



(For Board Meeting of September 25, 2009)

**SUMMARY OF RECOMMENDATIONS**  
**MEETING OF THE BUILDING AND OPERATING COMMITTEE/**  
**COMMITTEE OF THE WHOLE**  
**THURSDAY, SEPTEMBER 24 2009**  
**(CHAIR JAMES C. EDDIE)**

**Item No. 1**

Authorize execution of a Professional Services Agreement with Moffatt & Nichol, Inc., for conceptual designs, environmental studies and engineering services for modifications and improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal facilities, in an amount not to exceed \$6,000,000.00; and, approve all other related items as outlined in the staff report.

**Action by the Board – Resolution**

**Item No. 2**

Authorize award of a contract to Ice Floe, LLC, dba Nichols Brothers Boat Builders for installation of new propulsion system for re-powering and dry-docking of the *M.V. Del Norte*, in the amount of \$2,313,314.00; and, approve all other related items as outlined in the staff report.

**Action by the Board – Resolution**



Agenda Item No. 1

To: Building and Operation Committee/Committee of the Whole  
Meeting of September 24, 2009

From: Ewa Z. Bauer, Deputy District Engineer  
Denis J. Mulligan, District Engineer  
Celia G. Kupersmith, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MOFFATT & NICHOL REGARDING REQUEST FOR PROPOSALS NO. 2010-FT-3, CONCEPTUAL DESIGNS, ENVIRONMENTAL STUDIES AND ENGINEERING SERVICES FOR MODIFICATIONS AND IMPROVEMENTS TO THE LARKSPUR, SAN FRANCISCO AND SAUSALITO FERRY TERMINAL FACILITIES**

### **Recommendation**

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to Request for Proposals No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*:

1. Authorize execution of a Professional Services Agreement with Moffatt & Nichol, in an amount not to exceed \$6,000,000, to develop conceptual designs, environmental studies, provide assistance in obtaining permits, design and prepare bid documents, and provide technical support during the Larkspur, San Francisco and Sausalito Ferry Terminal modifications; and,
2. Increase the capital project budget in the amount of \$5,844,000 for a total project budget of \$7,844,000. The total project will be funded with \$6,275,200 Federal Transit Administration grant funds (80%) and \$1,568,800 District funds (20%). The proposed budget increase will be presented to the Finance-Auditing Committee at its September 24, 2009, meeting.

This matter will be presented to the Board of Directors at its September 25, 2009, meeting for appropriate action.

### **Summary**

The Larkspur Ferry Terminal (LFT), San Francisco Ferry Terminal (SFFT), and Sausalito Ferry Terminal (SFT) are all in need of new passenger loading systems in order to improve the accessibility of passenger loading and disembarking. This includes commuters, bicyclists, and

passengers who may have limited mobility. The passenger loading systems include new passenger ramps, ferry slips/floats, and other terminal improvements all of which must comply with current regulations and guidance documents for the “Americans with Disabilities Act” (ADA), as well as the Access Board’s pending *Passenger Vessel Accessibility Guidelines*.

In addition to the new passenger loading systems, the District is seeking to investigate conceptual designs for a new maintenance slip adjacent to the administration building at LFT as well as a new lay berth at SFFT. In addition, the design of the proposed lay berth at SFFT will comply with Department of Homeland Security and U.S. Coast Guard security regulations.

On May 19, 2009, the District issued a Request for Proposal (RFP) to architectural, environmental and design consultants specializing in marine engineering to provide conceptual design services including preparing calculations, plans, specifications and estimates for construction for modifying existing passenger loading ramps, adding a maintenance berth and lay berth, and performing all necessary environmental services required for the proposed work. The environmental services include preparing all necessary environmental studies and consultations to complete the CEQA, NEPA, the Clean Water Act and related environmental processes. The services also include assisting the District in obtaining all required permits, including disposal permits for dredging (if needed). By the due date of July 7, 2009, the Office of the District Secretary received proposals from six (6) consulting firms.

A selection committee, consisting of Engineering, Planning, and Ferry Division staff, as well as a representative from the Bay Area Toll Authority (BATA), reviewed the proposals, and based on the published selection criteria, chose four teams to participate in oral interviews that were held on July 28, 2009.

The selection committee evaluated and ranked the consultants based on the selection criteria published in the RFP. The selection criteria included: 1) consultant team qualifications and experience, 2) project understanding and approach, and 3) consultant capabilities, which include their records of successfully performing similar work for both private and public agencies in the Bay Area. The final ranking of the consultants is as follows:

<u>RANK</u>	<u>COMPANY</u>
1	Moffatt & Nichol
2	KPFF
3	Winzler & Kelly
4	Creegan & D’Angelo

The selection committee agreed that the top ranked Consultant is best qualified to perform these services. The District Engineer concurs with this finding. The District’s legal counsel has confirmed that Moffat and Nichol is fully responsive to the solicitation requirements.

No specific Disadvantaged Business Enterprise (DBE) goal was established for this Agreement. However, consultants were urged to obtain DBE participation and were required to document their activities in the solicitation and selection of subconsultants to ensure that this process was carried out in a nondiscriminatory manner. The DBE Program Office has determined that

Moffatt & Nichol has complied with the DBE requirements applicable to this Agreement. At this time, a 17.4% percent DBE participation is anticipated during the performance of this Project.

As stated in the Request for Proposal, District staff reviewed the cost proposal from the highest ranked firm, Moffatt & Nichol, and has negotiated the scope of work and cost in an amount not to exceed \$6,000,000 for the services. Staff has determined that this price is reasonable and recommends award of a Professional Services Agreement relative to RFP No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*, to Moffatt & Nichol. The Consultant will be compensated based upon actual time expended and expenses incurred, plus a fixed fee not to exceed the authorized amount.

**Fiscal Impact**

The Conceptual Ferry Improvement Designs project is included in the FY 09/10 Ferry Division Capital Budget at \$2,000,000, and is funded with \$1,600,000 Federal Transit Administration (FTA) grant funds, and \$400,000 District funds. A capital budget increase in the amount of \$5,844,000 to be funded with \$4,675,200 FTA grant funds and \$1,168,800 from District reserves is required to fully fund this project at the proposed budget of \$7,844,000. The total project will be funded at \$6,275,200 FTA (80%) and \$1,568,800 District funds (20%). The detailed budget for this project is as follows:

<b><u>BUDGET ITEM</u></b>	<b><u>COST</u></b>
Contract No. 2010-FT-3	\$6,000,000
Staff Costs	\$950,000
ICAP (89.89%)	\$854,000
Public Meetings (room rentals, etc.)	\$20,000
Miscellaneous (printing, advertisement, mailing, etc.)	<u>\$20,000</u>
<b>TOTAL BUDGET</b>	<b>\$7,844,000</b>



Agenda Item No. 2

To: Building and Operating Committee/Committee of the Whole Meeting of September 24, 2009

From: Christian N. Stark, Marine Projects Manager, Ferry Division  
James P. Swindler, Deputy General Manager, Ferry Division  
Celia G. Kupersmith, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO THE AWARD OF CONTRACT NO. 2010-FT-10, INSTALLATION OF NEW PROPULSION SYSTEM FOR RE-POWERING AND DRY-DOCKING OF THE M.V. DEL NORTE, TO ICE FLOE, LLC, dba NICHOLS BROTHERS BOAT BUILDERS**

### **Recommendation**

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to Contract No. 2010-FT-10, *Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte*:

1. Authorize the award of Contract 2010-FT-10 to Ice Floe, LLC, dba Nichols Brothers Boat Builders (NBBB) in the amount of \$2,313,314 for the scope of work defined in the Invitation for Bids;
2. Authorize a contingency budget of \$375,000 to cover anticipated sales tax and delivery costs, as well as unanticipated items that may be discovered once work commences;
3. Authorize the General Manager to approve change orders to Contract No. 2010-FT-10, up to the maximum of the available project contingency, with the understanding that any individual change order exceeding \$100,000 requires the concurrence of the President of the Board and the Building and Operating Committee Chair; and
4. Authorize a FY 09/10 capital budget increase for this project in the amount of \$1,386,000 to be funded with 100% Federal Transit Administration (FTA) grant funds.

This matter will be presented to the Finance-Auditing Committee at its September 24, 2009 meeting for concurrence, and to the Board of Directors at its September 25, 2009 meeting for appropriate action.

### **Summary**

On May 26, 2009, the District issued Invitation for Bids (IFB) No. 2010-FT-2, *Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte*. At its meeting on August 14, 2009, the Board rejected all bids received as they were all non-responsive.

The District then re-issued the Contract, now titled IFB No. 2010-FT-10, *Installation of New Propulsion System for Re-Powering and Dry-Docking of the M.V. Del Norte*. By the bid opening date of September 15, 2009, the District received bids from the following three Shipyards in response to the re-issuance of the IFB.

1. Ice Floe, LLC, dba Nichols Brothers Boat Builders (NBBB), Freeland, Washington
2. Vigor Marine, Portland, Oregon
3. Bay Ship and Yacht, Alameda, California

District Staff, in consultation with legal counsel, reviewed the bids received in response to the IFB, and determined that NBBB, the lowest bidder, was both responsible and responsive to the IFB requirements.

The contingency budget requested by Staff is larger than normal for a contract of this size. The contingency budget contains \$200,000 for contract change orders addressing unforeseen expenses, \$75,000 for estimated sale/use tax, and \$100,000 to reimburse the shipyard for delivery expenses, as per the bid documents. NBBB's bid price was more than \$100,000, lower than a local shipyard's bid. The \$100,000 delivery allowance included in the Contract, resulted in broader competition and a lower bid price.

District procurement policy ordinarily requires Board approval when any single change order exceeds \$50,000. On a contract of this size, it would not be uncommon for change orders to exceed \$50,000, and it would be desirable to be able to administer change orders promptly to avoid delays. Staff, therefore, recommends that the Board delegate authority to the General Manager to execute any necessary change orders within the requested contingency, with the understanding that individual change orders in excess of \$100,000 require the prior concurrence of the Board President and the Chair of the Building and Operating Committee. Change orders will be reported to the Finance-Auditing Committee in accordance with existing practice.

The vessel will be delivered by NBBB's shipyard as soon after the award of the Contract as weather will permit. The Contract scope of work is estimated to take between five and six months. This time frame will allow the *M.V. Del Norte* to be returned to service in time to allow necessary work to commence on the *M.V. Mendocino*.

### **Background**

The *M.V. Del Norte* was originally built in 1997 to begin the District's high-speed ferry program. The vessel's engines now have 31,000 hours of operation and no longer meet current EPA emissions regulations. Given these conditions, the District applied for and has received a State

Carl Moyer grant to repower the *M.V. Del Norte*. The Carl Moyer program provides funds to replace older marine diesel engines with new engines meeting current EPA standards.

**Fiscal Impact**

This project is included in the FY 09/10 Ferry Transit Division Capital Budget at a total cost of \$4,407,000 (which includes not only the procurement of the shipyard services that are the subject of this staff report, but also the purchase of engines, generators and waterjets; their installation and other administrative costs, including project management and miscellaneous costs), and is 100% grant funded (\$3,162,142 Carl Moyer grant funds and \$1,244,858 FTA funds). A capital budget increase in the amount of \$1,386,000 (100% FTA grant funds) is required to fully fund this project at the estimated total cost of \$5,793,000. The total project will be funded as follows: \$3,162,142 Carl Moyer grant funds and \$2,630,858 FTA grant funds. The detailed budget for this project is as follows:

<b>Contract Number</b>	<b>Contract Title/Item Description</b>	<b>Current Budget</b>
2009-FT-3	Engineering	\$440,000
2009-FT-7	Engines	\$1,526,604
CO1 to 2009-FT-7	Shafting	\$157,432
2009-FT-2	Generators	\$83,243
N/A	Miscellaneous	\$10,654
2010-FT-10	Shipyard Installation	\$2,588,314
2010-FT-9	Waterjet Purchase	\$40,000
N/A	Waterjet refurbishment	\$310,000
2010-FT-4	Gearbox re-ratio and rebuild	\$425,000
2007-FT-8	Project Management	\$71,753
N/A	Staff Time/Fringe	\$40,000
2010-FT-10	Delivery Allowance	\$100,000
<b>Project Total</b>		<b>\$5,793,000.00</b>