

## MEMORANDUM

February 20, 2020

**TO:** MEMBERS, PORT COMMISSION  
Hon. Kimberly Brandon, President  
Hon. Willie Adams, Vice President  
Hon. Gail Gilman  
Hon. Victor Makras  
Hon. Doreen Woo Ho

**FROM:** Elaine Forbes  
Executive Director

**SUBJECT:** Request retroactive authorization to modify Construction Contract No. 2820, Downtown Ferry Terminal Gate B Canopy Repair Project, to extend the substantial completion date

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution

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### **Executive Summary**

Port staff requests that the Port Commission authorize staff to execute a contract modification to extend the substantial completion date of Contract: No. 2820, Downtown Ferry Terminal Gate B Canopy Repair Project (the Project), by an additional 51 calendar days. The requested time extension requires approval of the Port Commission under Section 6.22 of San Francisco Administrative Code. The original contract specified 90 calendar days for the contractor to achieve substantial completion of the work. A total of 141 days was required to substantially complete the work. The delay in completion was due to canopy fabric material substitution, preparation and coating of the structure. Port staff has found no reason or facts to assess liquidated damages for the delay. The Project has been successfully completed within the authorized funding amount.

### **Strategic Objectives**

This Project supports the Port's 2019 – 2023 Strategic Plan strategies of Sustainability, and Productivity.

**Sustainability:** The Project used best practices for construction in accordance with City and Regional Sustainability Policies.

**Productivity:** The Project refurbished a Maritime Ferry Terminal without interruption of ferry services to the public.

**This Print Covers Calendar Item No. 10A**

**Background**

The project scope consisted of replacing the canopy fabric for the gangway and float of the Downtown Ferry Terminal Gate B that was damaged by birds and inclement weather (see photo of the damaged areas in Exhibit ‘A’). The site location map is shown in Exhibit ‘B’.

The authorized funding was \$248,930 (including 10% contingency) with a construction schedule of 90 consecutive calendar days for substantial completion.

The delay in completion was due to canopy fabric material substitution and coating preparation of the structural frame. The circumstances for the material substitution was beyond the contractor’s control. The Contractor also found that the framing required additional preparation and coating.

Section 6.22(h) of the City Administrative Code allows for Port Commission retroactive approval to increase the contract duration beyond 10 percent of the original contract schedule under specific circumstances. This allows staff the flexibility to negotiate modifications to the schedule without causing further delays to the Project, and then to seek Port Commission approval when the work is complete, and the timeline is known.

Port staff requests authorization to execute a contract modification to extend the original contract duration of 90 calendar days for substantial completion by a total of 51 days, thus extending substantial completion date from November 23, 2019, to January 13, 2020. The project has been successfully completed within the authorized funding amount.

**San Francisco Local Business Enterprise Requirement**

A Micro LBE contractor, Huey Construction Management Co. Inc., performed this work.

**Funding**

The Project amount and the 10% contingency were fully funded by the Port Harbor Capital Fund, Project Code CPO 78501. Project funding is shown in the table below:

Authorized Project Funding	Low Base Bid
Ferry Terminal Gate B Canopy Repair Contract Amount	\$ 226,300
10% Contingency	\$ 22,630
Total Amount Authorized for Construction and Contingency	\$ 248,930

The final Project expenditure details are shown below:

Final Project Expenditures	Low Base Bid
Ferry Terminal Gate B Canopy Repair Contract Amount	\$ 226,300
Contract Change Orders	\$ 13,370
Total Expenditure	\$ 239,670

The total funding used for the Project is within the authorized funding amount.

**Schedule**

The modified Project completion schedule is noted below:

Executive Director’s Approval to Award	June 14, 2019
Notice to Proceed	August 26, 2019
Original Substantial Completion	November 23, 2019
Revised Substantial Completion	January 13, 2020
Revised Final Completion	February 13, 2020

**Summary**

Due to a substitution of the canopy material and additional preparation and coating of the structure, the contractor experienced delays to the contract completion beyond the original contract duration of 90 calendar days for a total duration of 141 days. This project was successfully completed within the approved budget.

The circumstances for the delay for the material substitution were beyond the contractor’s control and the Port was able to negotiate with the Contractor to provide preparation and coating of the structure in exchange for a time extension without extended overhead costs. As a result, staff finds no basis to assess liquidated damages for the delay.

Port staff requests Port Commission authorization to execute a contract modification to extend the original contract duration of 90 days for substantial completion by a total of 51 days, therefore modifying the Project duration to a total of 141 calendar days. Port staff determined that the additional time required to complete the Project was reasonable.

Prepared by: Wendy Proctor, Senior Architect and  
Alan Gin, Architectural Associate II

For: Rod K. Iwashita, Chief Harbor Engineer

Attachments: Photo of Damaged Canopies Exhibit ‘A’  
Site Location Map Exhibit ‘B’.

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO  
RESOLUTION NO. 20-09**

WHEREAS, On June 14, 2019, the Port Executive Director authorized the award of Construction Contract No. 2820, Downtown Ferry Terminal Gate B Canopy Repair Project (“Project”) to Huey Construction Management Company, Inc. (“Contractor”); and

WHEREAS, The Project scope consisted of replacing the canopy fabric for the gangway and float that was damaged by birds and inclement weather, and;

WHEREAS, During construction, the original contract schedule for completion was delayed by two factors: 1) Port staff’s approved request to substitute the replacement canopy material with a different material that could be installed while the gangway and float remained on site, and 2) the additional preparation and coating of the structure; and

WHEREAS, Section 6.22(h) of the City’s Administrative Code authorizes the Port Commission to approve time extensions greater than 10% of the original contract amount or duration, and such a time extension is permissible after completion of the contract when there is no basis to assess liquidated damages for the delay against the contractor; and;

WHEREAS, Port staff requests authorization of an extension of time of 51 calendar days to the original contract duration of 90 calendar days, which will extend the contract substantial completion date from November 24, 2019, to January 13, 2020; and

WHEREAS, Port staff have determined that the circumstances for the delay for the material substitution were beyond the contractor’s control and the Port was able to negotiate with the Contractor to provide additional preparation and coating of the structure in exchange for a time extension without extended overhead costs. As a result, staff finds no basis to assess liquidated damages against the contractor, as described in the accompanying staff report; now, therefore be it

RESOLVED, That the Port Commission hereby authorizes Port staff to execute a contract modification to Contract No. 2820, Downtown Ferry Terminal Gate B Canopy Repair Project, to extend the existing substantial completion date by an additional 51 days, and further, the Port Commission hereby ratifies all actions taken by the Port staff in furtherance of such contract modification.

***I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of February 25, 2020.***

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**Secretary**

**EXHIBIT 'A'**

**PHOTO OF DAMAGED CANOPIES**



Contract No. 2820, Downtown Ferry Terminal Gate B Canopy Repair Project

**EXHIBIT 'B'**  
LOCATION MAP



Contract No. 2820, Downtown Ferry Terminal Gate B Canopy Repair Project