



Members of the Board

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

BOARD OF DIRECTORS' MEETING

August 29, 2013 at 1:00 P.M.

San Francisco Bay Area

Water Emergency Transportation Authority

9 Pier, 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 COMMENTS The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards and any reports/handouts 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.

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

Water Emergency Transportation Authority
August 29, 2013 Meeting of the Board of Directors

6. CONSENT CALENDAR **Action**
 a. Minutes July 18, 2013
7. AWARD CONTRACT TO WEST BAY BUILDERS FOR LANDSIDE CONSTRUCTION OF THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY **Action**
8. APPROVE CONTRACT AWARD TO 4LEAF, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CENTRAL BAY OPERATIONS & MAINTENANCE FACILITY **Action**
9. RECESS INTO CLOSED SESSION
 a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION **Action**
 Title: Executive Director **To Be Determined**
10. 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**
11. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS

ADJOURNMENT

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.

Participation in a meeting may be available at one or more locations remote from the primary location of the meeting. See the header of this Agenda for possible teleconference locations. In such event, the teleconference location or locations will be fully accessible to members of the public. Members of the public who attend the meeting at a teleconference location will be able to hear the meeting and testify in accordance with applicable law and WETA policies.

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 Government Code section 84308 and to applicable regulations.

M E M O R A N D U M

TO: WETA Board Members

FROM: Nina Rannells, Executive Director

DATE: August 29, 2013

RE: Executive Director's Report

PROJECT UPDATES

Ferry Terminal Refurbishment Projects – This project includes gangway rehabilitation and terminal facility improvement projects that support the continued safe operation of East Bay ferry terminals and include a variety of work ranging from pier piling replacement to repairing walkways and awnings. Ben C. Gerwick, Inc was selected as the project Construction Manager and a kick off meeting was held on June 18. Project specifications for bid documents are being prepared.

Regional Passenger Float Construction – This project will construct a new regional spare float that can be utilized as a back-up for the Vallejo terminal float as well as other terminal sites such as downtown San Francisco when the permanent terminal floats must undergo periodic dry-dock, inspection, and repair. This spare would support ongoing daily services and would be a valuable asset to have available for use in unplanned or emergency situations. Ghirardelli Associates Inc. was selected as the project Construction Manager and a kick off meeting was held June 13. Project specifications for bid documents are being prepared.

Bay Breeze Vessel Refurbishment – The ferry vessel *Bay Breeze* has surpassed its economic mid-life. This project consists of converting the propulsion to a conventional propeller system, refurbishment of the passenger cabin, extensive hull work, major system renovation, and replacement of control systems and navigation electronics. In March 2013 the Board of Directors approved the contract award to Marine Group Boat Works. The *Bay Breeze* arrived at the Shipyard on March 18 and the project is underway. The hull exterior has been ultra-high pressure water washed which removes the coatings and corrosion without damaging the aluminum plating. Engines, generators, and other equipment have been removed from the vessel. Work is progressing well; the USCG plan review to sign off drawings and engineering detail has just been received. Project completion is expected in January 2014.

Clipper Fare Media Implementation – Clipper is currently available as fare payment media for the Alameda/Oakland/South San Francisco, Alameda/Oakland/San Francisco, and Alameda Harbor Bay/San Francisco routes. WETA is working with MTC to develop software programming and acquire equipment required to implement Clipper for the Vallejo ferry service. On June 4, MTC executed a change order with Cubic to authorize this work. Based upon MTC's projected schedule, Clipper should be available for the Vallejo service by summer 2014.

Staff is participating in a long-term strategic planning effort initiated by MTC and transit operators for the Clipper program. Items under consideration include potential changes to the contracting model and governance structure through which the current Clipper program is delivered. A regional recommendation is expected pending future discussions and development of the strategic plan.

North Bay Operations and Maintenance Facility – This project will construct a new ferry maintenance facility located at Building 165 on Mare Island in Vallejo in two phases. Phase One will construct landside improvements including a 48,000 gallon fuel storage and delivery system, a new warehouse, and renovation of Building 165. Pre-construction activities now included in Phase One include site preparation, demolition,

and abatement. Phase Two will construct a system of modular floats and piers, gangways, and over-the-water utilities. Finally, the existing ferry maintenance facility (Building 477) will be cleaned up as required prior to surrender to Lennar Mare Island, the property owner of the land portion of the project site. This project was transferred to WETA for implementation as a part of the July 2012 Vallejo service transfer.

This project was originally developed and designed by the City of Vallejo, which issued an RFP for project construction in fall 2011. Bids received by the City significantly exceeded funds available, and all bids were rejected. On December 15, 2011, the California Transportation Commission approved a 20-month extension for the \$4.2 million STIP grant allocated to the project to provide time to re-design and re-bid the project; extending the deadline for construction contract award to August 2013.

In February 2013 the Board of Directors approved the contract award for construction management services to Weston Solutions, Inc. The pre-construction phase RFP was released on May 29, 2013. No submittals were received in response to the pre-construction phase RFP. The pre-construction and landside phases were combined and released in an RFP on July 3, 2013. The pre-proposal conference for the pre-construction and landside phases was held on July 11, 2013. Proposal submittals were due on August 1, 2013. The review panel has completed its evaluation of the proposals and will be presenting a recommendation for construction contract award during this month's Board meeting.

The NEPA environmental review work for the Navy waterside portion in Phase 2 is underway on behalf of the US Navy. The Navy must complete this documentation prior to entering into a lease with WETA to use the waterside portion of the site. In addition, staff is coordinating with various resource agencies for submittal of the mitigation plan for the applicable waterside permits. The Navy lease and approval of waterside permits is required prior to release of the RFP documents for the waterside construction. Staff is working to complete the waterside specifications and RFP documents in parallel with the Navy lease and resources agency permit process.

Central Bay Operations and Maintenance Facility – This project will develop an operations and maintenance facility at Alameda Point to serve as the base for WETA's existing and future central bay ferry fleet. The proposed project would provide running maintenance services such as fueling, engine oil changes, concession supply and light repair work for WETA vessels. The new facility will also serve as WETA's Operations Control Center for day-to-day management and oversight of service, crew and facilities. In the event of a regional emergency, the facility would function as an Emergency Operations Center, serving passengers and sustaining water transit service for emergency response and recovery.

Staff is working with the City of Alameda to negotiate terms of a long-term lease agreement for the project site, which will be subject to approval by the Board at a future date. Staff has evaluated four proposals to provide construction management services in support of this project and will be presenting a recommendation for contract award during this month's Board meeting.

Richmond Ferry Service – This service will provide an alternative transportation link between the City of Richmond and downtown San Francisco. The environmental and conceptual design work includes plans for replacement of an existing facility (float and gangway) and a phased parking plan. Staff is working with the City of Richmond staff and representatives of Orton Development, Inc. to develop the plans. Environmental review for the project is underway. Public and resource agency scoping meetings were held in June 2012. The purpose of the meetings was to present information on the proposed project and to provide an opportunity for comment on the scope of the environmental analysis. The CEQA Initial Study/Mitigated Negative Declaration is anticipated to be published in 2013. Staff is working with City of Richmond staff to develop a Memorandum of Understanding to define the project and funding plan.

Berkeley Ferry Service – This service will provide an alternative transportation link between Berkeley and downtown San Francisco. The environmental and conceptual design work includes plans for shared use of an existing City owned parking lot at the terminal site between ferry and local restaurant (H^s Lordships) patrons. City participation is required in order to move the project forward and reach agreement on a shared use concept. The project will require a conditional use permit reviewed by the City's Planning Commission,

Zoning Adjustment Board and City Council. Staff also discussed options to expedite the project through the conditional use permit process.

Staff is working with the environmental consultant to complete the Final EIS/EIR. The Final EIS/EIR was submitted to FTA review in early October 2012. Staff is consulting with the NOAA and the NMFS on completion of Section 7 consultation and Essential Fish Habitat Assessment for the project. The assessments were prepared in compliance with legal requirements set forth under Section 7 of the Endangered Species Act and the Magnuson-Stevens Fishery Act. NOAA and NMFS will issue a Biological Opinion (BO) on the project. Staff is continuing to work with NOAA and NMFS on the proposed mitigation plan for the project. The BO is required prior to completion of the Final EIS/EIR.

Treasure Island Service – This project, which will be implemented by the Treasure Island Development Authority (TIDA), the Mayor's Office of Economic and Workforce Development and the prospective developer, will institute new ferry service to be operated by WETA between Treasure Island and downtown San Francisco in connection with the planned Treasure Island Development Project.

Downtown San Francisco Ferry Berthing Expansion – This project will expand berthing capacity at the Downtown San Francisco Ferry Terminal in order to support new and expanded ferry services to San Francisco as set forth in WETA's Implementation and Operations Plan. The proposed project would also include landside improvements needed to accommodate expected increases in ridership and to support emergency response capabilities if a catastrophic event occurs. Upon request from the FTA, this project has been included in the Federal Infrastructure Projects Permitting Dashboard, an initiative of the Federal Administration to expedite federal permitting processes for nationally or regionally significant projects.

The 60-day period to submit public comments on the Draft EIS/EIR was completed on July 30, 2013. A Response to Comments document and draft Final EIS/EIR are being prepared and will be available for release in April 2014.

Hercules Environmental Review/Conceptual Design – In Spring of 2012 staff met with the City of Hercules to receive an update on the environmental review status, current phasing plan, funding and schedule for the Intermodal Transit Center project; a pre-requisite project to a ferry terminal at this site. Based upon this discussion, it appears that funding is in place to construct the initial phases of the Intermodal Transit Center but that the project will not advance to such a point that ferry terminal construction could begin until 2017, at the earliest. As a result, City and WETA staffs have agreed that continuing the environmental review process for a potential ferry terminal at this site is not prudent at this time given the limited shelf life of this work. Staff will remain in contact with the City to coordinate any future ferry terminal work as the Transit Center project moves forward. This information is reflected in the WETA Short Range Transit Plan.

Antioch, Martinez and Redwood City Ferry Service Projects – These projects involve conceptual design and environmental review for potential future ferry services to the cities of Antioch, Martinez and Redwood City. Draft site feasibility reports have been prepared and distributed to the cities for review. The feasibility reports were prepared to identify site constraints and design requirements to better understand project feasibility and cost. Staff is continuing to work with City staff to review the draft reports and determine appropriate next steps for the respective planning and environmental processes. Staff presented the findings of the Antioch site feasibility report to the Antioch City Council on February 12, 2013. The presentation included an overview of next steps for the project. Staff is coordinating with Martinez and Redwood City on similar efforts.

Contra Costa County Ferry Subcommittee – Staff is working with the Contra Costa Transportation Authority (CCTA) and representatives from the cities of Antioch, Martinez, Hercules and Richmond to study implementation of ferry expansion services in Contra Costa County. Preparation of a "white paper" is underway to outline opportunities and challenges associated with each potential terminal site and service. The "white paper" will also examine the operational and capital cost for potential terminals and services and explore funding plans for each. Results of this study will inform stakeholders on specific site and service details for discussion and development of a countywide approach to developing services and funding

support. The subcommittee met on April 22, 2013 to review the scope for the "white paper" effort. CCTA is leading this effort.

Alameda Ferry Terminal Station Access Plan – This planning effort will evaluate opportunities to enhance pedestrian, bicycle, transit and drive access modes to both the Main Street and Harbor Bay Ferry Terminals which are both experiencing full parking lots. Staff is currently in discussions with the City of Alameda to finalize an approach to proceeding with this project.

UPDATE ON RELEVANT PROJECTS IMPLEMENTED BY OTHER AGENCIES

Warriors Arena – The Golden State Warriors basketball team has proposed an Arena/Mixed use development at Piers 30/32 on the San Francisco waterfront that would potentially include a ferry berthing facility to accommodate direct ferry service to games and events at the proposed arena. WETA staff has met with the Warriors organization as well as with the Port of San Francisco and Municipal Transportation Authority staff over the past year to discuss this proposal. A Notice of Preparation was released in December 2012 and WETA submitted comments in January, 2013. Staff will continue to coordinate with the development team and City staff as the project progresses through the environmental process.

Vallejo Station – Vallejo Station is a compact, transit-oriented mixed-use project in the City of Vallejo that includes two major transit elements – a bus transfer facility that will consolidate local, regional and commuter bus services and a 1,200 space parking garage for ferry patrons and the general public.

The Vallejo Station Parking Structure will be constructed in two phases. Phase A Parking Structure is complete and now open. The City has initiated procurement of a Parking Access and Revenue Control System (PARCS) which is expected to be in effect at this new garage facility in the coming months. Additional traffic and parking signs, which will accompany the PARCS, will be procured and installed within the next month. Construction of Phase B of the parking structure is dependent upon the City securing funding and the relocation of the U.S. Post Office, which is at a stand-still.

OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS

On July 30, Kevin Connolly and Chad Mason met with City of Richmond staff to discuss the status of the Richmond Terminal Project and next steps including development of an MOU for the project.

On July 30, Mike Gougherty and Chad Mason gave presentations at the American Public Transportation Association Multi-modal Operations Workshop held in San Francisco.

On August 1, Mike Gougherty attended a meeting of the BCDC/Port of San Francisco Waterfront Working Group.

On August 7, Keith Stahnke gave a presentation to the FEMA Regional Interagency Steering Committee meeting.

On August 8, Keith Stahnke attended the MTC Trans Response Plan (TRP) Steering Committee meeting.

On August 13, Kevin Connolly, Mike Gougherty and Chad Mason met with the Alameda County Transportation Commission to discuss the Alameda Countywide Transit Plan and WETA projects in Alameda County.

On August 20, 2013, Kevin Connolly and Chad Mason met with the City of Berkeley staff to discuss status and next steps for the Berkeley Terminal Project.

OPERATIONS REPORT

Staff has worked closely with MTC and Blue and Gold to develop a plan to provide additional ferry service during the Bay Bridge closure over the Labor Day weekend (the Bridge is planned to be closed from 8pm on Wednesday, August 28 through 5am on Tuesday, September 3, 2013). Special schedules have been

developed for the Vallejo, Harbor Bay and Alameda/Oakland routes with additional vessels and trips to be added throughout the planned bridge closure.

The monthly operations statistics report covering June 2013 is provided as Attachment 1.

ADMINISTRATION

Attachment 2 includes FY 2012/13 financial statements for twelve months ending June 2013, including the Statement of Revenues and Expenses and the Statement of Capital Programs and Expenditures.

OTHER

AB 935 (Frazier) – This bill would amend Section 66540.12 of the Government Code relating to the terms of the San Francisco Bay Area Water Emergency Transportation Authority Board of Directors.

Attachment 1

Monthly Operations Statistics Report June 2013

| | | | Alameda/ Oakland | Harbor Bay | South San Francisco | Vallejo | Systemwide |
|---------------|--------------------------------|-------------------------------------|---------------------|------------|------------------------|---------|------------|
| Ridership | vs. last month | Total Passengers June 2013 | 66,746 | 17,522 | 5,117 | 71,920 | 161,305 |
| | | Total Passengers May 2013 | 64,718 | 18,553 | 4,696 | 72,999 | 160,966 |
| | | Percent change | 3.13% | -5.56% | n/a | -1.48% | 0.21% |
| | vs. same month last year | Total Passengers June 2013 | 66,746 | 17,522 | 5,117 | 71,920 | 161,305 |
| | | Total Passengers June 2012 | 69,256 | 16,385 | 5,141* | 67,556 | 153,197 |
| | | Percent change | -3.62% | 6.94% | -0.47% | 6.46% | 5.29% |
| | vs. prior FY to date | Total Passengers Current FY To Date | 606,960 | 203,131 | 40,505 | 713,300 | 1,563,896 |
| | | Total Passengers Last FY To Date | 545,393 | 177,159 | 5,141* | 668,770 | 1,391,322 |
| | | Percent change | 11.29% | 14.66% | n/a | 6.66% | 12.40% |
| | current month | Avg Weekday Ridership | 2,190 | 876 | 256 | 2,653 | 5,975 |
| | | Passengers Per Hour | 152 | 146 | 39 | 115 | 123 |
| | Operation Statistics | Revenue Hours | 440 | 120 | 132 | 624 | 1,316 |
| Revenue Miles | | 4,381 | 2,354 | 1,760 | 16,669 | 25,164 | |
| Fuel Usage | Fuel Used (gallons) | 29,051 | 10,265 | 14,607 | 127,213 | 181,136 | |
| | Avg Cost per gallon | \$3.26 | \$3.26 | \$3.26 | \$3.26 | \$3.26 | |

* Initial month of SSF service (June 2012) included one week of free exhibition rides. Revenue service began 6/11/12.

Attachment 2

San Francisco Bay Area Water Emergency Transportation Authority
FY 2012/13 Statement of Revenues and Expenses
For Twelve Months Ending 06/30/2013

% of Year Elapsed 100.0%

| | Current Month | Prior Year Actual | 2012/13 Budget | 2012/13 Actual | % of Budget |
|--|------------------|--------------------------------------|-------------------|-------------------|--------------|
| OPERATING EXPENSES | | | | | |
| <u>PLANNING & GENERAL ADMIN:</u> | | | | | |
| Wages and Fringe Benefits | 96,522 | 1,269,738 | 1,434,800 | 1,233,170 | 85.9% |
| Services | 576,867 | 2,388,779 | 1,979,100 | 1,229,092 | 62.1% |
| Materials and Supplies | 38,526 | 47,917 | 258,100 | 55,678 | 21.6% |
| Utilities | 4,638 | 14,956 | 16,000 | 13,147 | 82.2% |
| Insurance | - | 28,578 | 33,000 | (6,303) | -19.1% |
| Miscellaneous | 32,282 | 306,710 | 128,000 | 131,781 | 103.0% |
| Leases and Rentals | 22,662 | 268,610 | 266,000 | 271,224 | 102.0% |
| Admin Overhead Expense Transfer | (24,393) | - | (984,000) | (317,561) | 32.3% |
| Sub-Total Planning & Gen Admin | 747,104 | 4,325,288 | 3,131,000 | 2,610,227 | 83.4% |
| <u>FERRY OPERATIONS:</u> | | | | | |
| <u>Harbor Bay FerryService</u> | | | | | |
| Purchased Transportation | 75,989 | 1,098,946 | 1,122,000 | 1,256,002 | 111.9% |
| Fuel - Diesel & Urea | 33,490 | 404,896 | 531,300 | 453,284 | 85.3% |
| Other Direct Operating Expenses | 6,817 | 341,174 | 411,400 | 345,404 | 84.0% |
| Admin Overhead Expense Transfer | 2,927 | - | 116,700 | 40,632 | 34.8% |
| Sub-Total Harbor Bay | 119,223 | 1,845,016 | 2,181,400 | 2,095,322 | 96.1% |
| <u>Alameda/Oakland Ferry Service</u> | | | | | |
| Purchased Transportation | 268,508 | 3,015,472 | 3,702,300 | 3,893,337 | 105.2% |
| Fuel - Diesel & Urea | 94,780 | 1,131,900 | 1,454,300 | 1,231,916 | 84.7% |
| Other Direct Operating Expenses | 44,709 | 732,809 | 737,600 | 485,883 | 65.9% |
| Admin Overhead Expense Transfer | 6,586 | - | 265,000 | 85,936 | 32.4% |
| Sub-Total Alameda/Oakland | 414,583 | 4,880,181 | 6,159,200 | 5,697,073 | 92.5% |
| <u>Vallejo FerryService</u> | | | | | |
| | | <i>(Operated by City of Vallejo)</i> | | | |
| Purchased Transportation | 764,779 | 6,240,622 | 6,538,500 | 7,299,002 | 111.6% |
| Fuel - Diesel & Urea | 414,239 | 3,965,227 | 6,009,500 | 4,691,631 | 78.1% |
| Other Direct Operating Expenses | 185,787 | 2,041,094 | 1,042,280 | 1,258,182 | 120.7% |
| Admin Overhead Expense Transfer | 11,221 | 258,786 | 455,100 | 140,841 | 30.9% |
| Sub-Total Vallejo | 1,376,026 | 12,505,729 | 14,045,380 | 13,389,657 | 95.3% |
| <u>South San Francisco FerryService</u> | | | | | |
| | | <i>(Service launched on 6/4/12)</i> | | | |
| Purchased Transportation | 129,964 | 122,092 | 2,083,400 | 1,736,283 | 83.3% |
| Fuel - Diesel & Urea | 47,657 | 44,197 | 841,500 | 550,910 | 65.5% |
| Other Direct Operating Expenses | 23,591 | 4,096 | 322,000 | 293,560 | 91.2% |
| Admin Overhead Expense Transfer | 3,659 | - | 147,200 | 50,151 | 34.1% |
| Sub-Total South San Francisco | 204,870 | 170,384 | 3,394,100 | 2,630,903 | 77.5% |
| Total Operating Expenses | 2,861,806 | 23,726,598 | 28,911,080 | 26,423,183 | 91.4% |
| Total Capital Expenses | 1,129,583 | 32,496,198 | 25,419,571 | 8,952,995 | 35.2% |
| Total Expenses | 3,991,389 | 56,222,796 | 54,330,651 | 35,376,178 | 65.1% |
| OPERATING REVENUES | | | | | |
| Fare Revenue | 1,147,471 | 9,465,348 | 9,717,441 | 10,501,990 | 108.1% |
| Local - Bridge Toll | 1,713,876 | 14,149,730 | 18,985,189 | 15,918,882 | 83.8% |
| Local - Alameda Sales Tax Measure B | - | - | - | - | 0.0% |
| Local - Port of Oakland | - | - | - | - | 0.0% |
| Local - Property Tax and Assessments | - | 78,192 | 206,450 | - | 0.0% |
| Local - Other Revenue | 458 | 33,328 | 2,000 | 2,311 | 115.5% |
| Total Operating Revenues | 2,861,806 | 23,726,598 | 28,911,080 | 26,423,183 | 91.4% |
| Total Capital Revenues | 1,129,583 | 32,496,198 | 25,419,571 | 8,952,995 | 35.2% |
| Total Revenues | 3,991,389 | 56,222,796 | 54,330,651 | 35,376,178 | 65.1% |

Attachment 2

**San Francisco Bay Area Water Emergency Transportation Authority
FY 2012/13 Statement of Capital Programs and Expenditures
For Twelve Months Ending 06/30/2013**

| Project Description | Current Month | Project Budget | Prior Year Actual | 2012/13 Budget | 2012/13 Actual | Future Year | % of Project |
|---|----------------------|-----------------------|--------------------------|-----------------------|-----------------------|--------------------|---------------------|
| CAPITAL EXPENSES | | | | | | | |
| FACILITIES EXPANSION | | | | | | | |
| Future Expansion Service Studies: | | | | | | | |
| Berkeley Terminal - Environ/Concept Design | 8,356 | 2,335,000 | 2,053,018 | 281,982 | 111,472 | - | 93% |
| Richmond Terminal - Environ/Concept Design | 8,116 | 812,500 | 197,224 | 615,276 | 279,206 | - | 59% |
| Redwood City - Environ/Concept Design | 395 | 812,500 | 108,535 | 75,965 | 9,133 | 628,000 | 14% |
| Antioch - Environ/Concept Design | 1,006 | 812,500 | 98,047 | 250,000 | 36,753 | 464,453 | 17% |
| Martinez - Environ/Concept Design | 176 | 812,500 | 137,979 | 74,521 | 26,221 | 600,000 | 20% |
| SF Berthing Expansion - Environ/Concept Design | 39,541 | 3,300,000 | 1,919,679 | 1,380,321 | 419,298 | - | 71% |
| Terminal/Berthing Expansion Construction: | | | | | | | |
| Pier 9 Mooring Facility | - | 3,150,000 | 3,138,848 | 11,152 | 4,524 | - | 99% |
| SSF Oyster Mitigation | 2,304 | 275,000 | 49,470 | 50,000 | 28,205 | 175,530 | 28% |
| SSF Terminal Construction | (638) | 26,000,000 | 23,943,585 | 2,056,415 | 205,806 | - | 93% |
| Berkeley Terminal - Final Design | - | 3,200,000 | - | 800,000 | - | 2,400,000 | 0% |
| Maintenance & Operations Facilities: | | | | | | | |
| North Bay Operations & Maintenance Facility | 462,934 | 25,500,000 | - | 4,862,500 | 1,128,552 | 20,637,500 | 4% |
| Central Bay Ops & Maint Facility - Environ/Concept Design | 33,750 | 952,500 | 608,021 | 344,479 | 299,532 | - | 95% |
| Central Bay Ops & Maint Facility - Final Design | - | 3,647,500 | - | 2,742,500 | - | 905,000 | 0% |
| FACILITIES REHABILITATION | | | | | | | |
| Channel Dredging: | | | | | | | |
| Channel Dredging - Harbor Bay | - | 410,000 | 26,879 | 383,121 | 335,400 | - | 88% |
| Passenger Floats & Gangways: | | | | | | | |
| Gangway Rehabilitation - Main Street Terminal | 2,519 | 125,000 | - | 125,000 | 2,519 | - | 2% |
| Gangway & Float Rehab - Harbor Bay Terminal | 3,206 | 240,000 | - | 240,000 | 3,206 | - | 1% |
| Spare Float Replacement | 3,117 | 3,300,000 | - | 470,000 | 7,313 | 2,830,000 | 0.2% |
| Passenger Float Replacement - Clay Street Terminal | - | 2,410,000 | 119,145 | 2,290,855 | 2,143,499 | - | 94% |
| Gangway & Pier Rehab - Clay Street | - | 625,000 | - | 30,000 | - | 595,000 | 0% |
| Terminal Rehabilitation: | | | | | | | |
| Terminal Fac Improvement - Harbor Bay & Maint St. | 28,312 | 250,000 | - | 250,000 | 55,463 | - | 22% |
| FERRY VESSELS | | | | | | | |
| Major Component Rehab/Replacement: | | | | | | | |
| Vessel Engine Overhaul - Encinal | - | 803,564 | 2,708 | 800,856 | 800,815 | - | 100% |
| Purchase of Inflatable Buoyancy Apparatus | - | 127,500 | - | 127,500 | - | - | 0% |
| Communications Equipment | - | 182,000 | 39,737 | 142,263 | 3,406 | - | 24% |
| Vessel Mid-Life Repower/Refurbishment: | | | | | | | |
| Vessel Mid-Life Repower/Refurbishment: - Bay Breeze | 536,489 | 5,015,000 | 53,323 | 4,961,677 | 1,632,104 | - | 34% |
| Vessel Mid-Life Repower/Refurbishment: - Mare Island | - | 1,803,188 | - | 1,803,188 | 1,420,567 | - | 79% |
| Vessel Expansion/Replacement: | | | | | | | |
| Purchase Replacement Vessel | - | 15,000,000 | - | 250,000 | - | 14,750,000 | 0% |
| Total Capital Expenses | 1,129,583 | 101,901,252 | 32,496,198 | 25,419,571 | 8,952,995 | 43,985,483 | |
| CAPITAL REVENUES | | | | | | | |
| Federal | 461,906 | 27,261,904 | 13,010,685 | 10,787,218 | 3,660,359 | 3,464,000 | 61% |
| State | 531,917 | 58,565,504 | 6,776,762 | 11,386,258 | 4,249,706 | 40,402,483 | 19% |
| Local - Bridge Toll | 108,144 | 5,297,431 | 4,620,197 | 677,234 | 797,375 | - | 102% |
| Local - San Mateo Sales Tax Measure A | - | 9,640,764 | 8,077,889 | 1,562,875 | (16,199) | - | 84% |
| Local - Alameda Sales Tax Measure B | (695) | 1,135,650 | 10,665 | 1,005,985 | 218,426 | 119,000 | 20% |
| Local - Property Tax and Assessments | 28,312 | - | - | - | 43,328 | - | 100% |
| Total Capital Revenues | 1,129,583 | 101,901,252 | 32,496,198 | 25,419,571 | 8,952,995 | 43,985,483 | |

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Peter Friedmann

Of Counsel

DATE: August 22, 2013

TO: WETA Board Members

FROM: Peter Friedmann
202-783-3333 OurManInDC@federalrelations.com

SUBJECT: **Report to the Board: August**

At last some of the monies set aside for public ferries in the MAP-21 transportation bill last year are starting to flow. We are continuing our efforts to maximize support for WETA's application for funding to supplement the local/regional revenues, needed to construct the Central Bay Operations and Maintenance Facility.

Under MAP-21, \$30 million was set aside for the Federal Transit Administration to distribute under a discretionary grant program. Unfortunately, \$30 million doesn't go far considering that major systems, including NY/Staten Island, NJ, Washington State, Alaska, WETA, as well as other systems such as Texas, North Carolina, etc, will all be competing for grants out of this limited pot. The cost of building ferry boats, terminals, and other infrastructure such as maintenance facilities far outstrips \$30 million, so the competition will be fierce.

We have worked to convey the need to focus those limited funds on congested urban areas and to San Francisco in particular. The FTA has now issued its Notice of Federal Acquisition, and we are working to support the application for the Central Bay Facility developed by WETA grants professional staff.

This includes communications to US Dept of Transportation's new Secretary Anthony Foxx and to the FTA Administrator Peter Rogoff from the entire SF Bay Area Delegation, in support of the WETA application. While the entire Delegation has written a letter previously, it was a more general letter of support for WETA, and this letter will be focused specifically on the Central Bay Facility, to be based in Alameda, but serving the entire WETA system, and thus, many Congressional Districts.

The better the Members of the Congressional Delegation know the WETA system; the more passionate and effective their advocacy on our behalf. For this reason we continue to bring members of Congress to the boats and terminals, for "hand on" inspections. Representatives Barbara Lee, Jackie Speier, the late Tom Lantos all visited terminals and came aboard the boats.

Behind the scenes, all Bay Area Members and their staff are kept continuously briefed and are assisting WETA in our relationships with Federal Highway Administration (which administers the \$67 million ferry formula grant program), Federal Transit Administration, and other agencies as needed. In fact, all have model WETA ferry boats on display in the Capitol Hill offices.

More visible examples of continuing outreach include visits to WETA facilities by Congressman Thompson and Garamendi.

Coming up will be a briefing of Congressman Thompson, whose new District now touches the Bay. Previously, his District stretched from the Oregon border, along the Pacific Coast, and over to West Sacramento. Now, his District covers Santa Rosa, down to Vallejo, Hercules, Pinole, Martinez. He now has a significant WETA presence in his District: Vallejo ferry terminal and service and the Mare Island North Bay Operations and Maintenance Facility. For the first time, he has constituents who ride ferry transit as well as communities seeking ferry service. He is engaged in an intensive effort to know and understand the commuting needs of these new constituents in Solano and Contra Costa counties.

Over the years, we have found Congressman Thompson to be a substantive and effective advocate for programs which is familiar and which benefit his constituents. He has already joined in the earlier Bay Area Delegation letter on behalf of WETA, but now in the remaining days of the August Recess, he is available to visit, "see and touch" the ferry presence. He will be meeting with Mayor Intintoli and WETA staff for an inspection of the Vallejo North Bay Facility, board a boat, and receive a briefing

Congressman Garamendi has already been a strong supporter of WETA and sits on the Committee in the House of Representatives with jurisdiction over ferry and transit funding. While his District does not actually touch the Bay and has no ferry service to his District (Fairfield, Sacramento, Yuba City), he has been very supportive of ferry expansion on the Bay. He will be boarding a boat and receiving a briefing in September.

Respectfully Submitted,

Peter Friedmann
WETA Federal Representative

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
MINUTES OF THE BOARD OF DIRECTORS MEETING

(July 18, 2013)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, Suite 111, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:00 p.m. Directors present were Vice Chair Anthony Intintoli, Director Gerald Bellows, Director Jeffrey DelBono and Director Timothy Donovan. Vice Chair Intintoli led the pledge of allegiance. Chair Johnson and Vice Chair Intintoli co-chaired the meeting.

2. REPORT OF BOARD CHAIR

Chair Johnson recognized WETA staff for their work during the July BART strike, noting that ferries carried approximately three times their normal ridership.

3. REPORT OF DIRECTORS

Director Bellows reiterated Chair Johnson's comment, adding that his daughter switched to the ferry from BART during the strike and noting that the week delivered proof of WETA's ability to fulfill its mission. He commended staff for their efforts as well as those of Blue & Gold Fleet. Executive Director Nina Rannells added thanks to Blue & Gold Fleet's captains and crews who had worked near maximum capacity to make the week a success stating that there would be a full report on the BART strike at the end of the agenda.

Director Donovan echoed these comments and asked if the agencies involved in the strike response would be using the information gained from the strike in emergency response activities. Ms. Rannells replied that emergency response activities were ongoing and that there had been a drill the week before. She noted that the response to the BART strike was successful in part because of emergency response preparations.

Chair Johnson asked what the status of negotiations was between BART and its unions. Ms. Rannells replied that talks were ongoing.

4. REPORTS OF STAFF

Executive Director Nina Rannells referred the Board to her written monthly report, adding that WETA Federal Representative Peter Friedmann of Lindsay Hart, LLP was arranging an excursion onboard a WETA ferry with Rep. Mike Thompson and others to demonstrate the North Bay Operations and Maintenance Facility project. She also noted that Phase 0 of the North Bay project had received no bids. Ms. Rannells reported that the response to staff outreach from various interested firms had been that the work was too small to bid on, and that a new Request for Proposals was issued with Phase 0 rolled into Phase 1 landside work.

Vice Chair Intintoli asked if this would impact the August funding deadline. Ms. Rannells replied that as the package for Phase 0/1 was already out and that proposals were due at the end of July, a recommendation would still come to the Board for approval at the August meeting and the funding deadline would be met.

Director DelBono asked for clarification of the deadline for award to secure funding. Ms. Rannells replied that the deadline was August 31.

5. CONSIDER PROJECT LABOR AGREEMENT FOR NORTH BAY OPERATIONS AND MAINTENANCE FACILITY PROJECT

Ms. Rannells introduced an urgency item for possible action by the Board regarding the Project Labor Agreement attached to the North Bay Operations and Maintenance Facility project. Ms. Rannells reminded the Board that they had approved a form of PLA for use in Phase 1 and 2 of the North Bay Operations and Maintenance project at the June meeting, and given her the authority to make some limited changes to areas concerning both legal and business matters based upon further information to be provided by the Napa-Solano Building and Construction Trades Council, its members and other concerned parties. She noted that labor representatives had not provided sufficient documentation to warrant the changes to the PLA that they desired. As a result, the PLA issued as a part of the Phase I RFP in June is consistent with the Board-approved PLA, but does not include all of the language that the Council desires. The concern at this juncture is that the Council has now indicated that they will not sign the PLA, so it must be removed from the RFP so that potential bidders are clear on what they are bidding on as proposals are due at the end of the month.

Vice Chair Intintoli stated that he was in favor of utilizing a PLA for the project, but not in favor of one that WETA counsel had advised was not legal. He noted that the Board had already authorized the Executive Director to negotiate business items such as core workers and broadening the authority of the apprenticeship programs but that he found jeopardizing project funding for further changes to the PLA did not make good sense and that it was now time to act definitively.

Public Comment

Jim Sveum, Business Manager for Teamsters Local 315, spoke in support of a PLA with Napa-Solano Building & Construction Trades Council's desired language included.

Public Comment

Brett Risley, Business Manager for Sheet Metal Workers Local 104, on behalf of Napa-Solano Building & Construction Trades Council, said that on June 28 Ben Espinoza had asked him to provide off-site fabrication language for the PLA and that he had copies of a string of five emails between Napa-Solano Building & Construction Trades Council representative Peter Nussbaum and WETA counsel Stanley Taylor of Nossaman and that there had been no progress made. Mr. Risley said he notified Mr. Espinoza that the Sheet Metal Workers would not be able to support a PLA without changes to the off-site fabrication language. He said that the current PLA undermines his collective bargaining agreement and he could not sign onto it.

Public Comment

Frank Crim, Carpenters Local 180, said that the PLA that had been in place with the City of Vallejo was in the best interest of his membership and expressed that it was unfortunate that WETA had not been able to negotiate an agreement that could be used as a template for future WETA projects.

Public Comment

Nicole Goehring, Associated Builders & Contractors, Inc. of Northern California (ABC), said that ABC continued to be in opposition to the use of a PLA for the project, noting that she had not seen the draft language that the labor representatives would like to use. She thanked the Board for discussing the issue publicly rather than in closed session. She presented a letter to the Board from a qualified firm who would not bid the project with the current PLA in place, the Nova Group, and a letter from Pacific Advocacy Group, both dated July 16. She said that members had worked on billions of dollars of projects without PLAs strike free, that PLAs discouraged fair and open competition and that 18 states now ban PLAs.

Public Comment

Sharon Seidenstein, legal counsel representing Napa-Solano Building & Construction Trades Council noted that the PLA at hand was not one that the Council had ever agreed to and that this was a cause

of some confusion. She said the biggest remaining issue was WETA's insistence on carving out work traditionally performed by one of the Council's constituent members. Ms. Seidenstein then added that the key impediment to resolution had been, in her opinion, WETA's reliance on inaccurate and unsubstantiated legal advice provided by an unidentified attorney. She offered to present substitute PLA language to read into the record, to provide the Council's initial PLA language for adoption, or to hold a special meeting to discuss the matters further if there was still time. She also cited two cases allowing PLA's to limit apprenticeship programs to joint labor-management apprenticeship programs and went on to list successful projects done under PLAs which had been completed successfully under budget.

Vice Chair Intintoli asked Ms. Seidenstein if changing the apprenticeship language to restrict it to only joint labor-management programs would resolve the issues with the PLA. Ms. Seidenstein said it was one of five or six points. She said that WETA's negotiating committee's claim that language on the other points is illegal is unsubstantiated and that these are standard provisions in many PLAs her firm has negotiated.

Mr. Stanley clarified that the external counsel advising WETA on these matters was Kent Woodman of Thompson Coburn LLP, who is an expert in procurement and labor with over 40 years of experience.

Director DelBono asked Mr. Stanley for clarification on what key legal issues remained aside from the apprenticeship program. Mr. Stanley said the first issue was off-haul from the project site and whether it is an activity that could be covered under a PLA. Mr. Woodman had advised to the contrary. Mr. Woodman had also advised that the off-site fabrication issue was in violation of the National Labor Relations Act (NLRA).

Mr. Taylor said the Council continued through many rounds of negotiations to return to language that was not acceptable to WETA. He added that while Ms. Seidenstein's firm may always use the same language in their negotiations, there are many examples of PLAs used throughout the state with a variety of language used including language identical to that which WETA was requesting.

Mr. Taylor said that there were also business issues that were not legal issues, including the apprenticeship program, the core worker issue, and identification of benefit programs, and that WETA had been flexible with these.

Director DelBono asked if Mr. Woodman was familiar with State of California labor issues. Mr. Taylor said that he was and that his firm had used him before in similar contexts. Director DelBono then asked if the off-haul or off-site fabrication issues had been challenged in California courts before. Mr. Taylor said he had not seen any indication that they had. However, he explained that Section 8e of the National Labor Relations Act very narrowly proscribed permissible PLA activities and that the Council's recommended language covering off-haul and off-site fabrication issues was overbroad, extending beyond what is permissible to include in a PLA under the Act.

Director Donovan asked if this PLA was intended to cover this project only or WETA projects throughout the Bay Area, and if it was correct that some unions approved of the PLA and some did not. Ms. Seidenstein said that the Council would not sign off on the PLA unless all constituent members were in agreement with the changes.

Vice Chair Intintoli said that he was not willing to jeopardize the project funding to extend this discussion as it relates to Phase 1 work on the project, but suggested that work could continue towards reaching an agreement on a PLA to use on Phase 2 work. Director DelBono said that a PLA was needed that all parties could sign onto and asked if all parties could focus on creating an acceptable PLA for Phase 2 of the project since movement in time for Phase 1 seemed unlikely.

Public Comment

Marina Secchitano of the Inlandboatmen's Union noted that her union and Masters, Mates & Pilots were out on the boats and said that if agreement on a PLA was not reached, it was putting them in harm's way. She said there would be problems if the issue was not resolved. She said that this industry was just as important to her as every other industry. She said she wanted to support the Board and also wanted the Board to support labor.

Vice Chair Intintoli reiterated that a PLA was desired, but that he was not willing to extend this conversation and jeopardize the current project funding. He further pointed out that the South San Francisco terminal project had been completed successfully without a PLA and without any labor issues.

Director DelBono offered a motion to move forward on Phase 1 without a PLA and to direct staff to negotiate a PLA for Phase 2 and to provide updates to the Board on the status of negotiations.

Director Donovan said that he was disappointed to withdraw a PLA the Board had already approved but agreed with Director DelBono. He made a motion to approve the motion, offering additional language that the negotiated PLA for Phase 2 act as the basis for future PLAs on similar WETA construction projects. Vice Chair Intintoli seconded the motion and the item carried unanimously.

6. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the consent calendar which included the minutes from the June 27 Board of Directors meeting, recommending amended language to the report on the closed session. Director Donovan seconded the motion and the item carried unanimously.

7. APPROVE A SOLE SOURCE CONTRACT WITH VALLEY POWER SYSTEMS NORTH INC., FOR OVERHAUL OF THE SOLANO'S MAIN ENGINES

Manager of Operations Keith Stahnke presented this item requesting Board approval of a sole source contract with Valley Power Systems North Inc., for the overhaul of the SOLANO's main engines and to authorize the Executive Director to negotiate and execute an agreement for this work in an amount not to exceed \$1,071,000.

Director Donovan asked how long the overhauls lasted. Mr. Stahnke said that these engines could see three to four overhauls before replacement which would occur in approximately the 12th year of service with the Vallejo vessels.

Director Donovan asked if the Vallejo vessels were limited to Vallejo service or if they were ever utilized on other routes. Mr. Stahnke said that the vessel *Vallejo* was used to supplement Oakland service during the recent BART strike but that this was not the norm. Ms. Rannells said that the strike was a good opportunity to look at the flexibility of the vessels. Mr. Stahnke added that the Vallejo boats typically had a higher speed than the central bay ferries.

Director Bellows asked if the air filters were mounted on the engines or external. Mr. Stahnke said they were remote-mounted serviceable filters.

Vice Chair Intintoli made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

8. OVERVIEW OF SAN FRANCISCO BAY FERRY OPERATION DURING THE BART STRIKE

Ms. Rannells, Mr. Stahnke and Manager of Public Information & Marketing Ernest Sanchez delivered an informational overview of WETA operations during the July 1 to July 5 BART strike.

Mr. Stahnke discussed planning, operations coordination, coordination with partner agencies and cities, details on ridership, and the success of Clipper. He noted that the potential for another strike existed

for August 5 and that it would be difficult to sustain the level of service provided during the July strike for a strike of longer duration. Mr. Stahnke also reported that there were no reports of incidents of accidents during the week of the strike.

Mr. Sanchez reported on a successful outreach campaign, including leveraging 511 and Twitter along with traditional media outlets to spread the word, noting the assistance of Jeff Raleigh of MacKenzie Communications, Rob Stankus of Robert Anthony Strategic Marketing & Design, and WETA Administrative Analyst Scott Houston.

Ms. Rannells said that it had been a great opportunity to get the "San Francisco Bay Ferry" name in the public consciousness and that Mr. Sanchez had taken advantage of this moment.

Director Donovan asked if South San Francisco service had seen any bump as a result of the strike. Ms. Rannells reported a significant increase, noting that the service overall had been consistently improving. Mr. Sanchez added that Genentech was now fully funding employee transit on the service and he anticipated growth as a result. He also said the strike had been an opportunity to look at additional connections to Oyster Point such as an SFO shuttle service.

Public Comment

Louis Lamason asked if the ferry would consider taking coins, as he had tried to pay with \$3 in coins and it had not been accepted. He also suggested that WETA consider the issue of Southern California taking all of the water.

9. MARKETING UPDATE

Mr. Sanchez reported to the Board on the first 10 months of FY 2012/13's marketing campaign for the South San Francisco service. He noted a system wide ridership increase of over 13%. He delivered an overview of the campaign and elements that would be carried through and expanded on for the Fall campaign.

Vice Chair Intintoli asked how the Genentech employee promotion had come about. Mr. Sanchez said it had grown out of many meetings with the Peninsula Traffic Congestion Relief Alliance, South San Francisco Mayor Pedro Gonzales, and the San Mateo County Water Transit Advocates.

10. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 3:05 p.m. Upon reopening of the meeting at 4:05 p.m. she reported that no action had been taken.

11. ADJOURNMENT

All business having concluded, the meeting was adjourned at 4:05 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Kevin Connolly, Manager, Planning & Development
Chad Mason, Senior Planner

SUBJECT: Award Contract to West Bay Builders for Landside Construction of the North Bay Operations and Maintenance Facility

Recommendation

Award a contract to West Bay Builders for landside construction of the North Bay Operations and Maintenance Facility in an amount not to exceed \$10,817,520 and authorize the Executive Director to negotiate and enter into a contract for this work and take any other related actions as may be necessary to support this work.

Background/Discussion

On April 4, 2013, the Board of Directors authorized release of the Request for Proposal (RFP) for the pre-construction portion of the North Bay Operations and Maintenance Facility (Project). Staff released an RFP for this work on May 29, 2013 and submittals were due on June 28, 2013. No submittals were received in response to this RFP due to the relatively small contract value and specialized nature of the work. On May 23, 2013, the Board of Directors authorized release of an RFP for the landside construction phase of the Project. After no submittals were received for the pre-construction work, staff combined the pre-construction and construction work for this landside phase of the project under a single RFP that was released on July 3, 2013, and is the subject of this item. The work included under this RFP is as follows:

- **Pre-Construction.** This preliminary work component consists of general site preparation work, demolition, hazardous materials abatement and environmental cleanup required for the Building 165 site prior to implementation of the landside improvements.
- **Landside Construction.** The landside improvements include a fueling facility with a truck drive aisle for fuel delivery, above-grade diesel fuel storage tanks, lube oil, and urea storage tanks, and pipelines for delivery of the various fluid products and removal of wastes. Additional improvements include a new warehouse, reuse of Building 165A as storage building and adaptive reuse of the historic Building 165 for shop and office space.

WETA used the professional engineering services of GHD, to prepare the construction plans and to write the basic engineering specifications that detail the Project requirements as included in the RFP for this design build project. Weston, WETA's construction manager for the Project, also assisted with technical review of the plans and specifications.

Procurement Process:

The procurement process used for the Project involved issuance of an RFP, as it is a “design build” construction project, meaning that the selected contractor must complete design work to WETA’s specifications. The RFP was released on July 3, 2013 to the construction industry. Notice of the availability of this RFP was sent to WETA’s mailing list, noticed at Builders Exchanges throughout California, as well as posted on the Agency’s website consistent with the Authority’s Administrative Code.

On July 11, 2013, WETA conducted a Pre-Proposal Conference at the Project site. Approximately 20 contractors and subcontractors attended the conference. Proposals were due to WETA on or before August 1, 2013.

Evaluation Process:

The RFP required proposers to submit technical proposals for review and scoring. Proposers were also required to submit in a separate sealed envelope price proposals that would be reviewed for those who met the technical requirements. The technical portion of the evaluation process amounted to 40% of the total possible score. Technical proposal scores were used to determine which proposers were in the competitive range. Technical proposal scores considered each proposer’s technical approach to and understanding of the Project, management plan, and experience in building similar structures, references, qualifications of its proposed team, and its safety and environmental awareness programs, among other factors.

Five proposals were received in response to the RFP. A Proposal Evaluation Committee (PEC) was convened by the Executive Director to score the proposals submitted by each firm based on the above criteria. After review of technical proposals, the PEC determined that two of the five proposers were in the competitive range. The two proposers were interviewed on August 13, 2013, to answer questions about the technical proposal. Results of the technical proposal analysis are shown in the table below.

| Firm | Technical Score |
|---------------------|------------------------|
| C. Overaa & Company | 35 |
| West Bay Builders | 31 |

Once the technical scoring was complete, the PEC evaluated the price proposals submitted by the two proposers. This two-step process identified the most qualified firms WETA would consider for award the contract based on combined technical and price rankings. After review of the initial price proposals, WETA requested Best and Final Offers (BAFO) from both proposers. WETA requested clarification and confirmation of several items in both price proposals. Proposers were asked to submit their most competitive price proposals for consideration. The results of the final price proposals as submitted to WETA on August 20, 2013 are shown in the table below.

| Firm | Price proposal | Score |
|---------------------|-----------------------|--------------|
| C. Overaa & Company | \$11,911,000 | 46 |
| West Bay Builders | \$9,658,500 | 60 |

Pursuant to the review process set forth in the RFP, the information above and the results of the technical and price proposal scores, the final scores are shown in the table below.

| Firm | Total Score |
|---------------------|--------------------|
| C. Overaa & Company | 81 |
| West Bay Builders | 91 |

Based on these results, the evaluation committee concluded that the proposal from West Bay Builders is the “best value” submittal for this Project. As a result, staff recommends awarding a contract to West Bay Builders for a total amount of \$10,817,520, which includes the bid amount (\$9,658,500) plus a 12% owners contingency (\$1,159,020) to allow for any additive changes that WETA may find it needs to complete the Project to its satisfaction, to add elements that were not in the original specifications or to deal with unforeseen project circumstances that may arise.

Fiscal Impact

The North Bay Operations and Maintenance Facility Project is included in the FY 2013/14 Capital Budget. Sufficient State Transportation Improvement Program (STIP) funds and State Prop 1B grant funds have been secured to support this contract award.

END

RESOLUTION NO. 2013-21

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**AWARD A CONSTRUCTION CONTRACT TO WEST BAY BUILDERS FOR LANDSIDE
CONSTRUCTION OF THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY AND
AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE
AGREEMENT**

WHEREAS:

The WETA Board of Directors authorized the release of a Request for Proposals for pre-construction and landside construction work for the North Bay Operations and Maintenance Facility at its April 4, 2013 and May 23, 2013 meetings, respectively; and,

WHEREAS:

The Authority followed the procedures specified in the Request for Proposals and in its Administrative Code regarding solicitation and evaluation of construction proposals submitted in response to the Request for Proposals issued on July 3, 2013 and thereafter amended by addendum thereto; and,

WHEREAS:

The Instruction to Offerors gives the Authority broad powers to waive irregularities in the bid process and award of the contract, including the reserved right to waive deficiencies, informalities and irregularities in the submittal of proposals and to accept proposals that may be nonconforming; and

WHEREAS:

The Authority staff has recommended that West Bay Builders be awarded the contract for the landside construction of the North Bay Operations and Maintenance Facility,

THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Authority hereby exercises its reserved right to waive any deficiencies, irregularities or informalities in the submittal of the proposal, accepts the proposal to the extent that it may be nonconforming and approves award of a contract to West Bay Builders for the landside construction of the North Bay Operations and Maintenance Facility in an amount not to exceed \$10,817,520, including Owner's Contingency, and authorizes the Executive Director to negotiate and enter into a contract for this work and to take any other related actions as may be necessary to support this work.

CERTIFICATION

The undersigned, the 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 August 29, 2013.

AYE:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2013-21

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Kevin Connolly, Manager, Planning & Development
Mike Gougherty, Senior Planner

SUBJECT: Approve Contract Award to 4Leaf, Inc. for Construction Management Services for the Central Bay Operations & Maintenance Facility

Recommendation

Approve contract award for construction management services for the Central Bay Operations and Maintenance Facility to 4Leaf, Inc. in an amount not to exceed \$2,500,000, and authorize the Executive Director to negotiate and execute the contract and take any other required actions to support this work.

Background/Discussion

The Central Bay Operations & Maintenance Facility project is being developed by WETA to provide a new dedicated facility that would serve as the base for WETA's central San Francisco Bay ferry fleet, Operations Control Center (OCC), and Emergency Operations Center (EOC) at Alameda Point in the City of Alameda. The facility would support running maintenance services such as fueling, engine oil changes, spare parts storage, concession supply, and light repair work for WETA's central San Francisco Bay ferry fleet, as well as berthing slips for up to 11 vessels. As WETA's OCC, the facility would be the centralized location for WETA operations, including day-to-day management and oversight of services, crews, and facilities. In the event of a regional disaster, the facility would function as an Emergency Operations Center serving passengers and sustaining water transit service for emergency response and recovery. Project construction is estimated to cost \$25 million.

On May 23, 2013, the Board authorized release of a Request for Proposals (RFP) to provide construction management services for the Central Bay Operations and Maintenance Facility project. On May 29, 2013, the RFP was released and circulated to over 400 firms on the WETA technical consultant list and posted to the agency website consistent with the WETA Administrative Code. A total of four proposals were received in response to the RFP.

Selection criteria for the contract award as established in the RFP included the following:

| | |
|---|-------------|
| 1. Proposer Information and Understanding of Project Objectives | 10% |
| 2. Technical and Management Approach | 15% |
| 3. Capabilities and Experience of Proposed Staff | 65% |
| 4. Organization of the Team | 10% |
| <u>Total</u> | <u>100%</u> |

An evaluation panel was convened by the Executive Director to score the proposals submitted by each firm based on the above criteria. The panel considered both the content of each written proposal and information presented during formal interviews conducted with each firm. The scores for each firm are listed in Table 1 below:

Table 1: Combined Scoring

| | Firms | | | |
|--|-------------|-------------|-------------|-----------|
| | 4Leaf, Inc. | Ghirardelli | TranSystem | Vanir |
| Understanding of Project | 7 | 9 | 4 | 9 |
| Technical and Management Approach | 13.5 | 13.5 | 4.5 | 7.5 |
| Capabilities and Experience | 58.5 | 52 | 26 | 45.5 |
| Organization of Team | 10 | 10 | 2 | 2 |
| TOTAL SCORE | 89 | 84.5 | 36.5 | 64 |

Based on the scoring results, staff recommends awarding a contract to 4Leaf, Inc. to provide construction management service for the Central Bay Operations and Maintenance Facility project. In particular, the panel rated 4Leaf, Inc. highly based on their qualifications and experience providing similar construction management services as they relate to both the landside and waterside components of the Central Bay Operations and Maintenance Facility project. Additionally, 4Leaf, Inc. proposed a clear and efficient approach to project management and team organization.

Under the contract for this work, 4Leaf, Inc. would serve as WETA's "owner's representative," providing oversight and support during the pre-construction project development, project construction and project closeout phases of the Central Bay Operations and Maintenance Facility project. This work would include early project development tasks such as coordination with the owner's design consultant and support in the development of construction bid documents, work to support award of a construction contract and, ultimately, monitoring the construction contractor's performance against contract requirements, processing and assuring accuracy of monthly invoices, overseeing safety and contractor compliance with environmental safeguards, inspection and testing services during construction, and project closeout. This work would be managed on a task order basis during the course of the project development and construction.

DBE/SBE Participation

WETA's overall annual Disadvantaged Business Enterprise (DBE) goal and Small Business Enterprise (SBE) goal for Fiscal Year 2013/2014 is 1.36% for FTA-assisted contracts. Staff has determined that 4Leaf, Inc. has complied with the Contract DBE requirements. At this time, a 3% DBE participation is anticipated during the performance of this contract.

Fiscal Impact

The Central Bay Operations and Maintenance Facility project is included in the FY 2013/14 Capital Budget and is funded with Federal Transit Administration (FTA) and State Proposition 1B (Prop 1B) funds.

END

RESOLUTION NO. 2013-22

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**APPROVE CONTRACT AWARD WITH 4LEAF, INC.
FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CENTRAL BAY OPERATIONS
AND MAINTENANCE FACILITY PROJECT**

WHEREAS:

The San Francisco Bay Area Water Emergency Transportation Authority ("Authority") seeks to enter into an consultant agreement for construction management services for the Central Bay Operations and Maintenance Facility Project; and

WHEREAS:

The Authority authorized the release of a Request for Proposals for construction management services for the Central Bay Operations and Maintenance Facility at its May 23, 2013 meeting; and

WHEREAS:

The Authority has followed established procedures in its Administrative Code relating to the selection and contracting of consulting services, solicitation, and evaluation of qualifications; and

WHEREAS:

The Authority staff has recommended the award of these consulting services to 4Leaf, Inc. with actual expenditures authorized on a Task Order basis; and

THEREFORE, BE IT RESOLVED THAT:

The Board of Directors hereby approves an agreement with 4Leaf Inc. for construction management services for a total amount not-to-exceed \$2,500,000 and authorizes the Executive Director to negotiate and execute an agreement for these services and take any other such related actions to support this work.

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 August 29, 2013.

AYE:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2013-22

END