



Memorandum

AGENDA ITEM 9

DATE: October 26, 2023

TO: Transportation Authority Board

FROM: Carl Holmes - Deputy Director for Capital Projects

SUBJECT: 11/14/23 Board Meeting: Increase the Amount of Professional Services Contract with MNS Engineers, Inc. by \$250,000 to a Total Amount Not to Exceed \$5,050,000, 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 \$250,000, to a total amount not to exceed \$5,050,000, 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). We are seeking to increase the amount of the MNS Engineers, Inc. contract by \$250,000 to a total not to exceed \$5,050,000 to complete closeout activities for the Project. This includes additional coordination with partner agencies including Treasure Island Development Authority, San Francisco Municipal Transportation Agency, San Francisco Public Works and San Francisco Public Utilities Commission to complete punch list construction activities and remedy outstanding document requirements. The proposed contract amendment will be funded by a funding agreement with the Bay Area Toll Authority (BATA).

- Fund Allocation
- Fund Programming
- Policy/Legislation
- Plan/Study
- Capital Project Oversight/Delivery
- Budget/Finance
- Contract/Agreement
- Other:



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 effectively functions as an extension of the on- and off-ramps system for the YBI Westbound Ramps Project and separates traffic heading to westbound and eastbound I-80, thereby eliminating queue spillback onto I-80. The extended ramps provide direct access from Hillcrest Road to the westbound on-ramp and ensure all truck turning movements are accommodated. The work included building demolition, construction 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. We opened Southgate Road up for use on May 7, 2023 and we are in the process of completing closing out activities for the Project.

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. In April 2020, through Resolution 20-46, we increased the amount by \$1,600,000 and extended the contract term to December 31, 2022 to MNS Engineers, Inc. due to heightened complexity in the Project. From January to July 2023, we increased the amount by \$200,000 and extended the contract term to October 31, 2023 to provide additional construction management services and pay subconsultants. We are seeking to increase the amount of the MNS Engineers, Inc. contract by \$250,000 to a total not to exceed \$5,050,000 to complete closeout activities for the Project. This



includes additional coordination with partner agencies including Treasure Island Development Authority, San Francisco Municipal Transportation Agency, San Francisco Public Works and San Francisco Public Utilities Commission to complete punch list construction activities and remedy outstanding document requirements.

The DBE goal for this contract is 10.2% and MNS Engineers, Inc. has achieved 16.5% DBE participation to date from three subconsultants: Inspection Services, an Asian Pacific, women-owned firm; KL Bartlett Consulting, a women-owned firm; and Transamerican Engineers, an African American-owned and San Francisco-based firm.

Schedule. The Project schedule is projected as follows:

- Award Construction Contract - April 2020
- Begin Construction - May 2020
- Construction Completion - July 2023
- Project Closeout - Fall 2023

FINANCIAL IMPACT

The proposed contract amendment will be funded by a funding agreement with the Bay Area Toll Authority (BATA). The full contract is funded by various federal, state, and regional grants including Federal Highway Bridge Program, State Proposition 1B, BATA, and State Affordable Housing and Sustainable Communities grant funds allocated to the Treasure Island Development Authority. Current year activities are included in the adopted Fiscal Year 2023/24 budget.

CAC POSITION

The Community Advisory Committee considered this item at its October 25, 2023 meeting and unanimously adopted a motion of support for the staff recommendation.

SUPPLEMENTAL MATERIALS

- Attachment 1 - Construction Management Services for the YBI Southgate Road Realignment Improvements - Scope of Services
- Attachment 2 - Resolution

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:
 - 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 handout for contractors with the special-status species information and other important facts. Train an onsite construction manager to perform subsequent contractor training.
 - Perform preconstruction/construction/postconstruction surveys for Stinging Phacelia (*Phacelia malvifolia*) plant species. If Stinging Phacelia is found, map and provide recommendations for protection.
 - 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.
 - 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.
 - Perform preconstruction surveys for Special-Status Bats and passively evict bats as required.
 - Preconstruction surveys for San Francisco dusky-footed woodrat associated woodrat houses.
 - 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 a furnished facility provided by the Transportation Authority for the duration of the project. The Construction Manager will provide phone, internet, computers, fax machine, and a reproduction machine. 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
- Perform Pre-construction Services June 2018 - March 2020
- NTP Construction Services April 2020
- Perform Construction Management Services April 2020 - October 2023



RESOLUTION INCREASING THE AMOUNT OF THE PROFESSIONAL SERVICES CONTRACT WITH MNS ENGINEERS, INC. BY \$250,000 TO A TOTAL AMOUNT NOT TO EXCEED \$5,050,000, FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE YERBA BUENA ISLAND SOUTHGATE ROAD REALIGNMENT IMPROVEMENT PROJECT, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE CONTRACT PAYMENT TERMS AND NON-MATERIAL TERMS AND CONDITIONS

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

WHEREAS, The I-80/YBI Ramps Improvement Project includes the Southgate Road Realignment Improvement Project (Project), which consists of the construction of the I-80 eastbound off-ramp to YBI at the San Francisco-Oakland Bay Bridge, realignment of the Southgate Road, widening and improving Hillcrest Road, and construction of a bicycle and pedestrian path; and

WHEREAS, Southgate Road as realigned effectively functions as an extension of the on- and off-ramps system for the YBI Westbound Ramps Project and separates traffic heading to westbound and eastbound I-80, thereby eliminating queue spillback onto I-80, with the extended ramps providing direct access from Hillcrest Road to the westbound on-ramp and would ensure all truck turning movements are accommodated; and

WHEREAS, The Transportation Authority opened Southgate Road for use on May 7, 2023 and is in the process of completing closing out activities for the Project; 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, In April 2020, through Resolution 20-46, the Transportation Authority increased the amount by \$1,600,000 and extended the contract term to December 31, 2022 to MNS Engineers, Inc. due to heightened complexity in the Project; and

WHEREAS, From January to July 2023, the Transportation Authority increased the amount by \$200,000 and extended the agreement to October 31, 2023 to provide additional construction management services and pay subconsultants; and

WHEREAS, The proposed contract amendment of \$250,000 will allow MNS Engineers, Inc. to complete closeout activities for the Project, which requires additional coordination with partner agencies including Treasure Island Development Authority, San Francisco Municipal Transportation Agency, San Francisco Public Works, and San Francisco Public Utilities Commission; and

WHEREAS, The proposed contract amendment will be funded by an agreement with the Bay Area Toll Authority (BATA), with the full contract funded by federal, state, and regional grants including Federal Highway Bridge Program, State Proposition 1B, BATA, and State Affordable Housing and Sustainable Communities grant funds allocated to the Treasure Island Development Authority; and

WHEREAS, At its October 25, 2023, meeting, the Community Advisory Committee considered and unanimously adopted a motion of support for the staff recommendation; now, therefore, be it

RESOLVED, That the Transportation Authority hereby increases the amount of the professional services contract with MNS Engineers, Inc., contract by \$250,000 to a total not to exceed \$5,050,000 to complete closeout activities for the YBI 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.