



(For Board Meeting of December 18, 2009)

SUMMARY OF RECOMMENDATIONS
MEETING OF THE BUILDING AND OPERATING COMMITTEE/
COMMITTEE OF THE WHOLE
THURSDAY, DECEMBER 17, 2009
(CHAIR JAMES C. EDDIE)

Item No. 1

Authorize execution of a Services Agreement with Universal Building Services and Supply Company, in the amount of \$378,396.00, for a three-year term, with two additional one-year options, to provide janitorial services for District facilities, commencing January 1, 2010.

Action by the Board – Resolution

Item No. 2

Authorize rejection of the low bid from CF Contracting and authorize award of a contract to River View Construction, Inc., in the amount of \$397,000.00, for installation of accessible restrooms and ramps at the Larkspur Ferry Terminal; and, approve all other items as outlined in the staff report.

Action by the Board – Resolution

Item No. 3

Authorize execution of a Services Agreement with S&P Concessions, in the amount of \$10,000.00 per month, for a three-year term, with two additional one-year options, to provide concession services onboard District ferries, commencing January 1, 2010.

Action by the Board – Resolution

Item No. 4

Authorize execution of a sole source contract to Valley Power Systems, Inc., in the amount of \$517,169.29, to provide parts and services for the overhaul of the main propulsion equipment for the Spaulding ferries; subject to receipt from the Federal Transit Administration of a waiver from the Buy America regulation.

Action by the Board – Resolution

Item No. 5

Authorize execution of Amendment No. 1 to the Professional Services Agreement with Marine Systems Corporation to provide engineering and detailed design services for the refurbishment of the *M.V. Snohomish* and the *M.V. Chinook* ferries, in an amount not to exceed \$87,120.00; and, approve all other items as outlined in the staff report.

Action by the Board – Resolution



Agenda Item No. 1

To: Building and Operating Committee/Committee of the Whole
Meeting of December 17, 2009

From: Kary H. Witt, Deputy General Manager, Bridge Division
Teri Mantony, Deputy General Manager, Bus Transit Division
James P. Swindler, Deputy General Manager, Ferry Transit Division
Celia G. Kupersmith, General Manager

Subject: **AUTHORIZE EXECUTION OF A SERVICES AGREEMENT WITH
UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY, dba
UNIVERSAL BUILDING SERVICES, RELATIVE TO REQUEST FOR
PROPOSALS NO. 2010-MD-4, JANITORIAL SERVICES FOR DISTRICT
FACILITIES**

Recommendation

The Building and Operating Committee recommends that the Board of Directors authorize execution of a Contract with Universal Building Services relative to Request for Proposals No. 2010-MD-4, *Janitorial Services for District Facilities*, for janitorial services at the Golden Gate Bridge Toll Plaza, Larkspur Ferry Terminal, San Rafael, Novato, SF Lot, and Santa Rosa facilities, for a three-year term, for an amount not to exceed of \$378,396, commencing on January 1, 2010, with two successive one-year option terms, exercisable at the District's sole discretion, with the understanding that sufficient funds are available in the FY 09/10 Bus, Ferry and Bridge Divisions' Operating Budgets; sufficient funds will be included in such Budgets for the subsequent fiscal years.

Summary

Proposal documents for Request for Proposal (RFP) No. 2010-MD-4, *Janitorial Services for District Facilities*, were sent to 10 prospective proposers requesting proposals for each of the District's properties. The District Secretary received two proposals on Tuesday, November 17, 2009. Proposal results are as follows:

1. Universal Building Services
Richmond, CA
Submitted proposal for all District sites

2. KD Commercial Cleaning Services
San Francisco, CA
Submitted proposal only for Golden Gate Bridge Toll Plaza

As two proposals were received for janitorial services at the Golden Gate Bridge Toll Plaza, an evaluation committee comprised of District staff evaluated and scored each proposal based on the following criteria as stated in the RFP documents:

- Cost Proposal (40%)
- Qualifications and Experience of Proposer (40%)
- References (20%)

Although KD Commercial Cleaning Services' Cost Proposal was significantly lower than Universal Building Services' Cost Proposal, the committee's analysis resulted in Universal Building Services receiving the highest consensus ranking as a result of its qualifications and experience.

Only one proposal, from Universal Building Services, was received for the remaining District facilities. District staff reviewed the Cost Proposal and determined that the cost for the services is reasonable as compared to the cost the District is currently paying for similar services; there is an annual 2% reduction from current fiscal year spending and costs are fixed for the initial three-year term of the Contract.

Staff, District's Attorney, and the Disadvantaged Business Enterprise (DBE) Program Office have all reviewed the proposals and find that Universal Building Services has properly submitted all required documents, and its proposal is technically responsive to the specifications.

Since there were no subcontracting opportunities for this Agreement, there were no DBE forms required for submittal. The DBE Program Office has determined that Universal Building Services is not certified as a DBE. Therefore, no DBE participation is anticipated during the performance of this Agreement.

The District's current contract for janitorial services at all facilities with Universal Building Services expires on December 31, 2009, and staff is recommending award of this Agreement to Universal Building Services effective January 1, 2010.

Fiscal Impact

Funds for this service for the remainder of FY 09/10 will be absorbed in the Bridge, Bus, and Ferry Division operating budgets. The annual cost for the District to provide janitorial services to these sites is approximately \$126,132. These funds will be included in subsequent fiscal year operating budgets accordingly.



Agenda Item No. 2

To: Building and Operating Committee/Committee of the Whole
Meeting of December 17, 2009

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

Subject: **APPROVE ACTIONS RELATIVE TO THE AWARD OF CONTRACT NO. 2010-FT-5, LARKSPUR FERRY TERMINAL ACCESSIBLE RESTROOMS AND RAMPS, TO RIVER VIEW CONSTRUCTION, INC.**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to Contract No. 2010-FT-5, *Larkspur Ferry Terminal Accessible Restrooms and Ramps*:

1. Reject the low bid received from CF Contracting, Fairfax, CA, as non-responsive;
2. Authorize award of Contract No. 2010-FT-5 to River View Construction, Inc, Sacramento, CA, in the amount of \$397,000;
3. Authorize a construction contingency fund for Contract No. 2010-FT-5 in the amount of \$39,700, equal to 10% of the contract award; and
4. Authorize a budget increase in the FY 09/10 Ferry Transit Division Capital Budget for this Project in the amount of \$200,000 to be 100% funded with State I-Bond grant funds, to establish a total project budget of \$680,000, subject to the concurrence of the Finance-Auditing Committee at its meeting of December 17, 2009.

This matter will be presented to the Finance-Auditing Committee at its December 17, 2009, meeting for concurrence and to the Board of Directors at its December 18, 2009, meeting for appropriate action.

Summary

The existing Larkspur Ferry Terminal includes a covered area through which ticketed passengers pass to board the ferry vessels. This area, which was originally constructed in the 1970s and modified in the 1980s, contains walkways, plazas, covered waiting areas, and restrooms for ferry passengers while they wait for the ferries. This Project will improve access to the paid waiting areas and restrooms.

The work includes: modifications to the existing buildings to construct two new accessible restrooms, the replacement of existing concrete access ramps, the installation of automatic double sliding doors and powered swinging doors, and the associated infrastructure required for the new facilities.

Contract No. 2010-FT-5, *Larkspur Ferry Terminal Accessible Restrooms and Ramps*, was advertised for bids on October 6, 2009. On November 3, 2009, the following nine bids were received, opened, and publicly read:

	<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1.	CF Contracting Fairfax, CA	\$344,000
2.	River View Construction, Inc. Sacramento, CA	\$397,000
3.	BHM Construction, Inc. Vallejo, CA	\$453,845
4.	Bay Area Structural, Inc. Oakland, CA	\$465,473
5.	KCK, Inc. San Rafael, CA	\$469,000
6.	MA Davies Builders, Inc. San Rafael, CA	\$488,411
7.	Angotti and Reilly, Inc. San Francisco, CA	\$498,738
8.	Page Construction Novato, CA	\$563,500
9.	Sonoma County Builders Santa Rosa, CA	\$576,865

The apparent low bidder is CF Contracting of Fairfax, CA. The evaluation of CF Contracting's bid indicated that CF Contracting was not responsive to the specifications, which require the prime contractor to perform at least 50% of the work called for under the Contract. District staff requested confirmation from CF Contracting regarding the portion of work that it planned to subcontract. The information provided by CF Contracting confirmed that it would not be performing at least 50% of the work. Engineering staff and the District's Attorney, therefore, concluded that CF Contracting's bid was non-responsive and must be rejected.

The second lowest bidder is River View Construction, Inc., (River View) of Sacramento, CA. Engineering staff, the Disadvantaged Business Enterprise (DBE) Program Office, and the District's Attorney have evaluated River View's bid and concluded that it is fully responsive to the solicitation's requirements. Additionally, Engineering staff has concluded that River View is appropriately qualified to perform the work and is a responsible firm. Accordingly, River View is the lowest responsive, responsible bidder.

No contract-specific DBE goal was established for this Contract. However, bidders were strongly encouraged to obtain DBE participation and were required to document their activities in the solicitation and selection of subcontractors, subconsultants, and suppliers to ensure that this process was carried out in a nondiscriminatory manner. The DBE Program Administrator has determined that River View Construction, Inc. has complied with the DBE requirements applicable to the Contract. At this time, a 17.2% DBE participation is anticipated during the performance of this Contract.

Fiscal Impact

This Project is included in the FY 09/10 Ferry Transit Division Capital Budget at a total cost of \$480,000 and is 100% grant funded with Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) grant funds from the State I-Bond program. To date, approximately \$102,600 has been spent to support the design, staff costs, and indirect costs. A capital budget increase in the amount of \$200,000 (from additional PTMISEA grant funds) is required to fully fund this Project at the proposed budget of \$680,000.

The detailed budget for this Project is as follows:

<u>BUDGET ITEM</u>	<u>COST</u>
Expenditure to date	\$102,600
Contract No. 2010-FT-5	\$397,000
Construction Contingency (10%)	\$39,700
Construction Support Services & Testing	\$8,000
Construction Administration (staff time 15%)	\$65,500
ICAP @ 90%	\$58,950
Miscellaneous (printing, advertisement, mailing, etc.)	\$8,250
TOTAL PROJECT BUDGET	\$680,000

The total project budget of \$680,000 will be 100% grant funded with PTMISEA funds from the State I-Bond program.



Agenda Item No. 3

To: Building and Operating Committee/Committee of the Whole
Meeting of December 17, 2009

From: Rebecca Wessling, Superintendent of Terminal Operations, Ferry Transit Division
James P. Swindler, Deputy General Manager, Ferry Transit Division
Celia G. Kupersmith, General Manager

Subject: **AUTHORIZE EXECUTION OF A SERVICES AGREEMENT WITH S&P CONCESSIONS RELATIVE TO REQUEST FOR PROPOSALS NO. 2010-FT-7, CONCESSION SERVICES ONBOARD DISTRICT FERRIES**

Recommendation

The Building and Operating Committee recommends that the Board of Directors authorize execution of a Services Agreement with S&P Concessions, San Francisco, CA, relative to Request for Proposals No. 2010-FT-7, *Concession Services Onboard District Ferries*, in the amount of \$10,000 per month, for a three-year term, with two successive one-year option terms, exercisable at the District's sole discretion, commencing on January 1, 2010.

Summary

Proposal documents for Request for Proposals (RFP) No. 2010-FT-7, *Concession Services Onboard District Ferries*, were sent to 15 prospective proposers in order to obtain the best pricing of concession services for the District's ferries. The District Secretary received one proposal on Tuesday, October 20, 2009 from S&P Concessions, the incumbent concessionaire.

Staff, District's Attorney, and the Disadvantaged Business Enterprise (DBE) Program Office have all reviewed the proposal and find that S&P Concessions has properly submitted all required documents, and their proposal is technically responsive to the specifications.

The RFP requested compensation as follows: (1) minimum monthly concession fee of \$10,000; and (2) 10% of gross sales per month that exceed \$10,000. S&P Concessions proposed compensation in the amount of \$10,000 per month with no percentage of gross sales over the monthly minimum amount. District staff met with S&P Concessions to negotiate an increase in the compensation due to the District. S&P Concessions proposed to provide a lower monthly minimum amount along with a percentage of gross sales over the minimum amount per month. Staff evaluated both compensation options and determined that the compensation initially proposed by S&P Concessions was the most desirable option as it would provide a stable and known revenue stream to the District.

Since there were no subcontracting opportunities for this Contract, there were no DBE forms required for submittal. The DBE Program Office has determined that S&P Concessions is not certified as a DBE. Therefore, no DBE participation is anticipated during the performance of this Contract.

The District's current contract for concession services with S&P Concessions expires on December 31, 2009, and staff is recommending award of this Contract to S&P Concessions effective January 1, 2010.

Background

For the past five years, S&P Concessions has provided concession services onboard District ferries under the current contract. On August 25, 2009, the District issued a Request for Proposals for concession services. Procurement staff contacted many businesses that offer food services, from large national companies that offer a wide range of food service solutions to small local catering companies that provide customized services to smaller operations. The RFP was sent to 15 companies, representing all of the companies contacted that expressed an interest in providing the services. Upon receiving only one proposal, a survey was taken of the companies that did not submit proposals in order to determine the companies' lack of participation. Results of the survey varied and the majority of companies stated that the services represented too much of a business risk given the contract's compensation requirements, past financial performance of the incumbent, special logistic considerations, and customer flow and count. Other companies felt that the business opportunity did not fit their business model or did not have enough profit potential. As the results of this RFP demonstrate, there are special challenges to operating concession services onboard the District's vessels.

Fiscal Impact

The Ferry Division will receive \$10,000 per month for this service or \$120,000 per fiscal year. This amount is slightly higher by approximately \$10,000 than what the District received for the last two fiscal years. The Ferry Division operating revenue budget will be adjusted accordingly for subsequent years.



Agenda Item No. 4

To: Building and Operating Committee/Committee of the Whole Meeting of December 17, 2009

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

Subject: **AUTHORIZE EXECUTION OF SOLE SOURCE CONTRACT NO. 2010-FT-14, PARTS AND SERVICES FOR OVERHAUL OF THE MAIN PROPULSION EQUIPMENT FOR THE SPAULDING FERRIES, TO VALLEY POWER SYSTEMS, INC.**

Recommendation

The Building and Operating Committee recommends that the Board of Directors authorize execution of sole source Contract No. 2010-FT-14, *Parts and Services for the Overhaul of Main Propulsion Equipment for Spaulding Ferries*, to Valley Power Systems, Inc. (VPSI) of Hayward, California in the amount of \$517,169.29, subject to receipt from the Federal Transit Administration (FTA) of a waiver from the Buy America Regulation, with the understanding that requisite funds are available in the FY 09/10 Ferry Transit Division Capital Budget.

Summary

The engines on the District's three Spaulding class vessels, *M.S. Marin*, *M.S. San Francisco*, and *M.S. Sonoma* have been in service since 2002 and are in need of a regularly scheduled major mid-life required overhaul. The required overhaul was started in FY 08/09 with the most critical portions of the project completed first. The balance of the project now has to be completed in order to ensure reliable operation of the engines until their replacement that is expected in 2013. The work remaining in the overhaul includes, among other things, the removal and replacement of the following components:

- Turbochargers
- Fuel injectors, injector cups, o-rings, check valves and fuel pipes
- Starter motors
- Cooling water to sea water heat exchangers
- Low temp and high temp cooling water pumps
- Factory exchange high pressure fuel pump with core exchange

The engines in question are Detroit Diesel/MTU series 4000 marine diesel engines. After researching the engine supply and parts industry, District Staff has confirmed that MTU factory parts are the only ones available for these engines. There are no known aftermarket parts manufacturers for the engines. MTU does not allow competition between dealerships and VPSI is the sole distributor of MTU factory parts in the District's region.

It is also critical that the installation of the parts be performed by a factory-authorized dealership in order to obtain a warranty on both parts and labor in addition to the MTU factory warranty on any progressive damage. The MTU progressive damage warranty will cover the total loss of an engine if the failure was due to a MTU factory part installed by a factory-certified mechanic from a factory-authorized dealership. Given the enormous costs involved with the complete replacement of an engine, using a factory-authorized dealership to install the manufacturer's parts significantly reduces risk to the District.

This scope of work on the six engines has been quoted by Valley Power Systems, Inc (VPSI) of Hayward, CA for a total of \$517,169.29 including parts, labor, and sales tax. Staff has determined that the price quoted by VPSI is fair and reasonable. The quote was analyzed in relation to internal estimates and work performed by other engine manufacturers.

In accordance with the above analysis, Staff, with concurrence of the District's Attorney, has determined that this procurement meets the requirement for a sole source procurement, as set forth in the District's Procurement Manual and consistent with federal regulations. In addition, State law permits an exception from the competitive bidding requirement when such a process would be unavailing and not in a public agency's best interests. Because Valley Power is uniquely able to provide the necessary work, a competitive bidding process would serve no useful purpose here.

Because the necessary parts are only manufactured in Germany, a waiver from the FTA Buy America Regulation will be required. The District has applied for such a waiver and award of a contract to VPSI will be conditioned upon receipt of the waiver.

Fiscal Impact

This project is included in the FY 09/10 Ferry Transit Division Capital Budget at a total cost of \$620,000.00 and is funded with 80% Federal Transit Administration and 20% Districts funds. This budget includes other main propulsion overhaul items in addition to the major engine overhaul that is the subject of this staff report. Sufficient funds are available to support the award of this Contract.



Agenda Item No. 5

To: Building and Operating Committee/Committee of the Whole
Meeting of December 17, 2009

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

Subject: **AUTHORIZE EXECUTION OF THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MARINE SYSTEMS CORPORATION RELATIVE TO REQUEST FOR PROPOSALS NO. 2009-FT-10, ENGINEERING AND DETAILED DESIGN SERVICES FOR THE RE-FURBISHMENT OF THE M.V. SNOHOMISH AND M.V. CHINOOK FERRIES**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to Request for Proposals (RFP) No. 2009-FT-10, *Engineering and Detailed Design Services for the Refurbishment of the M.V. Snohomish and M.V. Chinook Ferries*:

1. Authorize execution of the First Amendment to the Professional Services Agreement (Agreement) with Marine Systems Corporation relative to RFP No. 2009-FT-10, in an amount not to exceed \$87,120, for additional needed work; and,
2. Approve an increase in the contingency fund in the amount of \$35,000, bringing the total budget including contingency to \$635,000;

with the understanding that requisite funds are available in the FY 09/10 Ferry Transit Division Capital Budget.

Summary

On April 24, 2009, the Board awarded RFP No. 2009-FT-10, *Engineering and Detailed Design Services for Refurbishment of the M.V. Snohomish and M.V. Chinook Ferries*, to Marine Systems Corporation (MSC) at the not-to-exceed price of \$546,000 with a \$54,000 contingency.

Over the course of the engineering effort the District has identified several design items that were either not included in the original scope, or that require additional design services. These items include:

1. Relocation of the sewage tank to clear generator interferences.
2. Modifications to sanitary and fresh water systems to support fresh water flushing of toilets.
3. Addition of main deck snack bar area and all associated plumbing, electrical and structure.
4. Expansion in scope of work to integrate new vessel monitoring and alarm system.
5. Expansion in scope of work to integrate engine manufacturer supplied fuel filtration system.
6. Expansion in scope of work in regards to ADA improvements to heads.
7. Expansion in scope of work for additional bike stowage.

MSC has submitted a proposal to perform this additional work. Its proposal does not increase the hourly rates used in the underlying Agreement, which rates are the same as MSC has charged the District on earlier projects. District staff has analyzed the anticipated required effort and has determined that the proposed additional cost of \$87,120 is fair and reasonable.

Because the amount of the First Amendment exceeds the original price in the Agreement, Board approval is required. The additional needed work is part of the \$19,410,000 included in the FY 09/10 Ferry Transit Division Capital Budgets for the refurbishment of the *M.V. Snohomish (Napa)* and *M.V. Chinook*. No budget adjustment is needed to fund this Amendment.

The *M.V. Snohomish (Napa)* and *M.V. Chinook* were recently acquired from Washington State Ferries (WSF) for 2 million dollars each. The vessels were built for WSF in 1999 and have operated approximately three years. The District acquired the vessels with the understanding that significant improvements and modifications would be necessary to prepare them for regular service. A summary of the major items to be accomplished as part of the refurbishment is as follows:

- As required by the California Air Resources Board (CARB), both vessels will be re-powered with Tier 2 engines. Consistent with District Board policy, the engines will be Tier 2-20 engines, which exceed CARB requirements.
- Other machinery to be replaced includes reduction gears; main shafting; bearings; engine controls and monitoring panels; electrical generator sets; and other miscellaneous pumps and controllers.
- The four water jets will be completely refurbished to like-new condition.
- Certain above-hull structures will be modified to accommodate additional inside seating capacity and new embarkation doors for passenger access at the upper deck.
- Each vessel will be outfitted with new accessible restrooms; snack bar; new seating and tables; bicycle racks; new deck covering (carpet and tile).

- The pilot house will be outfitted with new updated navigation equipment.
- The vessels will be completely repainted.

MSC will provide the District with the engineering and design drawings and the technical specifications necessary to create a bid package so the Refurbishment project can be advertised. We anticipate that this project will be of interest to several shipyards up and down the west coast.

Fiscal Impact

This project is included in the FY 09/10 Ferry Transit Division Capital Budget at a total cost of \$23,410,000 and is funded with \$8,566,469 ARRA (economic stimulus) funds, \$9,920,000 Federal Transit Administration funds, \$2,116,322 State I-Bond funds, and \$2,807,209 District funds (37% ARRA/42% FTA/9% State/12% District). This budget includes the purchase of the vessels which was completed earlier this year, procurement of the professional services that are the subject of this staff report, and all costs necessary to complete the refurbishment of both vessels.