

THIS PRINT COVERS CALENDAR ITEM NO. : 10.2

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs & Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Contract Modification No. 2 to Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, with Pioneer Contractors, Inc., to increase the Contract amount by \$250,450, for a total Contract amount not to exceed \$4,552,250, and extend the Contract term by 183 days, for a total term of 488 days, all as a result of additional work; and substitute the listed electrical subcontractor, Economy Electric, with US Electric, and to substitute the listed glazing subcontractor, SF Silver Glass, with , Golden Gate Glass and Mirror Co. Inc.

SUMMARY:

- On January 15, 2013, the SFMTA Board of Directors adopted Resolution No. 13-007, awarding Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, to Pioneer Contractors, Inc. (Pioneer), in the amount of \$4,301,800, and for a term of 244 days.
- The work being performed under this Contract includes replacement of approximately 87,000 square feet of roofing, roof top exhaust fans, make-up heaters, smoke hatches, and skylights.
- Contract Modification No.1, approved by the Director of Transportation, extended the Contract term for 61 days at no additional cost for Pioneer to conduct a field investigation, prepare engineering shop drawings, and prepare a proposal to replace 15 roof access hatch door systems, which were discovered to be deteriorated during the course of the work.
- Under Contract Modification No. 2, Pioneer will replace the roof access hatch door systems at a cost of \$220,453 and repair parapet wall dry rot at a cost of \$29,997, increasing the Contract amount to \$4,552,250; Modification No. 2 extends the Contract term by 183 days, for a total term of 488 days.
- Contract Modification No. 2 also provides for the substitution of two listed subcontractors.

ENCLOSURES:

1. SFMTAB Resolution
2. Project Budget & Financial Plan
3. Contract Modification No. 2

APPROVALS:

DATE

DIRECTOR _____ 3/6/14

SECRETARY _____ 3/6/14

ASSIGNED SFMTAB CALENDAR DATE: March 14, 2014

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PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Contract Modification No. 2 to Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, with Pioneer Contractors, Inc., to increase the Contract amount by \$250,250, for a total Contract amount not to exceed \$4,552,250, and extend the Contract term by 183 days, for a total term of 488 days, all as a result of additional work; and substitute the listed electrical subcontractor, Economy Electric, with U.S. Electric Technologies, and to substitute the listed glazing subcontractor, SF Silver Glass, with , Golden Gate Glass and Mirror Co. Inc.

GOAL

Contract Modification No. 2 to Contract No. 1265 will assist in the implementation of the following goals, objectives and initiatives in the SFMTA Strategic Plan:

Goal 1: Create a safer transportation experience for everyone.

Objective 1.2 Improve workplace safety and security.

Objective 1.3 Improve the safety of the transportation system.

Goal 2: Make transit, walking, bicycling, taxi, ridesharing & carsharing the preferred means of travel.

Objective 2.2 Improve transit performance.

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 3.3 Allocate capital resources effectively.

Objective 3.4 Deliver services efficiently.

DESCRIPTION

Background

The roof of the Main Shop Building of the Curtis E. Green Light Rail Facility (Green Facility) is approximately 32 years old and covers an area of approximately 87,000 square feet. The roof is beyond economical repair or restoration. DPW's Bureau of Architecture conducted a roof condition assessment study on the Main Shop Building in 2001. The "*Roof Condition Assessment Study Report*," recommended that most of the heating and ventilation equipment, along with the roof of the building, be removed and replaced; and various rooftop repairs (e.g., repair of concrete deck, replacement of metal coping, repair of smoke hatches) be made.

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On January 15, 2013, the Municipal Transportation Agency Board of Directors adopted Resolution No. 13-006, which awarded Contract No.1265, Curtis Green Facility Roof Rehabilitation Project to Pioneer Contractors, Inc., in the amount of \$4,301,800, and for a term of 244 days.

The work involves replacing the roof, replacing the majority of roof top exhaust fans and make-up heaters, removing abandoned make-up heaters and exhaust fans, replacing smoke (roof access) hatches and skylights, removing and disposing of asbestos-containing materials, and providing training for operations and maintenance personnel in the new equipment.

SFMTA issued a Notice to Proceed for the work on April 1, 2013.

The Director of Transportation approved Contract Modification No. 1 to extend the Contract term for 61 days for Pioneer to conduct field investigation, prepare engineering shop drawings, and prepare a proposal for the additional work of replacing 15 roof access hatch door systems and repairing dry rot in the parapet wall.

Contract Modification No. 2 Additional Work

Contract Modification No. 2 is necessary to perform additional work to replace the roof access hatch systems at a cost of \$220,453, repair parapet wall dry rot at a cost of \$29,997, and replace two listed subcontractors.

The roof access hatches are required to open automatically when subjected to the heat generated by a fire inside the building. They are also required to open manually as needed during emergencies. During the course of construction, the roof access hatch mechanisms were found to have been deteriorated beyond repair. Further, some of the UL-listed replacement parts that would have been necessary to repair the existing systems have been discontinued. Properly operating smoke hatches are a life safety requirement under the Fire Code. Accordingly, it is necessary to modify the Contract to replace the roof access hatch systems with new units.

Substitutions

Pioneer requested to substitute its listed HRC-certified Local Business Enterprise (LBE) electrical subcontractor, Economy Electric (Economy), with another LBE subcontractor, U.S. Electric Technologies, due to Economy's failure or refusal to perform its contract. Economy objected to this request for substitution. On July 16, 2013, the SFMTA Board of Directors adopted Resolution No. 13-182, which delegated authority to the Director of Transportation or designee to hold hearings as required under the California Subletting and Subcontracting Fair Practices Act (Subcontracting Act) to consider, approve, or deny a contractor's request to replace a listed subcontractor on a construction contract. The Director of Transportation's designee held a hearing on October 24, 2013 on the request for substitution. Economy failed to show up at the hearing. The hearing officer found that there were sufficient grounds under the Subcontracting Act to approve this substitution request.

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Pioneer has also requested to substitute listed LBE subcontractor SF Silver Glass (SFSG) with Golden Gate Glass and Mirror Co. Inc., also an LBE, due to SFSG's inability to perform the work. SFSG did not object to this request for substitution.

An LBE subcontracting participation goal of 12 percent was established for this contract.

ALTERNATIVES CONSIDERED

A properly operating smoke hatch system is an important life and safety requirement under the San Francisco Fire Code. The existing smoke hatch system is deteriorated beyond repair and must be replaced. Dry rot damage at the parapet wall was discovered during construction and must be repaired to avoid further future damage. Therefore, there are no serious alternatives that were considered.

FUNDING IMPACT

Funding for this project is provided through operating funds and SFMTA Series 2012B and 2013A Revenue Bond funds. The budget and financial plan for this project is presented in Enclosure 2.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office has reviewed this calendar item. No other approvals are required.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize the Director of Transportation to execute Contract Modification No. 2 to Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, with Pioneer Contractors, Inc., to increase the Contract amount by \$250,250, for a total Contract amount not to exceed \$4,552,250, and extend the Contract term by 183 days, for a total term of 488 days, all as a result of additional work; and substitute two listed subcontractors.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On January 15, 2013, the Municipal Transportation Agency Board of Directors adopted Resolution No. 13-006, which awarded Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, to Pioneer Contractors, Inc., in the amount of \$4,301,800, for a term of 244 days; and,

WHEREAS, On April 1, 2013, SFMTA issued a written notice to proceed for the work; and

WHEREAS, The Director of Transportation approved Contract Modification No. 1 to extend the Contract term for 61 calendar days for the contractor to conduct field investigation, prepare engineering shop drawings, and prepare a proposal for the additional work to replace 15 roof access hatch door systems and repair parapet wall dry rot; and,

WHEREAS, Contract Modification No. 2 is necessary for the Contractor to perform life safety work to replace the roof access hatch systems at a cost of \$220,453, repair the parapet wall dry rot at a cost of \$29,997, extend the Contract by 183 days for a total Contract term of 488 days, and substitute two listed subcontractors; and

WHEREAS, The Contract requested to substitute its listed HRC-certified Local Business Enterprise (LBE) electrical subcontractor, Economy Electric (Economy), with another LBE subcontractor, US Electric, on the ground that Economy failed or refused to perform its contract; after Economy objected to the request for substitution, the Director of Transportation's designee (appointed pursuant to SFMTA Board Resolution No. No. 13-182) held a hearing on the request on October 24, 2013, as required under the California Subletting and Subcontracting Fair Practices Act, and found that there were sufficient grounds under the Act to approve the substitution request; now, therefore, be it

RESOLVED, That SFMTA Board of Directors authorizes the Director of Transportation to execute Modification No. 2, to Contract No. 1265, Curtis Green Facility Roof Rehabilitation Project, with Pioneer Contractors, Inc. to increase the Contract amount by \$250,250, for a total Contract amount not to exceed \$4,552,250, and extend the Contract term by 183 days, for a total term of 488 days, all as a result of additional work; and substitute the listed electrical subcontractor, Economy Electric, with U.S. Electric Technologies, and to substitute the listed glazing subcontractor, SF Silver Glass, with , Golden Gate Glass and Mirror Co. Inc.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 14, 2014.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

Contract No. 1265
Curtis Green Roof Rehabilitation
Project Budget and Financial Plan

PROJECT BUDGET

| Category | Budget |
|--|--------------------|
| Conceptual Engineering Phase Staff Support (SFMTA and Other Dept. Services) | \$300,000 |
| Detail Design Phase Staff Support (SFMTA and Other Dept. Services) | \$540,000 |
| Construction Phase Construction Contract, Contingency and Staff Support | \$5,659,000 |
| Total Cost | \$6,499,000 |

FINANCIAL PLAN

| Project Funding Source | Amount |
|-------------------------------|--------------------|
| Operating Funds | \$200,000 |
| SFCTA Proposition B | \$300,000 |
| SFMTA Series 2012B Bond | \$5,999,000 |
| Total | \$6,499,000 |



CONTRACT MODIFICATION NO. 2

San Francisco Municipal Transportation Agency Contract No. 1265 Curtis Green Facility Roof Rehabilitation Project

Contractor: Pioneer Construction, Inc.
1485 Armstrong Avenue
San Francisco, CA 94124

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The Contract is modified as follows:

1. Scope of Work:

CM-2.A Substitute listed subcontractor, Economy Electric, with HRC-certified Local Business Enterprise (LBE) subcontractor, US Electric.

CM-2.B Substitute listed subcontractor, SF Silver Glass, with HRC-certified LBE subcontractor, Golden Gate Glass and Mirror Co. Inc.

CM-2.C Replace 15 roof access hatch doors.

Work scope includes but is not limited to submittals of shop drawings for approval, demolition, reconstruction framing, furnishing and installing new roof hatch access doors, to complete roof access doors replacement as directed by Engineer, as described in RE Letter #017, Task Order #009.

City shall compensate Contractor upon satisfactory performance of the Additional Work described in this item #CM-2.C by lump sum payment of \$200,453.

CM-2.D Repair dry rot at roof structure.

Work scope includes but is not limited to repair rotted members with new structure members to permit completion of roofing, as described in RE Letter #014, Task Order #006.

City shall compensate Contractor upon satisfactory performance of the Additional Work described in this item #CM-2.D by lump sum payment of \$29,997.

CM-2.E Extend the Contract Duration by 183 Non-Compensable Days to complete additional work of Item #CM-2.C and #CM-2.D above.

2. The following new Pay Items are added to the Contract:

| | | | |
|--------|--|-----------------|---------------------|
| CM-2.C | Replace Roof Access Hatch Doors | Lump Sum | \$220,453.00 |
| CM-2.D | Repair Dry Rot at Roof Structure | Lump Sum | \$29,997.00 |
| | Total Amount of this Contract Modification: | Increase | \$250,450.00 |

Previous Total of Contract: \$4,301,800.00

New Revised Total of Contract: \$4,552,250.00

Total Contract Time added by this Contract Modification: 183 Days

Previous Contract Substantial Completion Date: 01/30/14

Current Contract Substantial Completion Date: 08/01/14

3. This Modification is made in accordance with Article 88 and 94 of the Contract General Provisions.
4. Except as provided herein all previous terms and conditions of the Contract remain unchanged.
5. Contractor acknowledges and agrees that the compensation stated herein for the Additional Work described above shall be full accord and satisfaction of all current and prospective costs incurred in connection with Contractor's performance of the Additional Work under this Contract Modification, without limitation, including any and all markups and overhead. Contractor releases the City from all claims, for which full accord and satisfaction is hereby made, as set forth above. If this modification involves the granting of an extension of time, with or without cost, Contractor releases the City from all claims and costs associated with such extension of time. Such costs may include, but are not limited to, costs for labor, materials, equipment, disruption, lost productivity, escalation, delay, extended overhead, administration and extended performance time.

In Witness Whereof, the parties have executed this Modification in quadruplicate in San Francisco, California as of this _____ day of _____, 2014.

Pioneer Construction, Inc.

**CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

By: _____
Herbert Li
President

By: _____
Edward D. Reiskin
Director of Transportation

Authorized By:

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY

Resolution No. _____

Adopted: _____

Attest:

By: _____
Municipal Transportation Agency

APPROVED AS TO FORM:
Dennis J. Herrera, City Attorney

By: _____
Robin M. Reitzes
Deputy City Attorney