

THIS PRINT COVERS CALENDAR ITEM NO. : 10.8

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs & Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1264, Muni Metro Turnback (MMT) Rail Rehabilitation, with NTK Construction, Inc., located at 501 Cesar Chavez Street, San Francisco, California 94124, as the lowest responsive and responsible bidder, in the amount of \$800,400, and for a term of 180 calendar days.

SUMMARY:

- On November 1, 2012, the Director of Transportation of the San Francisco Municipal Transportation Agency (SFMTA) notified the SFMTA Board of Directors that he had authorized a bid call for Contract No. 1264, MMT Rail Rehabilitation.
- The scope of work is to replace approximately 3,600 linear feet of worn running rail and 1,060 linear feet of worn guard rail from Folsom Portal to Embarcadero Station. The new rail shall conform to the existing alignment and super-elevations, and shall be replaced in kind. The work also includes replacement of one corroded fire suppression deluge valve (with associated trim) and refurbishment of five deluge access panels.
- Three bids were received and publicly opened on December 7, 2012.
- Staff recommends awarding Contract No. 1264 to NTK Construction, Inc., as the lowest responsive and responsible bidder, in the amount of \$800,400.
- This contract is funded by an FTA grant, AB664 Bridge Tolls, and SFMTA Series 2012B Revenue Bond funds.

ENCLOSURES:

1. SFMTAB Resolution
2. Project Budget & Financial Plan

APPROVALS:

DATE

DIRECTOR _____ 1/7/13

SECRETARY _____ 1/7/13

ASSIGNED SFMTAB CALENDAR DATE: January 15, 2013

PAGE 2.

PURPOSE

The purpose of this calendar item is to award SFMTA Contract No. 1264, Rail Rehabilitation, to the lowest responsive and responsible bidder, NTK Construction, Inc., in the amount of \$800,400, and for a term of 180 calendar days.

GOAL

Contract No. 1264 would 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 MMT extends the Muni Metro light rail transit line (Muni Metro) underground over half a mile from Embarcadero Station to the tunnel portal at Folsom Street and The Embarcadero. The MMT tracks were constructed in the mid-1990s. The track is comprised of high strength 115# RE running rail and high strength 133# RE guard rail, supported on a direct fixation concrete substructure. The track in the turnback area in the tunnel has suffered from heavy rail wear from high-volume traffic and switchbacks. The turnback and pocket tracks just east of the Embarcadero Station have been damaged over time by water intrusion from San Francisco Bay. Switch machines, fasteners, and other equipment have also suffered damage due to salt water intrusion, contributing to service delays for the Muni Metro.

Scope of Work

The scope of work is to replace approximately 3,600 linear feet of worn running rail and 1,060 linear feet of worn guard rail from Folsom Portal to Embarcadero Station. The new rail shall conform to the existing alignment and super-elevations, and shall be replaced in kind. The work also includes replacement of one corroded fire suppression deluge valve (with associated trim) and refurbishment of five deluge access panels. As part of the deluge valve replacement, the contractor will be responsible for following all safety protocol as required by the SFFD and NFPA 13, an industry standard for the design, installation and testing of fire sprinkler systems. This protocol will include a fire watch during the system shutdown period and a full test of the deluge system in the presence of the SFFD following the valve replacement.

The time allotted to substantially complete construction of the project is 180 calendar days from the date of the written Notice to Proceed for the work. Liquidated damages are \$5,000 per calendar day for failure to complete the work on time and \$1,000 per calendar day of delay to complete the remaining work.

Bid Opening & Bids Received

On December 7, 2012, SFMTA's Capital Programs and Construction Division received and publicly opened three bid proposals.

The three bid proposals received were as follows:

Bidders		Bid Price
1	NTK Construction, Inc. 501 Cesar Chavez Street, San Francisco, California 94124	\$800,400
2	Rodan Builders, Inc. 859 Cowan Road, Burlingame, California 94010	\$1,347,760
3	Comsa Emte USA 315 Montgomery Street, 9 th Floor San Francisco, California 94104	\$1,485,500

PAGE 4.

The engineer's estimate for the work was \$1,738,000.

Staff reviewed the three bid proposals and determined that NTK Construction, Inc. is the lowest responsive and responsible bidder. Although NTK's bid is much lower than the engineer's estimate and the other two bids, staff confirmed that it includes all work to be performed under the contract and that the firm may have aggressively bid the project due to market conditions.

SFMTA received a bid protest on December 10, 2012 from Rodan Builders, Inc., alleging that the low bidder had failed to meet the 12 percent Small Business Enterprise (SBE) participation goal established for the contract and that it failed to demonstrate sufficient good faith efforts in reaching this goal. The Contract Compliance Office reviewed this protest and found that it had no merit. The protesting bidder did not appeal the staff's decision.

The Contract Compliance Office reviewed the bid proposals and confirmed that NTK Construction, Inc. will meet the SBE participation goal established for this contract and will commit to meeting the Non-discrimination Equal Employment Requirements of the contract. NTK Construction, Inc. is in compliance with Chapter 12B, the Equal Benefits Provision of the San Francisco Administrative Code.

Contract documents are not attached to this Calendar Item but are available for review at the Board Secretary's Office located at One South Van Ness Ave. Seventh Floor, San Francisco, CA 94103.

FUNDING IMPACT

Funding for the entire project comes from a combination of FTA grants, AB664 Bridge Tolls, and SFMTA Series 2012B & 2013A Revenue Bond funds. A total of \$2.516M of funding for this project has been secured with the remaining \$1.084M coming from the Series 2013A Revenue Bonds anticipated to be issued in 2013.

The budget and financial plan for this project is presented in Enclosure 2 of the calendar item.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this report.

No other approvals from any other agency are required for the execution of this contract.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize the Director of Transportation to execute SFMTA Contract No. 1264, MMT Rail Rehabilitation, to NTK Construction, Inc., as the lowest responsive and responsible bidder, for a contract amount of \$800,400 and for a term of 180 calendar days.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1264, Muni Metro Turnback Rail Rehabilitation, is identified in the latest SFMTA Capital Improvement Program (CIP); and,

WHEREAS, The scope of work under the contract is to replace approximately 3,600 linear feet of worn running rail and 1,060 linear feet of worn guard rail from Folsom Portal to Embarcadero Station; as well as replacement of one corroded fire suppression deluge valve (with associated trim) and refurbishment of five deluge access panels; and,

WHEREAS, On December 7, 2012, the SFMTA received and publicly opened three bid proposals in response to its invitation for bids; and,

WHEREAS, The SFMTA determined that NTK Construction, Inc. (NTK), located at 501 Cesar Chavez Street, San Francisco, California 94124, is the lowest responsive and responsible bidder, in the amount of \$800,400; and,

WHEREAS, The SFMTA received a bid protest from the second low bidder alleging that NTK had failed to meet the Small Business Enterprise goals of the contract and had failed to demonstrate sufficient good faith efforts in reaching those goals; and

WHEREAS, The SFMTA Contract Compliance Office reviewed the protest and found it to be without merit; and

WHEREAS, The SFMTA Contract Compliance Office reviewed the bid proposals and confirmed that NTK Construction, Inc. will meet the revised Small Business Enterprise participation goal of 12 percent established for this contract and will commit to meeting the Non-discrimination Equal Employment Requirements of the contract; and

WHEREAS, The project is funded by a federal grant, AB664 Bridge Tolls, and SFMTA Series 2012B & 2013A Revenue Bond funds; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute SFMTA Contract No. 1264, Muni Metro Turnback Rail Rehabilitation, to NTK Construction, Inc., as the lowest responsive and responsible bidder, to replace worn running rail and guard rail from Folsom Portal to Embarcadero Station in an amount of \$800,400, and for a term of 180 calendar days.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 15, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

**Contract No. 1264
MMT Rail Rehabilitation
Project Budget and Financial Plan**

PROJECT BUDGET

Category	Budget
Conceptual Engineering Phase Staff Support (SFMTA and Other Dept. Services)	\$90,000
Detail Design Phase Staff Support (SFMTA and Other Dept. Services)	\$590,000
Construction Phase Construction Contract, Contingency and Staff Support	\$2,920,000
Total Cost	\$3,600,000

FINANCIAL PLAN

Project Funding Source	Amount
Federal Grant	\$136,000
AB664 Bridge Toll	\$30,000
SFMTA Series 2012B & 2013A Revenue Bonds	\$3,434,000
Total	\$3,600,000