



RESOLUTION INCREASING THE AMOUNT OF PROFESSIONAL SERVICES CONTRACT WITH MNS ENGINEERS, INC. BY \$1,600,000, TO A TOTAL AMOUNT NOT TO EXCEED \$4,600,000, AND EXTENDING THE CONTRACT THROUGH DECEMBER 31, 2022, FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE YERBA BUENA ISLAND SOUTHGATE ROAD REALIGNMENT IMPROVEMENT PROJECT, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY CONTRACT PAYMENT TERMS AND NON-MATERIAL TERMS AND CONDITIONS

WHEREAS, The scope of the I-80/Yerba Buena Island Interchange Improvement Project includes two major components: the I-80/Yerba Buena Island Ramps Improvement Project and the Yerba Buena Island Westside Bridges Seismic Retrofit Project, and

WHEREAS, the I-80/Yerba Buena Island Ramps Improvement Project is comprised of two phases, of which Phase 1 includes constructing new westbound on- and off-ramps to the new Eastern Span of the San Francisco-Oakland Bay Bridge, and Phase 2, the Southgate Road Realignment Improvements Project (Project), consists of the construction (re-opening) of the I-80 eastbound off-ramp to Yerba Buena Island at the San Francisco - Oakland Bay Bridge, realignment of Southgate Road, widening and improving Hillcrest Road, and construction of a bicycle and pedestrian path; and

WHEREAS, The Project will effectively function as an extension of the on- and off-ramps system for the Yerba Buena Island Westbound Ramps Project and would separate traffic heading to westbound and eastbound I-80, thereby eliminating queue spillback onto I-80; and

WHEREAS, In July 2017, through Resolution 18-09, the Transportation Authority awarded a two-year contract in the amount of \$3,000,000 to MNS Engineers, Inc. (formerly S&C Engineers, Inc.) to provide construction management services for the Project; and

WHEREAS, Now that the Transportation Authority Board has recommended award of the construction contract for the Project on its first read at the March 10, 2020 meeting, it is an appropriate time to reassess the level of construction management services required to complete the Project; and



WHEREAS, As the Project design progressed, it was determined that the Project was significantly more complex than originally anticipated and the estimated construction cost has increased from the initial estimated \$33.5 million total project cost to \$47.7 million and the construction schedule duration has increased from an estimated 12-15 months to an estimated 24-26 months; and

WHEREAS, Due to the increased complexity of the Project, the increased scope and extended construction schedule, staff recommends increasing the amount of the professional services contract with MNS Engineers, Inc. by \$1,600,000 million, to a total amount not to exceed \$4,600,000 million, and extending the contract term to December 31, 2022; and

WHEREAS, The construction contract, construction management services, and the related items will be funded with federal Highway Bridge Program, State Prop 1B, Bay Area Toll Authority, State Affordable Housing and Sustainable Communities grant funds allocated to Treasure Island Development Authority (TIDA) for the bicycle and pedestrian path component of the project, other TIDA funds specifically designated for the Project, and federal Advanced Transportation Congestion and Mitigation Technologies Deployment grant funds; and

WHEREAS, Any costs not reimbursed by the various grant funds will be reimbursed by TIDA; and

RESOLVED, That the Transportation Authority hereby increases the amount of the professional services contract with MNS Engineers, Inc., by \$1,600,000, to a total amount not to exceed \$4,600,000, and extends the contract through December 31, 2022, for construction management services for the Yerba Buena Island Southgate Road Realignment Improvement Project; and be it further

RESOLVED, That the Executive Director is authorized to negotiate contract payment terms and non-material contract terms and conditions; and be it further

RESOLVED, That for the purposes of this resolution, "non-material" shall mean contract terms and conditions other than provisions related to the overall contract amount, terms of



payment, and general scope of services; and be it further

RESOLVED, That notwithstanding the foregoing and any rule or policy of the Transportation Authority to the contrary, the Executive Director is expressly authorized to execute contracts and amendments to contracts that do not cause the total contract value, as approved herein, to be exceeded and that do not expand the general scope of services.



## Memorandum

### AGENDA ITEM 15

**DATE:** March 31, 2020

**TO:** Transportation Authority Board

**FROM:** Eric Cordoba - Deputy Director for Capital Projects

**SUBJECT:** 04/14/20 Board Meeting: Increase the Amount of Professional Services Contract with MNS Engineers, Inc. by \$1,600,000, to a Total Amount Not to Exceed \$4,600,000, and Extend the Contract through December 31, 2022, for Construction Management Services for the Yerba Buena Island Southgate Road Realignment Improvement Project

#### RECOMMENDATION ☐ Information ☒ Action

- Increase the amount of professional services contract with MNS Engineers, Inc. by \$1,600,000, to a total amount not to exceed \$4,600,000, and extend the contract through December 31, 2022, for construction management services for the Yerba Buena Island (YBI) Southgate Road Realignment Improvement Project
- Authorize the Executive Director to negotiate and modify agreement payment terms and non-material terms and conditions

#### SUMMARY

We have an existing contract with MNS Engineers, Inc. for construction management services for the YBI Southgate Road Realignment Improvement Project (Project). Now that the construction contract is being awarded for the Project (the Board recommended approval of the construction contract on its first read on March 10, it is an appropriate time to reassess the level of construction management services required to complete the Project. Due to the increased complexity of the Project, the increased scope and extended construction schedule, we are seeking to increase the amount of the MNS Engineers, Inc. contract and extending the contract term to as described above.

- ☐ Fund Allocation
- ☐ Fund Programming
- ☐ Policy/Legislation
- ☐ Plan/Study
- ☒ Capital Project Oversight/Delivery
- ☐ Budget/Finance
- ☒ Contract/Agreement
- ☐ Other:  
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## **BACKGROUND**

The scope of the I-80/YBI Interchange Improvement Project includes two major components: the I-80/YBI Ramps Improvement Project and the YBI Westside Bridges Seismic Retrofit Project. The I-80/YBI Ramps Improvement Project is comprised of two phases:

- Phase 1, which includes constructing new westbound on- and off-ramps (on the east side of YBI) to the new Eastern Span of the San Francisco-Oakland Bay Bridge opened to traffic in October 2016; and
- Phase 2, the Southgate Road Realignment Improvement Project, consists of the construction (re-opening) of the I-80 eastbound off-ramp to YBI at the San Francisco - Oakland Bay Bridge, realignment of Southgate Road, widening and improving Hillcrest Road, and construction of a bicycle and pedestrian path.

Southgate Road as realigned would effectively function as an extension of the on- and off-ramps system for the YBI Westbound Ramps Project and would separate traffic heading to westbound and eastbound I-80, thereby eliminating queue spillback onto I-80. The extended ramps would provide direct access from Hillcrest Road to the westbound on-ramp and would ensure all truck turning movements are accommodated. The work includes building demolition, construct grading, aggregate base, hot mix asphalt paving, concrete bike path, storm drainage, concrete barriers, architectural metal railing, fencing, crash cushions, bridges, mechanically stabilized embankment retaining wall, soldier pile retaining wall, soil nail retaining wall, sign structures, signing, striping, traffic signals, water line, joint utility trench and electrical work.

## **DISCUSSION**

**Contract and Project Update.** In July 2017, through Resolution 18-09, we awarded a two-year contract in the amount of \$3,000,000 to MNS Engineers, Inc. (formerly S&C Engineers, Inc.) to provide construction management services for the Project. Over the past 2 years, the Project has been going through the final design phase. As the Project design progressed, it was determined that the Project was significantly more complex than originally anticipated. The estimated construction cost has increased from the initial estimated \$33.5 million total project cost to \$47.7 million and the construction schedule duration has increased from an estimated 12-15 months to an estimated 24-26 months. Major design changes and corresponding construction cost increases resulted from the following:

- Project geometrics changed to a braided ramp configuration such that the I-80 East Bay off-ramp was braided with Hillcrest Road in order to eliminate the queue spillback onto I-80;
- Construction costs increased due to increased project complexity, given the change in project geometrics in combination with the challenging topography, resulting in additional retaining walls;
- Construction costs increased due to increased number, height and complexity of retaining walls and increased unit prices reflecting the anticipated tight-market



bidding climate and constrained site conditions;

- Construction costs increased due to changes in retaining wall types adjacent to the San Francisco-Oakland Bay Bridge to minimize risk of running into old piles, waste concrete, etc. left from prior bridge construction efforts.

Due to the increased complexity of the Project and the increased scope and extended construction schedule, we are seeking to increase the amount of the MNS Engineers, Inc. contract by \$1,600,000 million, to a total amount not to exceed \$4,600,000 million, and extending the contract term to December 31, 2022. We are also recommending minor updates to the scope of work for MNS Engineers primarily related to environmental compliance as shown in Attachment 1.

The DBE goal for this contract is 10.2% and MNS Engineers, Inc. has achieved 3% DBE participation to date from one subconsultant: KL Bartlett Consulting, a women-owned firm. Now that the construction phase is underway, MNS Engineers, Inc. will be on track to achieve the DBE goal for this contract as the DBE subconsultants have yet to perform the majority of their portion of the scope. The MNS Engineers, Inc. team includes 24% DBE participation from three subconsultants: African-American-owned and San Francisco-based firm, Transamerican Engineers & Associates, Inc., and Women-owned firms, Inspection Services, Inc. and KL Bartlett Consulting.

**Schedule.** The Project schedule is projected as follows:

- Award Construction Contract - April 2020
- Begin Construction - May 2020
- Construction Completion - Summer 2022

**Funding.** The construction contract, construction management services, and the related items described in the prior section will be funded with federal Highway Bridge Program (HBP), State Prop 1B (Prop 1B), Bay Area Toll Authority (BATA), State Affordable Housing and Sustainable Communities (AHSC) grant funds allocated to Treasure Island Development Authority (TIDA) for the bicycle and pedestrian path component of the project, and other TIDA funds specifically designated for the Project, and federal Advanced Transportation Congestion and Mitigation Technologies Deployment (ATCMTD) grant all as shown in the below table. Please note that the "Additional BATA" funds shown in this table represent funds that were allocated to the project at the BATA Oversight Committee meeting on March 11, 2020, although the required funding agreement amendment has yet to be executed. Any costs not reimbursed by the various grant funds will be reimbursed by TIDA.



### Project Funding Plan

Phase	Federal Highway Bridge Program	State Prop 1B	TIDA (AHSC Grant)	TIDA	Federal ATCMTD	BATA	Additional BATA	Total
Preliminary Engineering						\$ 10,104,114	\$ 1,500,000	\$ 11,604,114
Right-of-Way Capital	\$ 3,629,730	\$ 114,700		\$ 371,400		\$ 355,570		\$ 4,471,400
Construction Support	\$ 3,934,288	\$ 75,702	\$ 350,000			\$ 674,181	\$ 1,994,294	\$ 7,028,465
Construction	\$ 24,956,131	\$ 2,084,213	\$ 2,050,000	\$ 2,578,600	\$ 1,350,000	\$ 3,400,520	\$ 4,226,406	\$ 40,645,870
Totals	\$32,520,149	\$2,274,615	\$2,400,000	\$2,950,000	\$1,350,000	\$14,534,385	\$7,720,700	\$63,749,849

### FINANCIAL IMPACT

The contract will be funded by the various funding sources discussed above. Current year activities are included in the adopted Fiscal Year 2019/20 budget amendment, and sufficient funds will be included in future budgets to cover the remaining cost of the contract.

### CAC POSITION

None. The March 25 CAC meeting was cancelled in light of the local health emergency related to the COVID-19 pandemic.

### SUPPLEMENTAL MATERIALS

Attachment 1 – Construction Management Services for the YBI Southgate Road Realignment Improvements – Scope of Services

## **Attachment 1**

### **Construction Management Services for the YBI Southgate Road Realignment Improvements**

#### **Scope of Services**

The Transportation Authority will be using the more traditional Design-Bid-Build project delivery method for Yerba Buena Island (YBI) Southgate Road Realignment Improvements. The construction management contract for the YBI Southgate Road Realignment Improvements project will consist of Task 1 consisting of pre-construction services; Task 2 consisting of construction phase management services, Task 3 consisting of post construction phase services, [and Task 4 consisting of other services](#).

The construction management (CM) services required will include:

#### **Task 1 - Pre-Construction Services**

- Perform constructability review of the construction contract documents (construction plans, special provisions, bid proposal and relevant information) for the project and submit a constructability report on discrepancies, inconsistencies, omissions, ambiguities, proposed changes and recommendations.
- Perform biddability review of the 100% contract documents (construction plans, special provisions, bid proposal and relevant information) for the project and submit a biddability report on discrepancies, inconsistencies, omissions, ambiguities, proposed changes and recommendations.
- Prepare a detailed Critical Path Method (CPM) construction schedule including pre-construction and construction activities.
- Management of the construction contract bidding phase; and management of the pre-bid conference and bid opening procedures including review of bids, bid bonds, insurance certificates and related contractor bid proposal submittals; and assist the Transportation Authority in selecting the recommended lowest qualified bidder.
- Process construction contract for execution by the contractor.
- Arrange for, coordinate and conduct a pre-construction conference, including preparation of meeting minutes.
- Complete review, comment and approval of the Construction Manager's baseline schedule of work.

#### **Task 2 - Construction Phase Services**

- Perform all necessary construction administration functions as required by the Transportation Authority's Construction Contract Administration Procedures, Caltrans Standard Specifications, the project Special Provisions, and Caltrans Construction and Local Assistance Procedures Manual including:
  - Perform all required field inspection activities, monitor contractor's performance and enforce all requirements of applicable codes, specifications, and contract drawings.
  - Provide inspectors for day-to-day on the job observation/inspection of work. The inspectors shall make reasonable efforts to guard against defects and deficiencies in the work of the Construction Manager and to ensure that provisions of the contract documents are being met.
  - Prepare daily inspection reports documenting observed construction activities.
  - Hold weekly progress meetings, weekly or as deemed necessary, between contractors, the Transportation Authority, Caltrans oversight, U.S. Coast Guard (USCG), Treasure Island Development Authority (TIDA), the City and County of San Francisco, and other interested



- parties. Prepare and distribute minutes of all meetings.
- Take photographs and videotape recordings of pre-construction field conditions, during construction progress, and post construction conditions.
  - Prepare and recommend contractor progress payments including measurements of bid items. Negotiate differences over the amount with the contractor and process payments through the Transportation Authority Project Manager.
  - Monitor project budget, purchases and payment.
  - Prepare monthly progress reports documenting the progress of construction describing key issues cost status and schedule status.
  - Prepare quarterly project status newsletters.
  - Establish and process project control documents including:
    - Daily inspection diaries
    - Weekly progress reports
    - Monthly construction payments
    - Requests for Information (RFI)
    - Material certifications
    - Material Submittals
    - Weekly Statement of Working Days
    - Construction Change Orders
    - Review of certified payrolls
  - Review of construction schedule updates:
    - Review Construction Manager's monthly updates incorporating actual progress, weather delays and change order impacts. Compare work progress with planned schedule and notify Construction Manager of project slippage. Review Construction Manager's plan to mitigate schedule delay. Analyze the schedule to determine the impact of weather and change orders.
  - Evaluate, negotiate, recommend, and prepare change orders. Perform quantity and cost analysis as required for negotiation of change orders.
  - Analyze additional compensation claims submitted by the Construction Manager and prepare responses. Perform claims administration including coordinating and monitoring claims responses, logging claims and tracking claims status.
  - Process all Construction Manager submittals and monitor design consultant and Caltrans review activities.
  - Review, comment and facilitate responses to RFI's. Prepare responses to RFI on construction issues. Transmit design related RFI's to designer. Conduct meetings with Construction Manager and other parties as necessary to discuss and resolve RFI's.
  - Act as construction project coordinator and the point of contact for all communications and interaction with the Construction Manager, Caltrans, USCG, TIDA, the City, US Navy, project designer and all affected parties.
  - Schedule, manage and perform construction staking in accordance with the methods, procedures and requirements of Caltrans Surveys Manual and Caltrans Staking Information Booklet.
  - Schedule, manage, perform and document all field and laboratory testing services. Ensure the

Construction Manager furnishes Certificates of Compliance or source release tags with the applicable delivered materials at the project site. Materials testing shall conform to the requirements and frequencies as defined in the Transportation Authority's Construction Contract Administration Procedures, Caltrans Construction Manual and the Caltrans Materials Testing Manuals.

- Coordinate and meet construction oversight requirements of Caltrans, USCG, TIDA, the City and the US Navy for work being performed within the respective jurisdictions. Construction Manager shall be responsible for coordinating with Caltrans, USCG, TIDA and the City regarding traffic control measures, press releases, responses to public inquiries, and complaints regarding the project.
- Oversee environmental mitigation monitoring performed under a separate contract by the Transportation Authority's design and environmental consultant team. Monitor and enforce Construction Manager SWPPP compliance.
- Perform inspections, surveys and training to assure compliance with the Yerba Buena Island Ramps Improvements Project EIR/EIS and Final Section 4(f) Evaluation – Southgate Roadway Realignment (EA) 043A640): Environmental Commitment Record. Such work will include, but not be limited to the following tasks:
  - o Perform special-status wildlife species awareness training to contractors, their employees, and personnel involved in the construction and earthmoving portions of the project. Prepare a special hand-out for contractors with the special-status species information and other important facts. Train an onsite construction manager to perform subsequent contractor training.
  - o Perform preconstruction/construction/postconstruction surveys for Stinging Phacelia (Phacelia malvifolia) plant species. If Stinging Phacelia is found, map and provide recommendations for protection.
  - o Perform preconstruction surveys for monarch butterfly, gummifera leaf-cutter bee, San Francisco lacewing. If monarch butterfly, gummifera leaf-cutter bee and/or San Francisco lacewing are identified, provide recommendations for protection.
  - o Perform preconstruction surveys for American peregrine falcon, Cooper's hawk, golden eagle, white-tailed kite, and other nesting raptors, passerines and non-passerine land-birds, shorebirds, marsh birds, and water birds, and double-crested cormorant (Nesting birds and raptors). Preconstruction surveys for water birds (roost and nests). If nesting/roosting water birds, passerine birds, raptors or bats are found, determine required limits of protective buffers around the nest sites.
  - o Perform preconstruction surveys for Special-Status Bats and passively evict bats as required.
  - o Preconstruction surveys for San Francisco dusky-footed woodrat associated woodrat houses.
  - o Preparation of a detailed survey reports.
- Enforce safety and health requirements and applicable regulations for Contractor's employees. Construction Manager is responsible for project safety.
- Facilitate all necessary utility coordination with respective utility companies.
- Provide coordination and review of Construction Manager's detours and staging plans with Caltrans, and San Francisco Bay Bridge construction management staff.
- Maintain construction documents per Federal and State requirements. Enforce Labor Compliance requirements.
- Quality Assurance/Quality Control (QA/QC) – Establish and implement a QA/QC procedure for construction management activities undertaken by in-house staff and by subconsultants. The QA/QC procedure set forth for the project shall be consistent with Caltrans' most recent version of the "Guidelines for Quality Control/Quality Assurance for Project Delivery". Enforce Quality Assurance requirements.

### Task 3 - Post-Construction Services

- Perform Post Construction Phase activities including:
  - Prepare initial punch list and final punch list items.
  - Finalize all bid item, claims, and change orders. Provide contract change order documentation to project designer. Coordinate preparation of record drawings (as-built drawings) by project designer.
  - Provide final inspection services and project closeout activities, including preparation of a final construction project report per Federal and State requirements.
  - Turn all required construction documents over to Transportation Authority and Caltrans for archiving.

### Task 4 - Other Services

- [Perform review of the Transportation Authority's Construction Contract Administration Procedures Manual and provide suggested updates and revisions for the Transportation Authority's review.](#)

### General Project Administration

The Construction Manager will also perform the following general project administrative duties:

- a) Prepare a monthly summary of total construction management service charges made to each task. This summary shall present the contract budget for each task, any re-allocated budget amounts, the prior billing amount, the current billing, total billed to date, and a total percent billed to date. Narratives will contain a brief analysis of budget-to-actual expenditure variances, highlighting any items of potential concern for Transportation Authority consideration before an item becomes a funding issue.
- b) Provide a summary table in the format determined by the Transportation Authority indicating the amount of DBE firm participation each month based upon current billing and total billed to date.
- c) Provide a monthly invoice in the standard format determined by the Transportation Authority that will present charges by task, by staff members at agreed-upon hourly rates, with summary expense charges and subconsultant charges. Detailed support documentation for all Construction Manager direct expenses and subconsultant charges will be attached.

The Construction Manager shall demonstrate the availability of qualified personnel to perform construction engineering and construction contract administration.

The Construction Manager shall maintain a suitable construction field office in the project area for the duration of the project. ~~Under a separate contract with the Transportation Authority, the~~ Construction Manager will be required to provide a construction trailer for the construction management team's use which shall include desks, layout table, phone, computers, fax machine, reproduction machine, file cabinets and for use for weekly construction meetings. The Construction Manager shall provide all necessary safety equipment required for their personnel to perform the work efficiently and safely. The Construction Manager personnel shall be provided with radio or cellular-equipped vehicles, digital camera, and personal protective equipment suitable for the location and nature of work involved.

The Construction Manager shall provide for the consultant field personnel a fully operable, maintained and fueled pick-up truck which is suitable for the location and nature of work to be performed (automobiles and vans without side windows are not suitable). Each vehicle shall be equipped with an amber flashing warning light visible from the rear and having a driver control switch.

The Construction Manager field personnel shall perform services in accordance with Caltrans and FHWA criteria and guidelines and subject to the following general requirements:

**All reports, calculations, measurements, test data and other documentation shall be prepared on forms specified and/or consistent with Caltrans standards.**

All construction management services and construction work must comply with the requirements of the Transportation Authority, Caltrans, USCG and TIDA. The Construction Manager will report directly to Eric Cordoba, the Transportation Authority's Project Manager.

### **Project Status and Schedule**

The YBI Southgate Road Realignment Improvements are being fast-tracked and are required to be completed before the YBI Westside Bridges Project can be constructed. Preliminary engineering has been completed and the project elements are shown in the Project Exhibit in Appendix B.

The Transportation Authority desires to adhere to the milestone schedule shown below for the consultant contract to perform pre-construction and construction management services.

- |   |   |
|---|---|
| • Notice to Proceed (NTP) Pre-construction Services | _____ May 2018  |
| • <u>    </u> Perform Pre-construction Services     | June 2018 - <a href="#">March 2020</a>                      |
| • <u>    </u> NTP Construction Services             | <a href="#">April 2020</a>                                  |
| • Perform Construction Management Services          | <a href="#">April 2020</a> - September <a href="#">2022</a> |