



AGENDA ITEM

Public Utilities Commission

City and County of San Francisco



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

Construction Award: Regular Calendar
Project Manager: Kirit Bavishi

Contract No. WD-2573, Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement

Summary of Proposed Commission Action:	Approve the plans and specifications and award Water Enterprise, Water System Improvement Program-funded Contract No. WD-2573, Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement, in the amount of \$12,857,000 to the lowest, qualified, responsible and responsive bidder, S.J.Amoroso Construction Co., Inc., to proceed with improvements to the regional water system that will improve water quality, seismic reliability and delivery reliability.
Background:	<p>The Pulgas Balancing Reservoir is located within the City-Owned Peninsula watershed near the southern end of the Upper Crystal Springs Reservoir. The reservoir, which has a maximum capacity of 60 million gallons, was built in 1975. It is a critical component of the SFPUC regional system as it is used to minimize flow fluctuations by providing water based on system demands.</p> <p>The project is needed to (1) protect water quality, (2) ensure the seismic reliability of the reservoir, and (3) improve the delivery reliability of the Peninsula system. The specific objectives of the projects are to</p> <ul style="list-style-type: none"> • Improve the structural integrity of the Reservoir by (1) replacing and strengthening the roof, and (2) strengthening the outer foundation walls at all four corners by adding shear walls (wall thickening); and

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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	<ul style="list-style-type: none"> • Protect the water quality within the Reservoir by: (1) replacing the roof and thereby preventing rainwater and debris from contaminating the water stored in the reservoir, (2) repairing cracks in the Reservoir walls and floor, and (3) replacing existing sealant in various expansion and construction joints. <p>Approval of this action will allow the SFPUC to proceed with structural and roof improvements to Pulgas Balancing Reservoir that will improve the system's overall water quality, seismic reliability and delivery reliability.</p>
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Result of Inaction:	The SFPUC will not be able to proceed with plans to implement the Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement project, and the system will not benefit from the water quality, seismic reliability and delivery reliability improvements to be provided by the project.
Budget & Costs:	Baseline Budget: \$12,995,000 Engineer's Estimate: \$15,842,948 Award: \$12,857,000 Funding: Project No. CUW36103, Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement
Schedule:	NTP: October 22, 2009 End: July 10, 2011 Duration: Six hundred and twenty-seven (627) consecutive calendar days
Compliance With Chapter 14B: Local Business Enterprise (LBE) And Non-Discrimination In Contracting Ordinance:	Set: 13% LBE Submitted: 13.1% LBE
Environmental Review:	The San Francisco Planning Department approved a Mitigated Negative Declaration for Project No. CUW36103, Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement, on May 14, 2009.

<p>Bid History:</p>	<p>Advertised: June 11, 2009 Bids Received: Sealed bids were received from six (6) construction contracting firms on August 18, 2009 as follows:</p> <table border="1" data-bbox="505 384 1523 911"> <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. C. Overra & Co.</td> <td>\$12,736,000</td> <td>N/A</td> <td>N/A</td> <td>Non-Responsive</td> </tr> <tr> <td>2. S.J. Amoroso Construction</td> <td>\$12,857,000</td> <td>N/A</td> <td>N/A</td> <td>1</td> </tr> <tr> <td>3. West Bay Builders</td> <td>\$13,832,125</td> <td>N/A</td> <td>N/A</td> <td>2</td> </tr> <tr> <td>4. Mountain Cascade</td> <td>\$14,944,000</td> <td>N/A</td> <td>N/A</td> <td>3</td> </tr> <tr> <td>5. Monterey Mechanical</td> <td>\$16,231,000</td> <td>N/A</td> <td>N/A</td> <td>4</td> </tr> <tr> <td>6. William P Young Construction</td> <td>\$19,709,640</td> <td>N/A</td> <td>N/A</td> <td>5</td> </tr> </tbody> </table> <p>Application of bid preferences do not apply to this contract as the engineer's estimate is in excess of \$10,000,000.</p> <p>Project Review Checklist: The attached Project Review Checklist documents all the reviews performed during the planning and design phases of Contract No. WD-2573.</p>	Bid Rank	Bid Amount	Bid Preference	Adjusted Bid	Adjusted Rank	1. C. Overra & Co.	\$12,736,000	N/A	N/A	Non-Responsive	2. S.J. Amoroso Construction	\$12,857,000	N/A	N/A	1	3. West Bay Builders	\$13,832,125	N/A	N/A	2	4. Mountain Cascade	\$14,944,000	N/A	N/A	3	5. Monterey Mechanical	\$16,231,000	N/A	N/A	4	6. William P Young Construction	\$19,709,640	N/A	N/A	5
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<p>Description of Scope of Work:</p>	<p>Contract work location is in unincorporated San Mateo County, across from SFPUC's Pulgas Temple on Canada Road.</p> <p>The reservoir rehabilitation includes:</p> <ul style="list-style-type: none"> • entire roof replacement with metal deck and single-ply membrane roof system; • concrete repairs; • seismic retrofit of portion of perimeter concrete walls, and • miscellaneous mechanical, electrical, security-related work within environmental regulatory requirements. 																																			
<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 3. Project Review Checklist 																																			

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 09-0161

WHEREAS, Contract No. WD-2573, Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement was advertised on June 11, 2009; and

WHEREAS, The baseline budget amount is \$12,995,000 and the Engineer's Estimate is \$15,842,948 for this construction contract work to replace the entire roof system, concrete repairs, seismic retrofit of portion of perimeter concrete walls and miscellaneous mechanical, electrical and security related works; and

WHEREAS, The contract duration is 627 consecutive calendar days; and

WHEREAS, an Initial Study/Mitigated Negative Declaration was prepared for this Project ; and

WHEREAS, The Planning Department approved the Initial Study/Mitigated Negative Declaration on May 14, 2009 for the project Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement in compliance with the California Environmental Quality Act (CEQA) and Chapter 31; and

WHEREAS, The San Francisco Public Utilities Commission approved and adopted the Final IS/MND (FMND) and Environmental Findings as required by CEQA, and a proposed Mitigation Monitoring and Reporting Program (MMRP) on June 9, 2009 by Resolution No. 09-0097; and

WHEREAS, the Project files, including the FMND and MMRP and SFPUC Resolution No. 09-0097 have been made available for review by the SFPUC and the public, and those files are part of the record before this Commission; and

WHEREAS, the Commission has reviewed and considered the information contained in the FMND and the Environmental Findings contained in SFPUC Resolution No. 09-0097 and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project; and

WHEREAS, Six (6) bids were received and opened publicly on August 18, 2009; and

WHEREAS, 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 S. J. Amoroso Construction Co., Inc. as the lowest, qualified, responsible and responsive bidder; and

WHEREAS, A HRC subcontracting goal of 13% Local Business Enterprise (LBE) participation has been established and approved for this contract by the HRC Contract Compliance Officer assigned to the SFPUC. S.J. Amoroso Construction Co., Inc. is committed to meet the LBE goal submitted in its bid which exceeds the HRC goal established; 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 reach successful agreement on contract terms and conditions within 60 days of the date 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 Project No. CUW36103 Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement; now, therefore, be it

RESOLVED, the Commission has reviewed and considered the FMND and record as a whole, finds that the FMND is adequate for its use as the decision-making body for the action taken herein to award the construction contract and incorporates the CEQA findings contained in Resolution No. 09-0097 by this reference thereto as though set forth in this Resolution; and be it further

RESOLVED, The Commission further finds that since the FMND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FMND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FMND; and be it further

RESOLVED, That this Commission hereby approves the plans and specifications and awards Water Enterprise Water System Improvement Program-funded Contract No. WD-2573, Pulgas Balancing Reservoir Structural Rehabilitation and Roof Replacement, in the amount of \$12,857,000 to the lowest, qualified, responsible and responsive bidder, S. J. Amoroso Construction Co., 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

Theresa Sparks
Executive Director

MEMORANDUM

Date: August 26, 2009
To: Kirit Bavishi, Project Manager, SFPUC
From: Andrew Houston, Contract Compliance Officer, HRC
Subject: Award Memo WD-2573 –Pulgas Balancing Reservoir Structural Rehab and Roof Replacement

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 13% was established for this project.

Bid Calculations

Six (6) firms submitted bids for the above referenced project. No bid discounts were applied to this project because it is over \$10,000,000. The bid results are as follows:

Bidder	Base Bid
C. Overra & Co.	\$12,736,000
S.J. Amoroso Construction	\$12,857,000
West Bay Builders	\$13,832,125
Mountain Cascade	\$14,944,000
Monterey Mechanical	\$16,231,000
William P Young Construction	\$19,709,640

C. Overra & Co. (Non-Responsive)

HRC has completed its review of C. Overra & Cos. (“Overra”) HRC 14B submittals. Based on that review, HRC has determined that Overra is non-responsive because Overra failed to submit the required supporting documentation for HRC Form 2B by the bid due date/time.

Although Overra did submit HRC Form 2B, it did not submit the required supporting good faith documentation with that form. Overra has confirmed that they did not submit the supporting good faith documentation with their bid because they mistakenly forgot to submit it with their bid package.

HRC Form 2B states that “This Good Faith Outreach” form, along with the required supporting documentation must be completed and submitted per the instructions in this form...” In addition, HRC Attachment 6, Part I, Section 1.02 (B) clearly states the following:



25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfgov.org/sfhumanrights



FORM 2B: HRC “Good Faith Outreach” Requirements Form: Bidder shall meet the specified LBE subcontractor participation goal and demonstrate adequate good faith efforts to meet the LBE subcontracting goal. Bidder is required to submit Form 2B and all good faith documentation as specified therein. Failure to meet the LBE subcontracting goal and demonstrate/document adequate good faith efforts shall cause the Bid to be determined non-responsive and rejected.

This information is also reiterated in Part III, Section 3.01(A) of HRC Attachment 6.

The HRC items that must be submitted at the time of the bid as opposed to the HRC items that must be submitted five business days after bid opening are clearly defined in HRC Attachment 6, Part I, Section 1.02 (B) and (C). Except for Item #6 on HRC Form 2B, the good faith outreach supporting documentation must be submitted with the bid. Only that documentation identified in Item #6 may be submitted with the 5-Day Submittal Package.

Based on the aforementioned, Overra is deemed non-responsive because it failed to submit the supporting documentation required under HRC Form 2B at the time of the bid.

S.J. Amoroso Construction’s Bid

The bid received from S.J. Amoroso Construction (“S.J.”) (\$12,857,000) includes LBE participation totaling 13.1% from eight firms with various scopes of work including:

Subcontractor	Service	LBE Status	LBE %
Bauer Transportation	Trucking	SF LBE-WBE	0.1%
JDB Construction	Sub Soil Drainage	SF LBE-OBE	0.3%
Sposeto Engineering	Concrete/Earthwork	SFPUC LBE-OBE	2.1%
Roeder Painting	Metal Deck Coating	SFPUC LBE-WBE	2%
JC Metal	Structural Steel	SF LBE-MBE	2.8%
Lotus Construction	Sealants	SF LBE-WBE	2.3%
S&L Payton	Mechanical	SF LBE-WBE	1.5%
Intermountain Electric	Electrical	SFPUC LBE-OBE	2%
Total			13.1%

Based on the information noted above, HRC has determined that S.J. 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@swater.org.