



AGENDA ITEM

Public Utilities Commission

City and County of San Francisco



DEPARTMENT Wastewater Enterprise AGENDA NO. _____
 MEETING DATE September 22, 2009

Construction Award: Consent Calendar
Project Manager: Jignesh Desai

Contract No. WW-447R, Award Mixed Liquor, Return Activated Sludge and Headworks Facilities Odor Control Improvements

Summary of Proposed Commission Action:	Approve the plans and specifications, and award Wastewater Enterprise 5-Year Interim Program-funded Contract No. WW-447R, Mixed Liquor, Return Activated Sludge and Headworks Facilities Odor Control Improvements, in the amount of \$3,947,000, to the lowest, qualified, responsible and responsive bidder, Cal State Constructors, to construct odor control facilities at the Southeast Water Pollution Control Plant.
Background:	The contract is needed to enhance the control of odors and address aging mechanical and electrical infrastructure at the Southeast Water Pollution Control Plant.
Result of Inaction:	A delay or denial in awarding this contract will delay implementing interim odor control features, while the larger scale master plan is being prepared to address system-wide odor control.
Budget & Costs:	Baseline Budget: \$ 4,000,000 Engineer's Estimate: \$3,500,000 to \$4,000,000 Award: \$3,947,000 Funding: Wastewater Enterprise 5-Year Interim CIP
Schedule:	NTP: November 23, 2009 End: November 23, 2010 Duration: Three hundred and sixty-five (365) consecutive calendar days

Compliance With	Set: 8% Local Business Enterprise (LBE)
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APPROVAL:

DEPARTMENT / BUREAU _____ COMMISSION SECRETARY <u>Mike Housh</u>	FINANCE <u>Todd L. Rydstrom</u> GENERAL MANAGER <u>Ed Harrington</u>
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<p>Chapter 14B: Local Business Enterprise (LBE) And Non-Discrimination In Contracting Ordinance:</p>	<p>Submitted: 17.2% LBE</p>																									
<p>Environmental Review:</p>	<p>Project No. CENMSCIC28, Mixed Liquor, Return Activated Sludge and Headworks Facilities Odor Control Improvements, was determined to be categorically exempt under Class 2 (c) of Categorical Exemption under the California Environmental Quality Act (CEQA) on May 14, 2009.</p>																									
<p>Bid History:</p>	<p>Advertised: May 10, 2009 Bids Received: Sealed bids were received from four (4) firms on June 25, 2009, as follows:</p> <table border="1" data-bbox="505 793 1523 1140"> <thead> <tr> <th>Bid Rank</th> <th>Bid Amount</th> <th>Bid Preference</th> <th>Adjusted Bid</th> <th>Adjusted Rank</th> </tr> </thead> <tbody> <tr> <td>1. NCCI</td> <td>\$3,607,083</td> <td>10%</td> <td>\$3,246,375</td> <td>1</td> </tr> <tr> <td>2. LC General Engineering</td> <td>\$3,744,776</td> <td>10%</td> <td>\$3,370,298</td> <td>2</td> </tr> <tr> <td>3. Cal State Constructors</td> <td>\$3,947,000</td> <td>10%</td> <td>\$3,552,300</td> <td>3</td> </tr> <tr> <td>4. NTK Constructors</td> <td>\$3,987,555</td> <td>10%</td> <td>\$3,588,800</td> <td>4</td> </tr> </tbody> </table> <p>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> <p>The lowest bidder, NCCI, filed a request on June 30, 2009, to withdraw its bid due to a clerical error. Staff reviewed NCCI's bid package and withdrawal request and subsequently consented to the withdrawal of NCCI's bid on July 2, 2009.</p> <p>Protest: A protest was filed by Cal State Constructors alleging that LC General Engineering did not comply with the contract requirements to provide a qualified system integrator (SI). After careful review of LC General's bid package, it could not be determined that LC General had listed a qualified SI nor included the SI scope of work in their bid, as required. Therefore, in consultation with the City Attorney's office, LC General Engineering's bid was deemed non-responsive. The determination resulted in Cal State Constructors becoming the lowest, qualified, responsible and responsive bidder for the contract.</p>	Bid Rank	Bid Amount	Bid Preference	Adjusted Bid	Adjusted Rank	1. NCCI	\$3,607,083	10%	\$3,246,375	1	2. LC General Engineering	\$3,744,776	10%	\$3,370,298	2	3. Cal State Constructors	\$3,947,000	10%	\$3,552,300	3	4. NTK Constructors	\$3,987,555	10%	\$3,588,800	4
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Description of Scope of Work:	Contract work location is at the Southeast Water Pollution Control Plant in San Francisco. The contract work consists of the following: <ul style="list-style-type: none">• Odor control improvements for the influent control structure (Building 010/011), Headworks (Building 012), Mixed liquor channels (Building 230), and Wet wells (Building 260).• Odor control improvements at Burke and 3rd Street (upstream of Southeast Plant)• Replacement of aging mechanical and electrical equipments• Facility security improvements
Recommendation:	SFPUC staff recommends that the Commission adopt the attached resolution.
Attachments:	<ol style="list-style-type: none">1. SFPUC Resolution2. HRC Memo

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0154

WHEREAS, Contract No. WW-447R, Mixed Liquor, Return Activated Sludge and Headworks Facilities Odor Control Improvements was advertised on May 10, 2009; and

WHEREAS, The baseline budget amount is \$4,000,000 and the Engineer's Estimate is in the range of \$3,500,000 to \$4,000,000 for this construction contract work to enhance control of odors at the Southeast Water Pollution Control Plant; and

WHEREAS, The contract duration is 365 consecutive calendar days; and

WHEREAS, Four (4) bids were received and opened publicly on June 25, 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 Cal State Constructors as the lowest, qualified, responsible and responsive bidder; and

WHEREAS, An HRC subcontracting goal of 8% 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

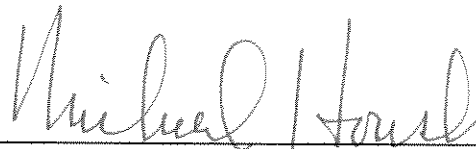
WHEREAS, Failure to comply with all City contracting requirements with two (2) weeks of notification of the Commission award may result in award of the contract to the next lowest, responsible and responsive bidder, or re-bidding of the contract at the discretion of the City; and

WHEREAS, Funds are available from Wastewater Enterprise 5-Year Interim CIP; and

WHEREAS, The Planning Department's Major Environmental Analysis Section has determined Contract No. WW-447R to be categorically exempt from environmental review under Class 2 (c) of California Environmental Quality Act; now, therefore, be it

RESOLVED, That this Commission hereby approves the plans and specifications and awards Wastewater Enterprise 5-Year Interim CIP Program-funded Contract No. WW-447R, Mixed Liquor, Return Activated Sludge and Headworks Facilities Odor Control Improvements, in the amount of \$3,947,000 to the lowest, qualified, responsible and responsive bidder, Cal State Constructors.

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

Theresa Sparks
Executive Director

MEMORANDUM

Date: September 15, 2009
 To: Jignesh Desai, Project Manager, SFPUC
 From: Andrew Houston, Contract Compliance Officer, HRC
 Subject: HRC Award Memo (WW-447R)
 Mixed Liquor, Return Activated Sludge and Headwork's Facilities Odors control Improvements

The Human Rights Commission ("HRC") has received the bids for the above referenced project and has conducted an evaluation for compliance with HRC requirements. A Local Business Enterprise (LBE) subcontracting participation goal of 8% was established for this project.

Bid Calculations

Three (3) firms submitted bids for the above referenced project. Pursuant to Chapter 14B.7 (E) of the San Francisco Administrative Code, when applicable, contract awarding authorities shall apply a 10% bid discount to any bid received from an HRC-certified Local Business Enterprise. The above referenced project is subject to the provisions of 14B.7 (E); therefore, the adjusted bid results are as follows:

Bidder	LBE Status	Base Bid	Bid Discount	Adjusted Bid
LC General Engineering	SF LBE-MBE	\$3,744,776	10%	\$3,370,298
Cal State Constructors	SF LBE-MBE	\$3,947,000	10%	\$3,552,300
NTK Construction	SF LBE-MBE	\$3,987,555	10%	\$3,588,800

LC General Engineering (Non-Responsive)

The San Francisco Public Utilities Commission deemed LC General's bid to be non-responsive to the contract requirements.

Cal State Constructors

The bid received from Cal State Constructors ("Cal State") includes LBE participation totaling 17.2% from five firms with various scopes of work including:



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Suite 800
San Francisco
California 94102-6033



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FAX (415) 431-5764
TDD (415) 252-2550
<http://www.sfhumanrights.org>



Subcontractor	Service	LBE Status	LBE %
Spencer Masonry	Masonry	MBE	0.5%
E. Mitchell	Air & Chemical	WBE	6.2%
Vargas & Esquivel	AC Paving	MBE	0.9%
Tom's Metal	Metal	MBE	3.5%
US Electric	Electrical	MBE	6.1%
		Total	17.2%

Based on the information noted above, HRC has determined that Cal State is the lowest responsive bidder, has complied with the pre-award HRC 14B requirements and is eligible for award of this 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@sewater.org.