

MEMORANDUM

May 3, 2018

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

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 increase the contract amount by \$785,166, resulting in an amended contract amount not to exceed \$4,766,535

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution

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 (the Project). On November 10, 2016, the Port Commission authorized a total contract award of \$4,379,506, of which \$3,981,369 was the award and \$398,137 was for the contingency. Port staff inadvertently awarded the contract for \$3,981,369 and did not include the authorized contingency. The proposed amendment will increase the contract amount by \$785,166, resulting in an amended contract amount not to exceed \$4,766,535. The total proposed change to the contract is 19.7% above the original contract amount.

The Project team discovered unforeseen conditions that require additional engineering services and warrant an increase in the contract amount. The primary unforeseen condition is the high level of sediment contamination in the dredging footprint that requires additional sampling, analysis, and permanent protective cap design.

THIS PRINT COVERS CALENDAR ITEM NO. 11B

The Mission Bay Ferry Landing will provide critical regional ferry service to and from the Mission Bay neighborhood, one of the fastest growing neighborhoods in San Francisco, as well as the Dogpatch, Potrero Hill, Pier 70, and the Central Waterfront neighborhoods. The Ferry Landing will further activate existing maritime activity along our working waterfront.

When completed, the Mission Bay Ferry Landing will provide the capability to berth two ferry boats simultaneously and may include a nearby water taxi landing. The ferry landing would sit within a half mile of approximately 11,000 new housing units, 7 million square feet of new office and commercial space, over 1 million square feet of new retail space and 70 acres of public open space. Additionally, the ferry landing location is planned within one block from the Muni T-Third line, which is underway for an extension to San Francisco's Chinatown neighborhood. The ferry landing will be within easy walking distance to the UCSF Mission Bay hospital and campus, the new Golden State Warriors Chase Center, and to San Francisco's related life sciences community.

Staff estimates that the ferry landing will have the capacity to handle up to 6,000 passengers per day. The ferry landing is essential to alleviate current regional transportation overcrowding, and provide transportation resiliency in the event of an earthquake, BART or Bay Bridge failure, or other unplanned events. Ferry service will reduce our community's carbon footprint, and consideration for sea level rise will be incorporated in the ferry landing design.

STRATEGIC OBJECTIVE

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

Livability

Increasing the proportion of funds spent by the Port with LBE and micro-LBEs, and by proactively working with transportation agency partners to ensure integrated transportation plans to ease traffic congestion on the waterfront.

Sustainability

Implementing leasing and development policies that support the City's climate goals and minimizing carbon emissions.

Economic Vitality

Expanding the system of active water berths for visiting transportation vessels.

BACKGROUND

The Port and San Francisco Water Emergency Transportation Authority (WETA) are pursuing 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 development near Mission Bay.

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.

On November 10, 2016, the Port Commission authorized Port staff to award a contract to the COWI/OLMM Joint Venture (referred to herein as COWI) 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 No. 16-44.). However, Port staff inadvertently excluded the contingency authorization in the contract award. The contract was awarded in the amount of \$3,981,369 and COWI started Project work in early 2017.

Staff recommends a contract amendment to include the contract \$785,166 for the following scope:

SCOPE OF WORK

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

Since the contract award, COWI has completed Phase 1. The site on Terry Francois Boulevard at 16th Street was selected for the ferry landing and the Water Taxi is to be placed approximately 400 feet south of the ferry landing site. The locations of the final two ferry landing sites were within 200 feet of each other.

Phase 2 of the 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.

The design is currently at 60% completion.

During Phase 2, Port staff and COWI encountered several unanticipated items which require additional engineering, sampling, and analysis. Therefore, the proposed contract amendment is needed for additional funding to pay for the following services to complete the Project design:

- The selected dredging footprint requires significantly more sampling and analysis due to the discovery of sediment contamination. In addition, the final exposed dredge layer at navigation depth was found to have levels of contamination that require a sediment transport analysis and the design of a permanent protective cap. The approximate cost of these tasks is \$600,000.
- Other unanticipated items comprise the remainder of the requested contract funding increase, such as unanticipated subsurface rock layers discovered by the soil sediment investigation, request of a physical architectural model of the canopy by regulatory agencies, integration issues for utilities and drainage due to the adjacent Terry Francois Boulevard Relocation.
- COWI has credited the project budget with approximately \$250,000 in cost reduction from the San Francisco City Planning Department's approval of a Mitigated Negative Declaration (MND) for CEQA instead an Environmental Impact Report, originally anticipated in the Request for Proposal. An MND has fewer requirements and shorter duration.
- The amendment also includes a \$100,000 contingency to address unforeseen conditions.

LOCAL BUSINESS ENTERPRISE (LBE) PARTICIPATION

COWI is currently exceeding its 20% Local Business Enterprise (LBE) subcontracting requirement under the contract. The LBE subcontracting requirement for this project is being met by utilizing the firms identified in *Table 1*. Certified LBEs will be performing 28% or \$1,352,663 of the total contract work. Of the \$785,165 contract increase, \$329,541 (41%) will go to certified LBEs.

In addition to the LBE sub-consultants identified in *Table 1*, OLMM as the contractor's joint venture partner will self-perform 15 % or \$715,050 of the contract work. OLMM is an Asian- American, LBE-MBE, firm certified to provide structural engineering and construction management support.

Table 1: Mission Bay Ferry Landing LBE Participation

Firm	Portion of Work	% of Contract Work	Amount of Contract	Amount of Increase	LBE Type	MBE Ethnicity
Robin Chiang & Company	Architecture	4.8%	\$230,103	\$24,500	MBE	Asian-American
Geotechnical Consultants	Geotechnical Engineering	4.4%	\$207,668	\$48,663	MBE	Asian-American
HRA Consulting Engineers	Electrical Engineering	2.7%	\$127,326	\$5,996	MBE	Iranian-American
MHC Engineers	Mechanical Engineering	0.6%	\$30,000	\$15,000	MBE	Asian-American
RES Engineers, Inc.	Special Inspection & Testing	0.9%	\$41,330	-	MBE	Asian-American
M. LEE Corporation	Cost Estimating	1.9%	\$90,314	-	MBE	Asian-American
Boudreau Associates	Permitting, Sediment Characterization	4.6%	\$213,242	\$55,182	WBE	
Orion Environmental Associates	CEQA	2.6%	\$119,250	-	MBE	Asian-American
Adavant Consulting	CEQA	1.2%	\$56,415	-	OBE	
LCW Consulting	CEQA	1.2%	\$56,415	-	WBE	
Surface Design	Landscape Architecture	2.3%	\$109,500	\$109,500	OBE	
Lotus Water	Civil & Hydrology	1.5%	\$71,100	\$71,100	OBE	
	Total	28%	\$1,352,663	\$329,541		

The proposed amendment will increase the contract amount by 19.7% of the original contract amount. The proposed amendment would also add two new subcontractors: Mott MacDonald and Integral Consulting Inc. These firms are not LBE firms and were selected because they specialize in sediment transport analysis and marine protective cap design necessary to complete the new scope items. Marine protective cap design work and related sediment transport analysis are highly specialized and requires regional and national expertise. Although Mott MacDonald and Integral Consulting maintain offices in San Francisco the firms are not eligible for Local Business Enterprise Certification as their principal place of business are located outside of California. Port staff has consulted with CMD on the proposed addition of these subcontracts and CMD concurs.

PROJECT SCHEDULE

Assuming that the Port Commission approves the contract amendment, the following project milestones will apply to the remaining contract schedule:

- NTP Professional Services (A/E) Contract Feb 2017
- 100% Design Complete October 2018
- Authorize to Advertise Construction December 2018
- Receive All Environmental Permits March 2019
- Authorize to Award Construction March 2019
- Notice to Proceed May 2019
- Construction/Fabrication Start June 2019
- Construction Complete February 2021

FUNDING

COWI/OLMM’s contract is funded by \$6,970,000 from the FY 2016-2017 and 2017-2018 Capital Budgets, including \$3,470,000 from Port Fund Balance and \$3,500,000 million from the General Fund, for planning, design, and entitlements. The current appropriation has sufficient funds for the proposed amendment to the contract. The following outlines the amount of the original contract award, the proposed contract amendment, and the resulting total contract cost:

\$3,981,369 Original Contract Award
 Proposed Amendment (10% contract contingency of \$398,137 plus
 \$ 785,166 9.7% additional increase of \$387,029)
\$4,766,535 Total Amended Design Contract and Budget

As indicated above, the design consultant COWI discovered unforeseen Project conditions that require additional engineering services, and warrant an increase in the contract amount. The contingency fund previously authorized by the Port Commission was inadvertently not included in the contract. Therefore, staff recommends the Port Commission approval a contract amendment to increase the contract \$785,166 for additional services described above for the second contract amendment, and to add two needed subcontractors, Mott McDonald and Integral Consulting Inc., for sediment transport analysis and protective cap design.

RECOMMENDATION

Port staff requests Port Commission authorization to execute a contract amendment to the professional services contract with COWI/OLMM Joint Venture for architectural and engineering services for the Mission Bay Ferry Landing Project to increase the contract amount by \$785,166, resulting in an amended contract amount not to exceed \$4,766,535.

Prepared by: Jonathan Roman
 Project Manager

Prepared for: Rod Iwashita
 Chief Harbor Engineer

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

RESOLUTION NO. 18-30

- 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"); and
- WHEREAS, On November 10, 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 \$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); however, the contract was inadvertently awarded for \$3,981,369 and did not include the contingency; 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 a contract amendment No 1, to add additional subcontractors to the contract; and
- WHEREAS, During Phase 2 of COWI's contract, Port staff and COWI encountered unanticipated Project circumstances, including contaminated sediment, which require additional engineering, sampling and analysis, and justify a contract amendment for additional funds and services, as described in the accompanying staff report; and
- WHEREAS, Port staff now recommend that the Port Commission authorize a contract amendment to the contract with COWI to authorize funds to pay for such additional services; and
- WHEREAS, Port staff have negotiated with COWI an amount of \$785,166 for these additional engineering design services which represents a fair and reasonable value in staff's determination; and
- WHEREAS, Port staff recommends to add to the contract two needed subcontractors, Mott McDonald and Integral Consulting Inc., for sediment transport analysis and marine protective cap design due to discovery of sediment contamination; and

WHEREAS, The contract amendment will incorporate the existing Local Business Enterprise subcontracting participation commitment of 28% established by the City Contract Monitoring Division; 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 increase the contract amount by \$785,166, resulting in an amended contract amount not to exceed \$4,766,535.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 8, 2018.

Secretary

