



Agenda Item No. (4)

To: Building and Operating Committee/Committee of the Whole
Meeting of June 24, 2021

From: John R. Eberle, Deputy District Engineer
Ewa Z. Bauer-Furbush, District Engineer
Denis J. Mulligan, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO THE GOLDEN GATE BRIDGE
PHYSICAL SUICIDE DETERRENT SYSTEM PROJECT**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to the *Golden Gate Bridge Physical Suicide Deterrent System Project* (Project #1526):

1. Authorize a \$5,270,000 increase, to finance through approximately November 2022, the District staff contract administration and construction engineering costs;
2. Authorize execution of the Second Amendment to Professional Services Agreement No. 2018-B-07, *Golden Gate Bridge Physical Suicide Deterrent System and Wind Retrofit Construction Scheduling and Claim Review Services*, with Secretariat International, Manhattan Beach, CA, in an amount not to exceed \$925,000, for continuation of expert construction scheduling and estimating and claim evaluation services through approximately November 2022; and,
3. Authorize execution of the Second Amendment to Professional Services Agreement No. 2018-B-084, *Golden Gate Bridge Physical Suicide Deterrent Field Inspection Support Services*, with Summit Associates, Concord, CA, in an amount not to exceed \$1,715,000, for continuation of field inspection services through approximately November 2022,

conditioned upon the Finance-Auditing Committee's concurrence and the Board of Directors approval of a \$7,910,000 increase of Project #1526 budget to be funded from Surface Transportation Program (STP) funds programmed by the Metropolitan Transportation Commission (MTC), as presented in a separate staff report to the Finance-Auditing Committee at its June 24, 2021 meeting.

This matter will be presented to the Board of Directors at its June 25, 2021 meeting for appropriate action.

Summary

At its December 16, 2016 meeting, the Board of Directors, by Resolution No. 2016-087, authorized the award of construction Contract No. 2016-B-01, *Golden Gate Bridge Physical Suicide Deterrent System and Wind Retrofit Projects*, to Shimmick Construction Company, Inc./Danny's Construction Company LLC, a Joint Venture.

Contract No. 2016-B-01 includes the *Golden Gate Bridge Physical Suicide Deterrent System Project (Project #1526)*, and the Suspension Bridge Wind Retrofit (Project #1528). Project #1526 involves construction of a horizontal stainless steel net supported by cantilevered steel brackets along the west and east sides of four Golden Gate Bridge structures: the South Approach Viaduct, the Fort Point Arch, the Suspension Bridge, and the North Approach Viaduct; and construction of a tall vertical railing at the North Anchorage Housing. The net and cantilevered steel brackets will be located approximately twenty feet below the sidewalk and extend out about twenty feet. Because the installation of the Net System on the Suspension Bridge will block operations of the existing Suspension Bridge maintenance travelers, the Project includes replacement of these travelers with new travelers that are configured to avoid interference with the Net System. Project #1528 involves the construction of the wind retrofit along the west side of the Suspension Bridge main span.

The *Golden Gate Bridge Physical Suicide Deterrent System Project (Project #1526)* is mostly funded with monies from the Federal Highway Administration (FHWA) received through the Metropolitan Transportation Commission and Caltrans. Accordingly, the Golden Gate Bridge, Highway and Transportation District (District) follows the rules and procedures set forth in the California Department of Transportation (Caltrans) Local Assistance Procedures Manual (LAPM) for federally assisted projects. In conformance with the LAPM, the District has developed a Construction Contract Administration Plan for the construction of the Project. According to the Plan, the District is responsible for administration and management of Contract No. 2016-B-01. This work is performed by the Engineering Department staff with the assistance of consultants with expertise in various aspects of construction administration and engineering.

Contract No. 2016-B-01 specifies a construction time of 47 months and a contract completion date of January 12, 2021. As has been previously reported to the Committee, the contractor has not progressed the work as required by the contract and has informed the District that it will not complete the installation of the physical suicide deterrent system until July 2023 and will not complete the remaining work until November 2024, which is 46 months behind the contract specified completion date. The District is asserting that the contractor is responsible for the delay to the time of completion, but the contractor is disputing this assertion.

The contractor is also asserting, through submissions of claims and notices of potential claims, that the District owes the contractor additional payments for changes to the design details and an alleged entitlement to compensable time extensions and to payments for the impacts of the extended time of construction. The District has determined that these claims have no merit. The contractor disagrees with the District's findings.

As a result of the delay in construction completion, the Project #1526 engineering staff and consultant support services costs will increase. The additional 40 months of construction will require additional contract administration and construction engineering efforts of Engineering staff and consultants, including the participation in the claim evaluation and defense efforts, as well as additional California Highway Patrol traffic control support services and National Park Service

permit fees. Staff have performed an analysis of the remaining Project #1526 budget and has estimated that the extended 40 months of construction time will require an approximately \$23,198,717 increase in the *Golden Gate Bridge Physical Suicide Deterrent System Project*, Project #1526, budget as presented in the table below.

Description	Additional Budget through November 2024 (or end of task)
Engineering Staff	\$ 12,200,000
Engineering Design Support Consultant	\$ 1,600,000
Schedule/Claim Support Consultant	\$ 2,400,000
Field Inspection Consultant	\$ 5,300,000
Steel Shop Inspection Consultant	\$ 150,000
Temporary Structures Consultant	\$ 900,000
CHP – Traffic Control Support (COZEP)	\$ 600,000
NPS Permit	\$ 48,717
Total	\$ 23,198,717

Of immediate concern are the budgets for Engineering Staff, Schedule/Claim Support services and Field Inspection services, which are estimated to be depleted by the end of June 2021, October 2021 and July 2021, respectively.

Additional Engineering Staff Budget

At the current level of effort by Engineering staff, staff estimates that a \$12,200,000 budget increase will be required to fund staff costs through the currently scheduled construction completion of November 2024. A budget increase for Engineering staff is necessary to ensure the continued construction administration, engineering and inspection of the contract work as well as the continued administration and monitoring of the consultant support services contracts.

Staff recommends that, at this time, a budget increase in the amount of \$5,270,000 be made to the Project #1526 staff budget to allow for a continuation of these efforts through approximately November 2022. Engineering staff will monitor the progress of the construction work and will make an assessment at a later date of the additional budget amount necessary to finance Engineering staff working on the project through the construction completion.

Additional Schedule/Claim Support Services Budget

On December 15, 2017, by Resolution No. 2017-115, the Board of Directors authorized execution of PSA No. 2018-B-07, *Golden Gate Bridge Physical Suicide Deterrent System and Wind Retrofit Construction Scheduling and Claim Review Services*, to Secretariat International, in the not-to-exceed amount of \$2,268,000, to perform scheduling and claim support services and approved a contingency for the PSA in the amount of \$226,800.

The scope of the services consist, in general, of:

- performing reviews and providing comments and recommendations on the construction contractor’s schedules, including the Preliminary Baseline Schedule, the Interim Baseline Schedule (first 180 days of work), the Baseline Schedule and the Monthly Update Schedules;
- reviewing and providing recommendations on Time Impact Analyses and Notices of Delay, Notices of Compensable Change, Notices of Potential Claim, or Claims;

- providing cost estimates and independent check cost estimates of requests for additional compensation submitted by the contractor related to materials, labor and time, and cost estimates of changes initiated by the District;
- attending monthly and other schedule update meetings with the District and contractor; and
- providing recommendations on the approach to resolution of schedule related disputes.

Secretariat International has been diligently providing the above noted services. Based upon the construction completion date of January 12, 2021, the original PSA term was through June 2021 and was budgeted accordingly. However, due to the contractor's delays in completing the work, this budget is not sufficient for the scheduling and claim support services through the extended construction duration.

Staff estimates that an approximate \$2,400,000 budget increase will be required to fund the scheduling and claim support services through the currently scheduled construction completion of November 2024.

Under the authority given to the General Manager, Amendment No. 1 to PSA No. 2018-B-07 was executed, in the amount of the PSA contingency of \$226,800 authorized by the Board, to continue the consultant's services through October 2021.

Staff recommends that, at this time, Amendment No. 2 to PSA No. 2018-B-07 be made for a continuation of the consultant's services through approximately September 2022. Engineering staff requested, and Secretariat International provided a cost proposal in the amount not to exceed \$925,000 to perform the scheduling and claim support services through approximately November 2022. Engineering staff has reviewed the proposal and found it to be fair and reasonable in terms of consultant's budgeted labor hours to perform the additional scope of services requested by the District and consistent with the consultant's audited labor and overhead billing rates. The District's Disadvantaged Business Enterprise (DBE) Program Administrator has verified that the work under the Second Amendment includes a proposed 7.0% DBE subconsultant participation. Secretariat will be compensated for actual time expended and expenses incurred, plus a fixed fee, for the not to exceed authorized amount.

Engineering staff will monitor the progress of the construction work and will make an assessment at a later date of the additional budget amount necessary to finance additional scheduling and claim support services through the construction completion.

Additional Field Inspection Support Services Budget

On December 21, 2018, by Resolution No. 2018-080, the Board of Directors authorized an award of Professional Services Agreement (PSA) No. 2018-B-084, *Golden Gate Bridge Physical Suicide Deterrent Field Inspection Support Services*, to Summit Associates, in the amount of \$3,700,000 and approved a contingency for the PSA in the amount of \$370,000.

The scope of the services consists of, in general:

- reviewing the construction contract plans and specifications;
- reviewing the construction contractor's work plans and submittals related to the work;
- performing field inspections of and writing daily reports on the work performed by the construction contractor, including traffic control, painting and steel erection; and,
- participating in meetings with the District and contractor.

Summit Associates staff have been assisting the District with traffic control during night time operations, steel erection inspections during both night time and day time operations, and field paint inspections during both night time and day time operations. The Engineering Department does not currently have enough staff to cover these and the other field inspection activities taking place on this project and the other on-going District projects. The original PSA amount was established based on providing the services through March 2021. However, due to the contractor's delays in completing the work, this budget is insufficient to continue field inspection support services through the construction completion.

Staff estimates that an approximate \$5,400,000 budget increase will be required to fund the field inspection support services through the currently scheduled construction completion of November 2024.

Under the authority given to the General Manager, Amendment No. 1 to PSA No. 2018-084 has been executed, in the amount of the PSA contingency of \$370,000 authorized by the Board, to continue the consultant's services through July 2021.

Staff recommends that, at this time, Amendment No. 2 to PSA No. 2018-B-084 be made for a continuation of the consultant's services through approximately November 2022. Engineering staff requested, and Summit provided a cost proposal in the amount not to exceed \$1,715,000 to perform the field inspection support services through approximately November 2022. Engineering staff has reviewed the proposal and found it to be fair and reasonable in terms of consultant's budgeted labor hours to perform the additional scope of services requested by the District and consistent with the consultant's audited labor and overhead billing rates. The DBE Program Administrator has verified that the work under the Second Amendment includes approximately 65.8% DBE participation. Summit is a DBE certified company. Summit will be compensated for actual time expended and expenses incurred, plus a fixed fee, for the not to exceed authorized amount.

Engineering staff will monitor the progress of the construction work and will make an assessment at a later date of the additional budget amount necessary to finance additional field inspection support services through the construction completion.

In April 2021, the MTC authorized the addition of \$7,910,000 of STP funds to Project #1526, which will provide necessary funds to finance the budget increases noted above.

Engineering staff recommends that the Building and Operating Committee recommend that the Board of Directors authorize a \$5,270,000 increase in the Project #1526 Engineering staff cost budget, authorize execution of the Second Amendment to PSA No. 2018-B-07, *Golden Gate Bridge Physical Suicide Deterrent System and Wind Retrofit Construction Scheduling and Claim Review Services*, with Secretariat International, in the not to exceed amount of \$925,000, for continuation of schedule and claim support services, and authorize the execution of the Second Amendment to PSA No. 2018-B-084, *Golden Gate Bridge Physical Suicide Deterrent Field Inspection Support Services*, with Summit Associates, in the not to exceed amount of \$1,715,000, for the continuation of field inspection services, contingent upon the Finance-Auditing Committee's concurrence and the Board of Directors approval of a \$7,910,000 increase in the Project #1526 budget, funded from STP funds programmed by the MTC, as presented in a separate staff report to the Finance-Auditing Committee at its June 24, 2021 meeting.

The District is continuing to work with its funding partners to secure additional funds for Project #1526 to fund the remaining construction administration and construction engineering by Engineering staff, and consultant support services. Staff will submit recommendations for additional budget increases determined to be necessary at future Committee meetings.

Fiscal Impact

The *Golden Gate Bridge Physical Suicide Deterrent System Project* (Project #1526) is included in the FY 2020/21 Bridge Division Capital Budget at a total cost of \$196,432,868.

As shown in Table 1 below, the budget for Project #1526 includes an amount of \$37,218,957 for Engineering staff time and consulting services related to the construction administration and construction engineering. The proposed \$7,910,000 increase in the FY 2020/21 Bridge Division Capital Budget for Project #1526, funded with STP funds, would increase the total Project budget to \$204,342,868. As shown in Table 2 below, the \$7,910,000 would increase the total amount assigned to the Construction Administration and Engineering Budget Sub-Element to \$45,128,957.

**TABLE 1: PROJECT #1526 BUDGET
GGB Physical Suicide Deterrent System Construction**

BUDGET ELEMENT		AMOUNT	PROPOSED ADJUSTMENT	ADJUSTED AMOUNT
Construction Contract:		\$132,563,830	0	\$132,563,830
Construction Contingency:		\$22,405,213	0	\$22,405,213
Supplemental Funds:		\$3,994,868	0	\$3,994,868
Documentation of Project History:		\$250,000	0	\$250,000
Construction Administration & Engineering:		\$37,218,957	\$7,910,000	\$45,128,957
	CONSTR. ADMIN. & ENGINEERING BUDGET SUB-ELEMENT	AMOUNT		
1	District Staff	\$17,778,991		
	<i>Proposed additional amount (this report)</i>	<u>\$5,270,000</u>		
	<i>Total proposed amount (this report)</i>	<u>\$23,048,991</u>		
2	Construction Engineering Support Amendment 12 PSA 2011-B-2 Resolution No. 2016-089	\$6,600,000		
3	Environmental Compliance	\$903,152		

	PSA 2017-B-09 Resolution No. 2017-002				
4	Interim Construction Scheduling and Claim Support PSA 2017-B-17 GM Report	\$59,600			
5	Construction Scheduling and Claim Support PSA 2018-B-07 Resolution No. 2017-105 Amendment 1 Under GM authority <i>Proposed Amendment 2 additional amount (this report)</i> <i>Total PSA proposed amount (this report)</i>	\$2,109,240 \$210,924 <u>\$925,000</u> <u>\$3,245,164</u>			
6	Steel Fabrication Shop Inspection PSA 2018-B-06 Resolution No. 2017-115, including Amendment 1 Amendment 1 Under GM authority Amendment 2, including contingency Resolution No. 2020-027 Total PSA	\$1,395,000 \$139,500 \$198,000 \$1,732,500			
7	Suicide Deterrent Net System Fabrication Shop Inspection PSA 2018-B-075 Resolution No. 2018-059 Amendment 1 (time only) Amendment 2	\$400,000 \$0 \$40,000			

	Under GM authority Amendment 3, including contingency Resolution No. 2021-013 Total PSA	\$179,000 \$619,000			
8	Temporary Structures Engineering Advisor Support Services PSA 2018-B-082 Resolution No. 2018-066 Amendment 1 Under GM authority Amendment 2, including contingency Resolution No. 2020-082 Total PSA	\$870,500 \$87,050 \$1,474,000 \$2,431,550			
9	Field Inspection Support Services PSA 2018-B- 084 Resolution No. 2018-080 Amendment 1 Under GM authority <i>Proposed Amendment 2 additional amount (this report)</i> <i>Total PSA proposed amount (this report)</i>	\$3,700,000 \$370,000 <u>\$1,715,000</u> <u>\$5,785,000</u>			
10	Maintenance Traveler System Fabrication Shop Inspection PSA 2019-B- 007 Resolution No. 2019-048	\$704,000			

SUBTOTAL CONSTR. ADMIN & ENG., INCLUDING THE PROPOSED BUDGET INCREASES	<u>\$45,128,957</u>	TOTAL AUTH. AMOUNT: \$37,218,957	PROPOSED INCREASE: \$7,910,000	PROPOSED REVISED AMOUNT: <u>\$45,128,957</u>
TOTAL PROJECT #1526 BUDGET		AUTH. BUDGET \$196,432,868	PROPOSED INCREASE: \$7,910,000	PROPOSED REVISED BUDGET: \$204,342,868

TABLE 2: PROJECT #1526 FUNDING
GGB Physical Suicide Deterrent System Construction

SOURCE OF FUNDS	AMOUNT	PROPOSED ADJUSTMENT	ADJUSTED AMOUNT
MTC-STP Funds	\$67,000,000	\$7,910,000	\$74,910,000
Caltrans HBP Funds	\$58,140,000	\$0	\$58,140,000
GGBHTD District	\$63,864,407	\$0	\$63,864,407
MHSOAC	\$7,000,000	\$0	\$7,000,000
Cell Site Revenues	\$389,736	\$0	\$389,736
Donations	\$38,725	\$0	\$38,725
TOTAL	\$196,432,868	\$7,910,000	\$204,342,868

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