

THIS PRINT COVERS CALENDAR ITEM NO.: 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Awarding SFMTA Contract No. 1247R, Presidio Trolley Coach Facility - Presidio Bus Lifts, to Makai Solutions, to replace and install new vehicle lifts, new overhead roll-up doors, and new security gates in the Presidio facility, in the amount of \$2,854,660, and for a term of 450 days to Substantial Completion.



SUMMARY:

- On February 13, 2019, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for SFMTA Contract No. 1247R, Presidio Trolley Coach Facility - Presidio Bus Lifts (Project).
- The Project will replace four in-ground lifts, replace one parallelogram lift, add a new parallelogram lift, and replace seven overhead roll-up doors and two security gates at the SFMTA Presidio maintenance facility.
- On April 10, 2019, the SFMTA received and publicly opened six bids for Contract No. 1247R. The SFMTA rejected the bid of the apparent low bidder, Air & Lube Systems, for being non-responsive to the Disadvantaged Business Enterprise (DBE) requirements of the contract. Air & Lube's appeal was denied by an independent hearing officer.
- The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31.

ENCLOSURES:

1. SFMTAB Resolution
2. Project Budget & Financial Plan

APPROVALS:

	DATE
DIRECTOR <u></u>	<u>July 9, 2019</u>
SECRETARY <u></u>	<u>July 9, 2019</u>

ASSIGNED SFMTAB CALENDAR DATE: July 16, 2019

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PURPOSE

The purpose of this calendar item is to award SFMTA Contract No. 1247R, Presidio Trolley Coach Facility - Presidio Bus Lifts, to Makai Solutions, to replace and install new vehicle lifts, new overhead roll-up doors, and new security gates in the Presidio facility, in the amount of \$2,854,660, and for a term of 450 days to Substantial Completion.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The Work to be performed under Contract No. 1247R supports the following goals and objectives in the SFMTA's Strategic Plan and Transit First Policy Principles:

Strategic Plan Goals/Objectives:

- Goal 1: Create a safer transportation experience for everyone.
Objective 1.2 Improve the safety of the transportation system.

- Goal 2: Make transit and other sustainable modes of transportation the most attractive and preferred means of travel.
Objective 2.1: Improve transit service.

- Goal 3: Improve the environment and quality of life in San Francisco
Objective 3.1 Reduce the Agency's and the transportation system's resource consumption, emissions, waste and noise.
Objective 3.2 Increase the transportation system's positive impact to the economy.
Objective 3.3 Allocate capital resources effectively.
Objective 3.4 Deliver services efficiently.

- Goal 4: Create a workplace that delivers outstanding service.
Objective 4.2: Improve the safety, security, and functionality of SFMTA work environments.
Objective 4.5: Increase the efficiency and effectiveness of business processes and project delivery through the implementation of best practices.

This action supports the following principle in the SFMTA Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

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DESCRIPTION

The SFMTA's Presidio Maintenance Facility is a 5.75-acre site located in the Laurel Heights neighborhood of San Francisco. At Presidio, the SFMTA maintains a fleet of approximately 165 40-foot electric trolley buses. The facility provides preventative maintenance and light body repair of the vehicles. The existing bus lifts were installed in the mid-80's and are beyond the end of their useful life. The existing lifts break down frequently, impacting the staff's ability to maintain buses and keep them in service. Also, the existing lifts do not have the latest features necessary for a safe working environment.

Under this Project, the contractor will replace four in-ground lifts, replace one parallelogram lift, add a new parallelogram lift, and replace seven overhead roll-up doors and two security gates at the Presidio maintenance facility.

Specifically, the Work includes:

1. Removal and demolition of one existing parallelogram lift, four existing in-ground lifts, and associated concrete foundations.
2. Removal and demolition of the existing floor slab at the location of the new parallelogram lift.
3. Installation of two new flush mount parallelogram lifts and four new in-ground lifts in new foundations.
4. Furnishing and installation of seven motor-operated roll-up doors and two bi-swing gates.
5. Electrical work required to furnish and install the new lifts and the motor-operated roll-up doors.
6. Soil sampling and laboratory testing for hazardous materials of below-ground soil at the locations of the new lifts.

The SFMTA believes that the proposed modifications in this Project will improve worker safety by installing new lifts that have the latest safety features, increase work efficiency by improving access to the bus undercarriage, and reduce infrastructure maintenance requirements.

Procurement History

The SFMTA previously advertised the Project for competitive bids in the summer of 2018. During the previous bid period, the SFMTA received numerous bidder inquiries regarding contractor licensing and qualification requirements, and bidder concerns that the hydraulic lift specifications may have included components not readily available from multiple sources. The

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project team re-evaluated the issues and constraints and determined that re-packaging the contract to revise the specifications for the lifts would improve the likelihood of competitive bids. As a result, the SFMTA cancelled the bid solicitation.

On February 13, 2019, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for Contract No. 1247R in accordance with Board of Directors Resolution No.09-191, which delegates, among other things, the authority to issue bid calls to the Director of Transportation. On February 21, 2019, the SFMTA issued a second Invitation for Bids for the Project, under Contract No. 1247R.

Bids Received

On April 10, 2019, the SFMTA received and publicly opened six bid proposals:

Bid	Bidders	Bid Amount
1	Air & Lube Systems, Inc.	\$2,751,261.16
2	Makai Solutions	\$2,854,660.00
3	Mitchell Engineering	\$3,207,701.00
4	Minerva Construction, Inc.	\$3,587,850.00
5	Angotti & Reilly	\$3,962,683.00
6	Rubecun Builders, Inc.	\$4,283,816.50

The Contract Compliance Office (CCO) reviewed the six bids submitted, including the five-day bid documents, which are additional materials submitted by the three lowest bidders. On review, the CCO determined that the bid submitted by the apparent low bidder, Air & Lube Systems, Inc. (ALS), was non-responsive for failure to meet the DBE participation goals and failure to demonstrate adequate good faith effort to meet said goals, as specified in the bid documents.

Under the procedures set forth in the SBE/DBE enclosure in the bid documents, ALS requested an administrative reconsideration of the CCO’s determination on April 25, 2019. As part of the administrative reconsideration, both sides were afforded an opportunity to submit a brief and documentation, and to present their respective arguments at a hearing by an independent hearing officer (outside the SFMTA). The hearing was held on May 30, 2019.

On June 13, 2019, the independent hearing officer upheld the SFMTA’s original determination that ALS’ bid was non-responsive. On June 15, 2019, ALS tried to appeal the matter to the Director of Transportation, but was subsequently denied on June 19, 2019, as the bid documents (SBE/DBE Program Insert) specify that the decision of the independent hearing officer regarding an SBE/DBE matter is administratively final. The SFMTA’s Protest Procedures similarly exempt SBE/DBE issues from appeal to the Director of Transportation (or this Board).

After the decision of the administrative hearing officer, the SFMTA recognized Makai Solutions as the responsible bidder who submitted the lowest responsive bid.

The lowest responsive bid of \$2,854,660 submitted by Makai Solutions is 28% below the

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engineer’s estimate of \$4 million. The Project team has concluded that effective contractor outreach, continued interest in the Project by previous bidders for Contract No. 1247, and some softening of the local commercial construction market ensured healthy bidder participation and more competitive bid prices. As a result, the SFMTA determined that it has obtained a fair and reasonable price for the work.

The contract requires the construction work to reach Substantial Completion within 450 days from the Notice to Proceed.

Bidders are required by the California Subletting and Subcontracting Fair Practices Act (Public Contract Code section 4104) to list all subcontractors that will perform more than one-half of one percent of the value of the Contract. Makai Solutions listed the following subcontractors:

Subcontractor	Status	Value
Frontier Pacific	SBE	\$139,850
Bailey Fence Co., Inc	SBE	\$109,005
Kingdom Pipelines, Inc	SBE	\$216,800
Cal-Con Pumping, Inc.	DBE	\$58,000
Red Dipper, Inc.	DBE	\$255,760

The CCO designated this contract with a participation goal of eight percent for certified SBEs, three percent for African-American certified DBEs, and two percent for Woman-owned certified DBEs. CCO reviewed the bid proposals and determined that Makai Solutions meets the aforementioned SBE/DBE goals for this contract. The CCO also confirmed that Makai Solutions has committed to meeting the Non-discrimination Equal Employment Requirements of the contract and is in compliance with the City’s Equal Benefits Ordinance.

BIDDER’S SAFETY RECORD

Under the Contract, the lowest responsive and responsible bidder must meet the following requirements to demonstrate a satisfactory record of health and safety to qualify for award of the Contract.

1. In the past three years, the contractor is required to have an average workers’ compensation experience modification rate (EMR) of 1.0 or less; and
2. The contractor shall not have a finding of more than a certain number of “serious,” “willful,” “repeat,” or “serious and willful” health or safety violations/penalties from the State of California Occupational Safety and Health Administration (OSHA) or Federal OSHA based on the following:
 - a. If contractor’s average gross revenue for the past three years is above \$50 million, the contractor shall not have six or more “serious,” “willful,” “repeat,” or “serious and willful” health or safety violations/penalties from OSHA.

- b. If contractor’s average gross revenue for the past three years is below \$50 million, the contractor shall not have three or more “serious,” “willful,” “repeat,” or “serious and willful” health or safety violations/penalties from OSHA.

The SFMTA researched Makai Solution’s health and safety record and verified that: (1) Makai Solutions’ EMR for the past three years is 1.03; and (2) it did not have any health or safety violations/penalties in the past three years from OSHA. Under the provisions in the Contract, since Makai Solutions’ EMR is above 1.0, but does not exceed 1.25, Makai Solutions is conditionally qualified for award of this Contract, as long as it provides a full-time on-site Safety Manager who meets the qualifications and will perform the duties described in the Contract. As a result, Makai Solutions satisfied the health and safety requirements, and is responsible on that basis for award of this Contract.

STAKEHOLDER ENGAGEMENT

The work at the Presidio facility is limited to work within the bus maintenance yard and does not directly impact transit service or the public right of way. Public outreach will focus on notifying residential and commercial neighbors adjacent to the facility of intermittent and temporary noise and dust impacts. Communication methods will include reaching out to the district supervisor’s office, meeting with local neighborhood community groups, issuing information flyers to adjacent residences and businesses, and creating a Project website.

SFMTA Transit management and bus maintenance staff were consulted during the project design process and are supportive of the new bus lifts to improve worker safety and work efficiency.

ALTERNATIVES CONSIDERED

The poor condition of the existing lifts has a negative impact on staff productivity and safety. Maintenance staff cannot fully utilize all lift functions, which negatively impacts their ability to perform maintenance work on the trolley buses and get them back into service quickly. The older lifts also do not have the latest safety features for maintenance of the buses. Making improvements to remedy these deficiencies was considered the only option.

FUNDING IMPACT

The total project funding plan is \$7,134,350 and the exact source of funding is outlined in the table below.

Funding Sources	Amount
Proposition K	\$4,495,636
Various (FTA 5307, MTC AB664, SFMTA Operating)	\$1,510,600
FTA 5307	\$292,114
CALTRANS-PTMISEA FY17	\$836,000

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Total:	\$7,134,350
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ENVIRONMENTAL REVIEW

The Presidio Trolley Coach Facility - Presidio Bus Lifts project is subject to the California Environmental Quality Act (CEQA). CEQA provides a categorical exemption from environmental review for the operation, repair, maintenance, or minor alteration of existing public or private structures including interior or exterior alterations.

On March 7, 2018, the Planning Department determined (Case Number 2018-002101ENV) that the proposed Presidio Trolley Coach Facility - Presidio Bus Lifts project is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15301.

The proposed action is the Approval Action as defined by the S.F. Administrative Code Chapter 31.

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this calendar item.

The Project has received a building permit from the SF Department of Building Inspection.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors award SFMTA Contract No. 1247R, Presidio Trolley Coach Facility - Presidio Bus Lifts, to Makai Solutions, to replace and install new vehicle lifts, new overhead roll-up doors, and new security gates in the Presidio Facility, in the amount of \$2,854,660, and for a term of 450 calendar days to Substantial Completion.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1247R, Presidio Trolley Coach Facility - Presidio Bus Lifts, will replace and install new vehicle lifts, new overhead roll-up doors and new security gates to improve worker safety and work efficiency; and,

WHEREAS, On February 5, 2019, the Contract Compliance Office (CCO) designated this contract with a participation goal set-aside of eight percent for certified SBEs, three percent for African-American certified DBEs, and two percent for Woman-owned certified DBEs; and,

WHEREAS, On February 13, 2019, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for Contract No. 1247R in accordance with Board of Directors Resolution No.09-191, which delegates, among other things, the authority to issue bid calls to the Director of Transportation; and,

WHEREAS, On April 10, 2019, the SFMTA received and publicly opened six bids for Contract No. 1247R; and,

WHEREAS, Air & Lube Systems, Inc. (ALS) submitted the lowest bid of \$2,630,817.46; however, the SFMTA rejected ALS' bid on April 24, 2019, as non-responsive to the DBE requirements of the bid documents; and,

WHEREAS, In accordance with the provisions of the Small Business Enterprise (SBE)/DBE Program and the SFMTA Protest Procedures, ALS sought independent review of the Agency's non-responsiveness determination; and,

WHEREAS, On May 30, 2019, an independent hearing officer (outside of SFMTA) conducted a hearing and upheld the Agency's determination of non-responsiveness; and,

WHEREAS, As a result of ALS' non-responsive bid, the SFMTA determined that Makai Solutions is the responsible bidder that submitted the lowest responsive bid, in the amount of \$2,854,660; and,

WHEREAS, The CCO reviewed the bid proposals and determined that Makai Solutions meets the SBE and DBE requirements for this Contract, has committed to meeting the Non-discrimination Equal Employment Requirements of the Contract and is in compliance with the City's Equal Benefits Ordinance; and,

WHEREAS, Contract No. 1247R will be funded by FTA grants, SFMTA Operating Funds, and State and local sources; and,

WHEREAS, The Presidio Trolley Coach Facility - Presidio Bus Lifts Project is subject to the California Environmental Quality Act (CEQA); CEQA provides a categorical exemption from environmental review for the operation, repair, maintenance, or minor alteration of existing public or private structures including interior or exterior alterations; and,

WHEREAS, On March 7, 2018, the Planning Department determined (Case Number 2018-002101ENV) that the proposed Presidio Trolley Coach Facility - Presidio Bus Lifts Project is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15301; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; and,

WHEREAS, The proposed action is the Approval Action as defined by San Francisco Administrative Code Chapter 31; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors awards Contract No. 1247R, Presidio Trolley Coach Facility - Presidio Bus Lifts, to Makai Solutions, to replace and install new vehicle lifts, new overhead roll-up doors and new security gates, in the amount of \$2,854,660, and for a term of 450 days.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 16, 2019.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

PRESIDIO TROLLEY COACH FACILITY - PRESIDIO BUS LIFTS

San Francisco Municipal Transportation Agency, Contract No. 1247R

Project Budget and Financial Plan

Cost	Amount
Preliminary Engineering Staff Support (SFMTA and Other City Services)	\$387,750
Detail Design Phase Staff Support (SFMTA and Other City Services)	\$1,510,600
Construction Phase Construction Contract, Contingency, and Staff Support	\$5,236,000
Total Cost	\$7,134,350

Funding	Amount
Proposition K	\$4,495,636
Various (FTA 5307, MTC AB664, SFMTA Operating)	\$1,510,600
FTA 5307	\$292,114
CALTRANS-PTMISEA FY17	\$836,000
Total Committed	\$7,134,350