



Agenda Item No. (4)

To: Building and Operating Committee/Committee of the Whole
Meeting of October 24, 2024

From: John R. Eberle, District Engineer
Denis J. Mulligan, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO PROFESSIONAL SERVICES AGREEMENT NO. 2021-F-049, SAN FRANCISCO FERRY TERMINAL INNER AND OUTER BERTHS DAMAGE ASSESSMENT, WITH MOFFATT & NICHOL**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to Professional Services Agreement (PSA) No. 2021-F-049, *San Francisco Ferry Terminal Inner and Outer Berths Damage Assessment*, with Moffatt & Nichol, as follows:

1. Contingent upon the award of construction Contract No. 2024-F-010 for the San Francisco Ferry Terminal (SFFT) West and East Berth Ramp Rehabilitation, authorize award of the Fifth Amendment to PSA No. 2021-F-049, in an amount not-to-exceed \$433,440, for engineering support services during construction of the SFFT west and east berth ramp rehabilitation; and,
2. Establish a 10% contingency for the Fifth Amendment to PSA No. 2021-F-049 in the amount of \$43,344.

These actions are conditioned upon award of construction Contract No. 2024-F-010, *San Francisco Ferry Terminal West and East Berth Rehabilitation*, and approval of the revised FY 24/25 Ferry Division Capital Budget for Project #2443, *San Francisco Ferry Terminal West and East Berth Rehabilitation*, (presented in a separate staff report) to provide sufficient funds to finance these costs.

This matter will be presented to the Board of Directors at its October 25, 2024, meeting for appropriate action.

Summary

On June 30, 2021, during a facility inspection, District staff discovered a crack in a steel structural framing element of the outer (east) berth passenger boarding ramp. Subsequent inspections revealed additional structural cracks at both the east and west berth steel ramps. Engineering

determined that the locations and severity of the cracks warranted temporary closure of the berths and on July 7, 2021, both berths we closed.

On July 14, 2021, in accordance with Public Contract Code Section 22050 and the District's Procurement Policy the General Manager authorized an emergency procurement, PSA No. 2021-F-049, *San Francisco Ferry Terminal Inner and Outer Berths Damage Assessment*, in the amount of \$43,634, with Moffatt & Nichol to perform a damage assessment and structural analysis of the west and east berth ramps. On August 17, 2021, Moffatt & Nichol submitted a draft damage assessment report that identified structural deficiencies in both the west and east ramps, determined that the structural deficiencies at the west berth were less severe than those at the east berth, and identified deficiencies in the existing hydraulic lift system as a contributing factor to the damage. In order to expedite the re-opening of at least one berth, Engineering staff requested a proposal from Moffatt & Nichol to develop construction drawings and specifications for structural repairs to the west berth. Once the west berth repairs were completed and the berth placed back in operation, an analysis and design for repairs to the east berth and to the hydraulic systems at both berths would be undertaken.

On November 19, 2021, under the General Manager's authority, staff executed the First Amendment to PSA No. 2021-F-049, in the amount of \$98,610, with Moffatt & Nichol, for final design, construction drawings, and specifications for structural repairs at the west berth. The District received the final construction design documents on March 10, 2022, applied for a construction permit with the Port of San Francisco on March 11, 2022, and received the Port of San Francisco permit for construction on April 18, 2022.

In accordance with Public Contract Code Section 22050 and the District's Procurement Policy, the General Manager, on April 22, 2022, authorized an emergency procurement, Contract No. 2022-F-035, with Power Engineering Construction, located in Alameda, CA, in the not-to-exceed amount of \$612,600 to perform repairs to the inner berth. On May 20, 2022, the Board of Directors ratified the General Manager's emergency action. On April 25, 2022, the District executed the Second Amendment to PSA No. 2021-F-049 with Moffatt & Nichol, in the amount of \$84,040, to provide construction engineering support services associated with construction Contract No. 2022-F-035. On February 16, 2023, the structural repairs were completed and on April 7, 2023, the west berth was put back into service.

On December 20, 2022, the District entered into the Third Amendment to PSA No. 2021-F-049 with Moffatt & Nichol, in the amount of \$269,873, to provide design, construction drawings, technical specifications, and a construction cost estimate for repairs to the west berth ramp hydraulic lift system and associated controls. On January 27, 2023, the Board of Directors ratified the General Manager's action approving the Third Amendment with Moffatt & Nichol for these services.

While performing site inspections for the hydraulic lift system design, it was determined that the hydraulic gangway system was also deteriorated, shared some of the hydraulic lines with the ramp lift system and should be repaired. On May 24, 2023, the District entered into the Fourth Amendment to PSA No. 2021-F-049, with Moffatt & Nichol, in the amount of \$356,140, to provide design, construction drawings, technical specifications, and construction cost estimates for repairs to the east berth ramp hydraulic lift system and to the west and east berth gangway hydraulic

systems and all associated controls. On June 23, 2023, the Board of Directors ratified the General Manager's action approving the Fourth Amendment with Moffatt & Nichol for these services.

Engineering initially planned to advertise two separate construction projects for the remaining repairs, one for the west berth hydraulic system repairs and one for the east berth structural repairs and hydraulic system repairs. However, after further analysis of the staging and permitting associated with the two projects, it was determined to combine the work into one project. On March 22, 2024, the Board, by Resolution No. 2024-016, approved Project #2443, SFFT West and East Berth Rehabilitation, with a total project budget of \$6,268,000. Project #2443 covers the scope of berths rehabilitation work that was previously covered by two separate projects - Project #2443, SFFT Inner Berth Hydraulics and Project #2444, SFFT Outer Berth Rehabilitation.

Consistent with established engineering practice, and as referenced in the PSA with Moffatt & Nichol, the administration and management of the SFFT West and East Berth Rehabilitation construction will require that the design consultant provide engineering support services during construction of the Project. Such services will consist of: (1) attending preconstruction meeting and coordination meetings with the District and Contractor; (2) reviewing and recommending approval of Contractor's technical submittals, working drawings, and requests for substitutions; (3) preparing written responses to Contractor's requests for information regarding the design; (4) providing recommendations for the resolution of different site condition issues during construction; (5) preparing plans and specifications for construction contract change orders, if necessary, to cover changes to the structural, hydraulic, utility and other construction details; (6) performing site and shop visits to review the work progress and address any areas of concern; and (7) providing project management of the contract. Moffatt & Nichol, as the consultant responsible for the design, is uniquely qualified and capable to perform the design engineering support services during construction.

Engineering staff has negotiated with Moffatt & Nichol a not-to-exceed price of \$443,440 for engineering support services during the construction period. Staff has determined that this not-to-exceed price is reasonable based on the scope of work, with historic costs for engineering support services provided by consultants to other similar projects, and that the costs are consistent with Moffatt & Nichol's cost for its design services. Moffatt & Nichol will be compensated for actual time expended and expenses incurred plus a fixed fee, up to the authorized not-to-exceed amount.

Moffatt & Nichol is not a Small Business Enterprise (SBE), and at this time no SBE participation is anticipated during the performance of this work.

Staff recommends that the Building and Operating Committee recommend that the Board of Directors authorize the execution of the Fifth Amendment to PSA No. 2021-F-049 as presented in this report, conditioned upon the award of the construction Contract No. 2024-F-010 for the SFFT West and East Berth Ramp Rehabilitation and approval of the budget increase for Project #2443 by the Board of Directors.

Staff also recommends that a contingency for this PSA amendment in the amount of \$43,344, or 10% of the amendment amount, be established to provide a budget for any additional or changed scope that may develop while work progresses. A 10% contingency is recommended due to the uncertainty involved with the condition of the existing ramps and utilities at the site.

Fiscal Impact

Project #2443, *San Francisco Ferry Terminal West and East Berth Ramp Rehabilitation*, is included in the FY 2024/25 Ferry Division Capital Budget in the amount of \$6,268,000 and is funded 100% by State of California State of Good Repair (SGR) program.

At today’s Building and Operating Committee meeting, in a separate report, staff presents a recommendation for an increase of \$4,134,284 in the FY 2024/25 Ferry Division Capital Budget for Project #2443, *San Francisco Terminal West and East Berth Ramp Rehabilitation*, for a total project budget of \$10,402,284, which includes sufficient funds to finance the First Addendum amount of \$433,440 and the \$43,344 addendum contingency amount as recommended in this report. The revised total project budget of \$10,402,284 will be 60% State (SGR)-funded and 40% District-funded.

The history of PSA No. 2021-F-049:

ACTION	AMOUNT	FINANCING SOURCE
Award PSA No. 2021-F-049, Structural Analysis and Damage Assessment; July 14, 2021, General Manager Authority	\$43,634	100% District
First Amendment, West Berth Structural Repair Design; November 19, 2021, General Manager Authority	\$98,610	100% District
Second Amendment, West Berth Construction Engineering Support Services; April 25, 2022, General Manager Authority	\$84,040	100% District
Third Amendment, West Berth Hydraulic System Repair Design; December 20, 2022, General Manager Report; January 27, 2023, Board of Directors Ratify	\$269,873	100% District
Fourth Amendment, Inner Berth Structural Repair and Hydraulic System Repair Design; May 24, 2023, General Manager Report; June 23, 2023, Board of Directors Ratify	\$356,140	100% District
<i>Proposed Fifth Amendment, engineering support services during the SFFT West and East Berth Ramp Rehabilitation construction</i>	<i>\$433,440</i>	60% California State of Good Repair; 40% District
<i>PROPOSED TOTAL PSA AMOUNT</i>	<i>\$1,285,737</i>	