBE MBE	3.10%	2.42%
MHC Engineers	Mechanical Engineering	LBE MBE	0.40%	0.67%
RES Engineers, Inc.	Special Inspection & Testing	LBE MBE	1.00%	0.00%
M. Lee Corporation	Cost Estimating	LBE MBE	2.30%	2.60%
Boudreau Associates	Permitting, Sediment Characterization	LBE WBE	3.10%	4.90%
Orion Environmental Assocs.	CEQA	LBE MBE	4.10%	0.33%
Adavant Consulting	CEQA	LBE OBE	2.00%	0.74%
LCW Consulting	CEQA	LBE OBE	2.00%	0.87%
LBEs Added to Contract Post Award – Good Faith				
Surface Design	Landscape Architecture	LBE OBE	N/A	2.86%
Lotus Water	Civil & Hydrology	LBE OBE	N/A	1.74%
Total			27.2%	27.29%

PROJECT SCHEDULE AND FUNDING

Port staff will return to the Port Commission in 2024 after the completion of analytical work performed by consultants in collaboration with WETA with an assessment of project scope changes, funding and delivery strategy, and projected timeline.

The project has incurred delays due to COVID and funding constraints, primarily from the lawsuit challenging the RM 3 funds. Given these delays, an assessment of the best approach to implementing the project under current conditions will take place in 2024 and project implementation will take place in future in-water-work-windows (i.e., between June and November each year).

COWI/OLMM's contract is funded by the Port Harbor Capital Fund and 91% of the total contract amount of \$4,766,535 has been invoiced. The remaining capacity on the COWI contract will provide the Port and WETA team with access to the COWI design team for the 2024 assessment efforts.

RECOMMENDATION

Port staff recommends that the Port Commission authorize staff to execute an amendment to the professional services contract with COWI/OLMM Joint Venture for architectural and engineering services for the Mission Bay Ferry Landing Project to extend the contract term through June 16, 2026.

Prepared by: Shannon Cairns
Project Manager, Engineering

Prepared for: Wendy Proctor
Acting Deputy Director, Engineering

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

RESOLUTION NO. 23-54

- WHEREAS, On July 12, 2016, the Port Commission authorized Port staff to advertise a Request for Proposals to solicit professional architectural and engineering consulting services for design and development support of the Mission Bay Ferry Landing Project (the "Project") (Port Commission Resolution 16-29); and
- WHEREAS, On November 15, 2016, the Port Commission authorized Port staff to award a contract for architectural and engineering consulting services for the Project to COWI/OLMM Joint Venture for the amount of \$3,981,369 and authorized a contract contingency fund of \$398,137 (10% of \$3,981,369) for a total contract authorization of \$4,379,506 (Port Commission Resolution 16-44); and
- WHEREAS, Port staff issued a Notice to Proceed to COWI/OLMM Joint Venture (hereinafter "COWI") in early 2017; and
- WHEREAS, On October 25, 2017, Port staff modified the contract with COWI by executing contract amendment No. 1 to add additional subcontractors to the contract; and
- WHEREAS, On May 8, 2018, the Port Commission authorized Port staff to execute amendment No. 2 to the COWI contract to increase the contract amount by \$785,166 resulting in an amended contract amount not to exceed \$4,766,535 (Port Commission Resolution 18-30); and
- WHEREAS, On January 1, 2022, Port staff modified the contract with COWI by executing contract amendment No. 3 to extend the contract term through January 3, 2024; and
- WHEREAS, Funding delays have resulted in a project delay requiring analysis and assessment of current conditions prior to project implementation; and
- WHEREAS, Port staff now recommend that the Port Commission authorize a contract amendment to the contract with COWI to extend the contract term through June 16, 2026; and
- WHEREAS, The contract amendment will incorporate the existing Local Business Enterprise subcontracting participation commitment of 20% established by the City Contract Monitoring Division; and now, therefore, be it

RESOLVED, That the San Francisco Port Commission hereby authorizes Port staff to execute a contract amendment to the contract with COWI/OLMM Joint Venture, to extend the contract term through June 16, 2026.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of December 12, 2023.

Secretary