



AGENDA ITEM

Public Utilities Commission

City and County of San Francisco



DEPARTMENT Construction Management Bureau AGENDA NO. _____

MEETING DATE September 22, 2009

Construction Award: Consent Calendar
Project Manager: Wendy Iwata

Contract No. HH-944, Award, Job Order Contract, General Engineering (A-License), San Francisco/Peninsula/East Bay to Hetch Hetchy

Summary of Proposed Commission Action:	Approve the project manual and Construction Task Catalog ® and award Contract No. HH-944, Job Order Contract (JOC), General Engineering (A-License), San Francisco/Peninsula/East Bay to Hetch Hetchy, not to exceed the amount of \$3,000,000, to the lowest, qualified, responsible and responsive bidder, Yerba Buena Engineering & Construction, Inc., to perform as-needed construction tasks for all SFPUC Enterprise Operations.
Background:	<p>A Job Order Contract is an indefinite quantity contract pursuant to which the San Francisco Public Utilities Commission may accomplish a series of projects with a single, competitively bid contract awarded before the projects are identified. Contractors bid an adjustment factor to pre-set unit prices. Work is accomplished by issuing task orders to the successful contractor during the two year term of the contract.</p> <p>Job Order Contracts have been effective construction contract vehicles for the SFPUC to address the multitude of repair and replacement projects inherent in all Enterprise operations. To date, SFPUC has awarded 15 JOC contracts for a wide range of construction activities, including general construction and engineering, lighting and HVAC energy efficiency retrofits, and spot sewer repairs. This JOC will primarily address facility needs in the Hetch Hetchy region, but can cover any operational needs in the San Francisco, Peninsula and East Bay regions as well.</p>

APPROVAL:

DEPARTMENT /
BUREAU

FINANCE

Todd L. Rydstrom

COMMISSION
SECRETARY

Mike Housh

GENERAL
MANAGER

Ed Harrington

Result of Inaction:	A delay or denial awarding this contract will result in several construction projects being deferred until the complete design, bid and award process has been finished for each project. This would delay needed work for several months with real impacts to daily operations.
Budget & Costs:	<p>Award: Not to exceed \$3,000,000, with a guaranteed minimum amount of \$50,000. An option to add 50% of contract value (an additional \$1,500,000) may be approved by the Commission at a later date.</p> <p>Award Criteria Figure (ACF): 1.285</p> <p>The ACF is the multiplicative factor which is based on the Contractor's business costs, construction-related costs, and price variances and is applied to the pre-set construction prices listed in the Construction Task Catalog®. The ACF is determined on the basis of the contract award worksheet provided in the bid form and is used to determine the lowest bid.</p> <p>Funding: Funding will be available from various SFPUC Enterprise funds when Task Orders are issued. Participating departments include Hetch Hetchy Water, Energy and Power, Water Supply and Treatment, and Wastewater Enterprise.</p>
Schedule:	<p>NTP: October 2009</p> <p>End: October 2011</p> <p>Duration: Twenty-four (24) consecutive months; an additional twelve (12) month period maybe approved by the Commission at a later date, for a total of thirty-six (36) months.</p>
HRC goals:	<p>Set: 18% LBE</p> <p>Submitted: 20% LBE</p>
Environmental Review:	No task order will be issued for construction requiring environmental review, excluding categorical exemptions, until the Commission has been given the opportunity to review the environmental document and take action if deemed appropriate.

<p>Bid History:</p>	<p>Advertised: July 28, 2009 Bids Received: Sealed bids were received from five (5) firms on August 20, 2009, as follows:</p> <table border="1" data-bbox="505 386 1523 884"> <thead> <tr> <th data-bbox="505 386 857 474">Bid Rank</th> <th data-bbox="857 386 1024 474">ACF</th> <th data-bbox="1024 386 1198 474">Bid Preference</th> <th data-bbox="1198 386 1365 474">Adjusted ACF</th> <th data-bbox="1365 386 1523 474">Adjusted Rank</th> </tr> </thead> <tbody> <tr> <td data-bbox="505 474 857 606">1. Yerba Buena Engineering & Construction, Inc</td> <td data-bbox="857 474 1024 606">1.28500</td> <td data-bbox="1024 474 1198 606">10%</td> <td data-bbox="1198 474 1365 606">1.18525</td> <td data-bbox="1365 474 1523 606">1</td> </tr> <tr> <td data-bbox="505 606 857 690">2. A&B Construction, Inc.</td> <td data-bbox="857 606 1024 690">1.30500</td> <td data-bbox="1024 606 1198 690">-</td> <td data-bbox="1198 606 1365 690">1.30500</td> <td data-bbox="1365 606 1523 690">2</td> </tr> <tr> <td data-bbox="505 690 857 743">3. Gordon N. Ball</td> <td data-bbox="857 690 1024 743">1.41500</td> <td data-bbox="1024 690 1198 743">-</td> <td data-bbox="1198 690 1365 743">1.41500</td> <td data-bbox="1365 690 1523 743">4</td> </tr> <tr> <td data-bbox="505 743 857 798">4. Power Engineering</td> <td data-bbox="857 743 1024 798">1.41883</td> <td data-bbox="1024 743 1198 798">-</td> <td data-bbox="1198 743 1365 798">1.41883</td> <td data-bbox="1365 743 1523 798">5</td> </tr> <tr> <td data-bbox="505 798 857 884">5. Sierra Mountain Construction</td> <td data-bbox="857 798 1024 884">1.49032</td> <td data-bbox="1024 798 1198 884">10%</td> <td data-bbox="1198 798 1365 884">1.341288</td> <td data-bbox="1365 798 1523 884">3</td> </tr> </tbody> </table> <p data-bbox="505 940 1455 1045">Application of bid preferences in accordance with Chapter 14B of the San Francisco Administrative Code did not change the final ranking of the low bidder.</p>	Bid Rank	ACF	Bid Preference	Adjusted ACF	Adjusted Rank	1. Yerba Buena Engineering & Construction, Inc	1.28500	10%	1.18525	1	2. A&B Construction, Inc.	1.30500	-	1.30500	2	3. Gordon N. Ball	1.41500	-	1.41500	4	4. Power Engineering	1.41883	-	1.41883	5	5. Sierra Mountain Construction	1.49032	10%	1.341288	3
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<p>Description of Scope of Work:</p>	<p>Contract work locations are in San Francisco, San Mateo, Alameda, San Joaquin, Stanislaus and Tuolumne Counties.</p> <p>Contract work consists of general construction services, including pipeline, excavation, electrical, heating, ventilation, plumbing, roofing, concrete, and painting work.</p>																														
<p>Recommendation:</p>	<p>SFPUC staff recommends that the Commission adopt the attached resolution.</p>																														
<p>Attachments:</p>	<ol style="list-style-type: none"> 1. SFPUC Resolution 2. HRC Memo 																														

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0156

WHEREAS, Contract No. HH-944, Job Order Contract, General Engineering (A-License), San Francisco/Peninsula/East Bay to Hetch Hetchy was advertised on July 28, 2009; and

WHEREAS, The award amount is not to exceed \$3,000,000 with a guaranteed minimum of \$50,000 for this job order construction contract to perform as-needed construction tasks for all SFPUC Enterprise Operations; and

WHEREAS, The contract duration is 24 consecutive calendar months; and

WHEREAS, Five (5) bids were received and opened publicly on August 20, 2009; and

WHEREAS, San Francisco Public Utilities Commission (SFPUC) staff and Human Rights Commission (HRC) review of the bids for qualifications, responsibility, responsiveness and application of bid preferences resulted in the establishment of Yerba Buena Engineering & Construction, Inc. as the lowest, qualified, responsible and responsive bidder; and

WHEREAS, the Award Criteria Figure from Yerba Buena Engineering & Construction, Inc. was 1.285; and

WHEREAS, An HRC subcontracting goal of 18% Local Business Enterprise (LBE) participation has been established for this contract; and

WHEREAS, The firm being awarded a contract by the SFPUC must be in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code either at the time of the award, or within 2 weeks of the date of the Commission award; failure of the bidder to obtain compliance certification from HRC may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

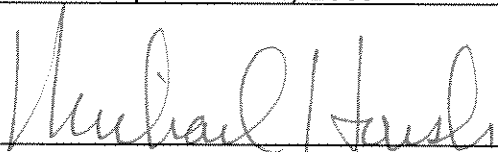
WHEREAS, Failure to comply with all City contracting requirements with two (2) weeks of notification of the Commission award may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

WHEREAS, Funds will be available from various SFPUC Enterprise funds when Task Orders are issued. Participating departments include Hetch Hetchy Water, Energy and Power, Water Supply and Treatment, and Wastewater Enterprise; and

WHEREAS, The Commission authorizes award of this job order contract for work to be performed under future task orders which will identify the scope of work, cost and duration of various discrete construction activities. No task order will be issued for construction requiring environmental review, excluding those eligible for statutory or categorical exemption, until the Commission has been given the opportunity to review the environmental document and take action if deemed appropriate. The work under this job order contract has been competitively bid per unit price and this contractor is the lowest responsible, responsive bidder for the work under these subsequent task orders; now, therefore, be it

RESOLVED, That this Commission hereby approves the project manual and Construction Task Catalog ® and awards Contract No. HH-944, Job Order Contract, General Engineering (A-License), San Francisco/Peninsula/East Bay to Hetch Hetchy, not to exceed the amount of \$3,000,000, with a minimum guaranteed amount of \$50,000 to the lowest, qualified, responsible and responsive bidder, Yerba Buena Engineering & Construction, Inc.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ September 22, 2009



Secretary, Public Utilities Commission



Gavin Newsom
Mayor

Contract Compliance
Dispute Resolution/Fair Housing
Small and Micro Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Chris Iglesias
Executive Director

Date: September 3, 2009

To: Wendy Iwata, Project Manager, SFPUC
Pauline Lam, Principal Contracts Analyst, SFPUC

From: Andrew Houston, Contract Compliance Officer, HRC

Subject: HH-944
JOC General Construction (A-License) SF/East Bay/Peninsula/Hetch Hetchy

The Human Rights Commission (“HRC”) has received the bids for the above referenced project and has conducted an evaluation for compliance with HRC requirements. An LBE subcontracting participation goal of 18% was established for this contract.

Bid Calculations

Five firms submitted bids as follows:

Bidder	LBE Status	Base Bid	Bid Discount	Adjusted Bid
Yerba Buena Engineering & Construction, Inc.	SF LBE-MBE	1.28500	10%	1.18525
A&B Construction	-	1.30500	-	1.30500
Gordon N. Ball	-	1.41500	-	1.41500
Power Engineering	-	1.41883	-	1.41883
Sierra Mountain Construction	SF LBE-MBE	1.49032	10%	1.341288

LBE Subcontractor Participation Goals

With the application of the relevant bid discounts, the lowest responsive bidder is Yerba Buena Engineering & Construction, Inc. (“Yerba Buena”), which listed 20% participation by HRC-certified LBE subcontractors, as detailed below:

Subcontractor	Service	LBE Status	LBE %
Eighteen Trucking	Trucking	SF LBE-WBE	1.5%
Flynn Transportation	Trucking	SF LBE-OBE	0.1%
Vargas & Esquivel Construction, Inc.	Paving	SF LBE-MBE	8.4%
Foxcover Trucking	Trucking	SF LBE-OBE	0.1%
Bauer Transportation Systems, Inc.	Trucking	SF LBE-MBE	0.1%
Feeney Trucking	Trucking	SF LBE-OBE	0.1%



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Subcontractor	Service	LBE Status	LBE %
Watertight Restoration	Epoxy Injection/Waterproofing	SF LBE-OBE	1.0%
Spencer Masonry	Masonry Work	SF LBE-OBE	0.3%
Cal Con Pumping	Concrete Pumping	SF LBE-WBE	0.5%
Western Pacific Technologies	Electrical	SF LBE-MBE	7.5%
MP Bowe	Painting	SF LBE-MBE	0.3%
Empire Engineering	Underground	SF LBE-MBE	0.1%
Total			20%

Based on the information noted above, HRC has determined that Yerba Buena is the lowest responsive bidder, has complied with pre-award HRC 14B requirements and is eligible for award of this contract.

Over the term of the contract the SFPUC Project Manager and the Prime Contractor will notify HRC of any newly proposed task orders and the composition of the respective contractor/subcontractor teams for each respective task order. HRC will review this information to determine/facilitate progress towards the project's overall LBE subcontracting goal. In addition, the SFPUC Project Manager and the Prime Contractor will notify HRC of any proposed subcontractor additions and/or substitutions throughout the term of the contract.

Thanks for your help and should you have any additional questions and/or concerns please feel free to contact me at 415-551-4335 or ahouston@sfgwater.org.