



Members of the Board

Charlene Haught Johnson, Chair
Anthony J. Intintoli, Jr., Vice Chair
Gerald Bellows
Beverly Johnson
John O'Rourke

**MEETING AGENDA FOR THE
WETA BOARD OF DIRECTORS**

Thursday, September 17, 2009 at 1:30 P.M.
San Francisco Bay Area
Water Emergency Transportation Authority
Pier Nine, Suite 111
San Francisco

The full agenda packet is available for download at www.watertransit.org.

AGENDA

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please contact the Board Secretary at least five (5) working days prior to the meeting to ensure availability.

PUBLIC COMMENT The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards to the Board Secretary.

Non-Agenda Items: A 15 minute period of public comment for non-agenda items will be held at the end of the meeting. Please indicate on your speaker card that you wish to speak on a non-agenda item. No action can be taken on any matter raised during the public comment period. Speakers will be allotted no more than three (3) minutes to speak and will be heard in the order of sign-up.

Agenda Items: Speakers on individual agenda items will be called in order of sign-up after the discussion of each agenda item and will be allotted no more than three (3) minutes to speak. You are encouraged to submit public comments in writing to be distributed to all Directors.

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| 1. <u>CALL TO ORDER – BOARD CHAIR</u> | Information |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | Information |
| 3. <u>REPORT OF BOARD CHAIR</u> | Information |
| 4. <u>REPORTS OF DIRECTORS</u> | Information |
| 5. <u>REPORTS OF STAFF</u> | Information |
| a. Executive Director's Report | |
| b. Legislative Update | |

Water Emergency Transportation Authority
September 17, 2009 Meeting of the Board of Directors

6. AWARD OF DEMOLITION AND DREDGING CONTRACT FOR THE SOUTH SAN FRANCISCO FERRY TERMINAL CONSTRUCTION PROJECT **Resolution**
7. RECESS INTO CLOSED SESSION
- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
Property: San Mateo County Harbor District, South San Francisco Small Boat Harbor
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: San Mateo County Harbor District, City of South San Francisco and State Department of Boating and Waterways
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the San Mateo County Harbor District for the South San Francisco service **To Be Determined**
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
Property: City of Alameda ferry terminal related property/assets
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Alameda
Under Negotiation: Terms and conditions to the transfer of property with the City of Alameda for the Alameda Oakland and Harbor Bay Ferry Services **To Be Determined**
- c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
Property: City of Vallejo ferry terminal related property/assets
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Vallejo
Under Negotiation: Terms and conditions to the transfer of property/assets with the City of Vallejo for the Vallejo Baylink Service **To Be Determined**
- d. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
Property: City of Berkeley ferry terminal related property
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Berkeley
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the City of Berkeley for Berkeley service **To Be Determined**
8. REPORT OF ACTIVITY IN CLOSED SESSION **Action**
Chair will report any action taken in closed session that is subject to reporting at this time. Action may be taken on matters discussed in closed session. **To Be Determined**
9. OPEN TIME FOR PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

ADJOURNMENT

Water Emergency Transportation Authority
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Water Emergency Transportation Authority (WETA) meetings are wheelchair accessible. Upon request WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. Please send a written request to contactus@watertransit.org or call (415) 291-3377 at least five (5) days before the meeting. Under Cal. Gov't. Code sec. 84308, Directors are reminded that they must disclose on the record of the proceeding any contributions received from any party or participant in the proceeding in the amount of more than \$250 within the preceding 12 months. Further, no Director shall make, participate in making, or in any way attempt to influence the decision in the proceeding if the Director has willfully or knowingly received a contribution in an amount of more than \$250 within the preceding 12 months from a party or such party's agent, or from any participant or his or her agent, provided, however, that the Director knows or has reason to know that the participant has a financial interest in the decision. For further information, Directors are referred to Gov't. Code sec. 84308 and to applicable regulations.

MEMORANDUM

TO: Board Members

FROM: John Sindzinski, Manager, Planning & Development
Nina Rannells, Executive Director

SUBJECT: Award of Demolition and Dredging Contract for the South San Francisco Ferry Terminal Construction Project

Recommendation

Approve the award of a contract to complete demolition and dredging work for the South San Francisco ferry terminal to the firm of Salt River Construction in an amount of \$1,197,965 and authorize the Executive Director to negotiate and execute the contract.

Background

This is the first of three separate construction projects required to build the South San Francisco Ferry Terminal. This work constitutes the entirety of the site preparation work. Moffat & Nichol, our marine engineer, prepared the plans and specifications for this work which includes the removal of Docks 9 and 10 where the terminal will be constructed, and the shortening of Docks 11, 12 and 13 to make the channel to the terminal wide enough for the ferry vessels. As part of the scope of work, the awarded contractor is responsible for preparing pre-dredge and post-dredge hydrographic surveys (a condition of the United States Army Corps of Engineers permit) and to provide technical support services during the construction. The dredging of the channel and the location for the float can begin once the docks are removed. The dredging involves deepening the entrance channel to minus 8 feet and the area under the float to 10 feet below low tide. Altogether the dredging will remove slightly more than 45,000 cubic yards of Bay fill that will be disposed of at Alcatraz Island.

All regional and federal permits from Bay Conservation & Development Commission (BCDC), the Regional Water Quality Control Board and United States Army Corps of Engineers (USACE) have been received. Additionally, the City of South San Francisco has approved an amendment to its general plan that allows the terminal to be built at the site. The remaining permit, the City Building Permit, applies only to the terminal construction portion of the project and will be the responsibility of the terminal construction contractor to obtain once one has been selected.

A three-party lease was signed by WETA, the Harbor District and the City of South San Francisco in June for the use of the Oyster Point Marina site for the SSF terminal construction. Per the terms of this lease agreement, WETA cannot access the terminal site to commence the work until the lease payment has been made. This payment was made on September 10, 2009, and WETA can now begin construction work, including this demolition and dredging project at the site.

Discussion

Ghirardelli Associates, Inc., our construction manager, worked with Moffat & Nichols and legal counsel to prepare the Invitation for Bids (IFB) package for the demolition and dredging work for the South San Francisco ferry terminal project. Pursuant to WETA Board of Directors action, the IFB was issued on June 22, 2009 and seeks to select, on the basis of the lowest cost bid

that is responsive to WETA's standards, a contractor to perform the above mentioned work at the Oyster Point Marina in South San Francisco. The proposed date of the "Notice to Proceed" with this work is on or about September 23, 2009, and all work must be completed by November 30, 2009, in order to comply with the restriction for "in the bay" construction as set forth by regulatory agencies and the permits WETA has secured for this work. The proposed project schedule is summarized below.

Demolition and Dredging Schedule:

Release IFB	June 22, 2009
Contract Award	September 17, 2009
Notice to Proceed	On or about September 23, 2009
Work completed	On or about November 15, 2009, but no later than November 30, 2009

WETA staff conducted a prebid meeting at the Oyster Point Marina Yacht Club on July 1, 2009 which was attended by five contractors with strong indications that most, but not all, would bid on the project. Following the pre-bid conference, two addenda to the original IFB were posted on the website and sent to attendees, clarifying the specifications set forth in the IFB and containing the engineer's estimate and responses to questions asked at the pre-bid conference.

The bid opening was held at 2:00PM on Wednesday July 22, 2009, in accordance with the schedule set forth in the IFB. The Manager of Planning & Development and the DBE Program Administrator opened and publicly read the following three bids:

<u>Company</u>	<u>Bid Price</u>
Salt River Construction, Tiburon, CA:	\$1,197,965
Dutra Construction Inc., San Rafael, CA:	\$1,351,285
AIS Construction Co., Carpinteria, CA:	\$2,298,920

The bid from Salt River Construction of Tiburon, CA was judged to be the lowest responsive submittal. The amount of this contractor's bid is \$1,197,965 which is approximately \$600,000 less than the engineer's estimate, based upon costs from past projects of similar size and nature, professional judgment, and experience, and includes approximately \$12,000 in work using DBE firms. The IFB did not specify contract specific goals for DBE participation, as WETA's DBE program is race neutral, however 2 out of 4 subcontractors to Salt River are DBE firms.

The requisite Notice of Intent to Award was sent out on August 14, formally advising all bidders that Salt River is the apparent lowest responsive bidder.

Subsequent to the bid opening, WETA staff and its construction manager, Bill Davis of Ghirardelli Associates, Inc., examined the apparent low bidder for both responsiveness to the IFB and responsibility to perform the work. Based on review of the bid documents, including the DBE forms and certification, as well as other information, WETA staff determined that the bid was responsive to the IFB requirements. Based on review of Salt River Construction's references, which revealed positive reviews for quality work, professionalism and competency, as well as other information, including, but not limited to, the bid guarantee bond in effect, WETA staff has determined the bidder to be responsible.

On September 11, 2009, WETA secured a waiver from the San Mateo County Transportation Authority to permit Salt River to procure all commercially available insurance coverages to meet the aggregate coverage requirements of the IFB. In accordance with the IFB requirements and such waiver, Salt River signed the contract, secured all the necessary bonds, insurance certificates, and submitted the schedule of values.

Provided that WETA can issue a Notice to Proceed on or about September 23, 2009, Salt River Construction has assured WETA staff that it can complete the proposed work by the November 30, 2009 deadline to comply with the restriction for “in the bay” construction work. Accordingly, and subject to the foregoing, staff recommends that the contract for the demolition and dredging work for the South San Francisco ferry terminal project be awarded to Salt River Construction for a total price of \$1,197,965.

Fiscal Impact

This project is included in the South San Francisco Terminal Construction project in the FY 2009/10 Capital Budget, and will be funded with a mix of federal, state and local grant sources.

RESOLUTION NO. 2009-18

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY AUTHORIZING THE AWARD AND EXECUTION OF A CONSTRUCTION SERVICES AGREEMENT

WHEREAS, on June 22, 2009, the San Francisco Bay Area Water Emergency Transportation Authority (the "Authority") issued an Invitation for Bids ("IFB") for demolition and dredging work in connection with the South San Francisco Ferry Terminal Project; and

WHEREAS, the IFB provides for the selection of the contractor pursuant to procurement procedures for competitive sealed bids established in the Authority's Administrative Code; and

WHEREAS, on July 22, 2009, following such procedures and the schedule set forth in the IFB, the Authority received bids under said IFB as follows:

<u>Bidder</u>	<u>Bid Price</u>
Salt River Construction, Tiburon, CA:	\$1,197,965
Dutra Construction Inc., San Rafael, CA:	\$1,351,285
AIS Construction Co., Carpinteria, CA:	\$2,298,920

WHEREAS, based on the foregoing rankings, Salt River Construction was determined to be the apparent low bidder; and

WHEREAS, the bid provided by the apparent low bidder, Salt River Construction, has been reviewed and found to be responsive; and

WHEREAS, the apparent low bidder, Salt River Construction, has been reviewed and found to be a responsible bidder; and

WHEREAS, the Authority formally notified all three bidders of its intent to award the agreement to Salt River Construction by its August 14, 2009 Notice of Intent to Award; and

WHEREAS, in accordance with the terms of the IFB, Salt River Construction has delivered to the Authority all required documents, including the signed agreement, insurance certificates, evidence of payment and performance bonds and a schedule of values; and

WHEREAS, the Authority staff has recommended that the Authority Board award this construction service agreement, in an amount not to exceed \$1,197,965.00, to Salt River Construction; and

WHEREAS, the Board now seeks to award said construction services agreement to Salt River Construction and authorize the Executive Director of the Authority to execute said agreement in an amount not to exceed \$1,197,965.00 and in substantially the same form as provided in the IFB.

NOW, THEREFORE, THE BOARD FINDS AS FOLLOWS:

1. Of the bids provided in response to the IFB, the bid submitted by Salt River Construction is the lowest responsive bid, based upon at least the following:
 - a. the bid was not subject to any additions, qualifications, or conditions, other than as permitted in the IFB;

- b. all bid procedures required on the part of Salt River Construction were complied with;
- c. there was no evidence of collusion by and between Salt River Construction and the other bidders; and
- d. there was no evidence of factual discrepancies in the bid.

2. Review by the Authority of the apparent low bidder's references and other evidence revealed Salt River Construction to be a responsible bidder, willing and able to perform the work, based upon at least the following:

- a. bidder has the requisite marine construction experience and financial capacity to perform;
- b. Authority found no evidence of termination of previous contracts due to default, fraud or dishonesty;
- c. Authority found no evidence of prior contractual defaults or a failure to reimburse the Authority for moneys owed on contracts of a similar nature; and

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Board of Directors of the Authority hereby awards, to Salt River Construction, a construction services agreement in an amount not to exceed \$1,197,965.00 and in substantially the same form provided in the IFB.
- 2. The Executive Director of the Authority is authorized to execute an agreement with Salt River Construction for an amount not to exceed \$1,197,965.00 and in substantially the same form as provided in the IFB.
- 3. The Executive Director and her designees are authorized and directed to take such further steps as they deem necessary or advisable in order to effect the intent of this resolution.

BE IT FURTHER RESOLVED, that this Resolution is approved, adopted and signed this 17th day of September and shall take effect immediately.

CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on September 17, 2009.

AYE:
NAY:
ABSTAIN:
ABSENT:

/s/ Board Secretary

END

2009-18