

THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorize the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1310R, Job Order Contract for Federally Funded Projects with Con-Quest Contractors Inc. to perform minor construction and maintenance projects for an amount not to exceed \$5,000,000, and a term not to exceed five years.



SUMMARY:

- The San Francisco Municipal Transportation Agency (SFMTA) has developed a Job Order Contracting (JOC) program to perform minor construction and maintenance projects in an efficient and expeditious manner.
- On November 15, 2018, the Director of Transportation authorized an invitation for bids for two separate JOC contracts (Contract Nos. 1310R and 1311R) with the same scopes of work.
- On December 6, 2018, the SFMTA issued an invitation for bids for both contracts.
- On January 10, 2019, the SFMTA received four responsive bids for Contract No. 1310R (Contract), and determined Con-Quest Contractors Inc. (Contractor) to be the eligible and responsible bidder with the lowest responsive bid.
- The SFMTA will fund projects completed under Contract with federal sources earmarked for either operating or capital purposes, and will specify the purpose in the budget for each project .

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

	DATE
DIRECTOR 	February 11, 2019
SECRETARY 	February 11, 2019

ASSIGNED SFMTAB CALENDAR DATE: February 19, 2019

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PURPOSE

Authorize the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1310R, Job Order Contract for Federally Funded Projects, with Con-Quest Contractors Inc., to perform minor construction and maintenance projects, for an amount not to exceed \$5,000,000, and a term not to exceed five years.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The Contract 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 1.1: Improve security for transportation system users
 - Objective 1.2: Improve workplace safety and security
 - Objective 1.3: Improve the safety of the transportation system

- Goal 3: Improve the environment and quality of life in San Francisco.
 - Objective 3.2: Increase the transportation system's positive impact to the economy
 - Objective 3.4: Deliver services efficiently

The Contract will assist in the implementation of the following 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.

DESCRIPTION

JOC Program

Public agencies like the SFMTA use the Job Order Contract (JOC) project delivery method to complete large numbers of small projects on an as-needed basis, under a single contract, and with pre-selected contractors. JOC contracts are for an indefinite-quantity of construction services that JOC contractors perform under individual task orders during a fixed term and for a maximum contract value. As authorized under Section 6.62 of the San Francisco Administrative Code, the SFMTA developed its JOC Program to perform maintenance, repair, and minor construction work in an efficient and expeditious manner.

Under its JOC Program, the SFMTA competitively advertises each contract. Construction contractors bid on detailed specifications and unit prices based on the construction tasks the SFMTA expects to complete under the contracts. Unit prices are fixed and include direct costs for material, equipment, and labor, and are grouped by trade.

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Contractors include in their bids percentage-based adjustment factors that either increase or decrease unit prices for all construction tasks set forth in the bid documents. The adjustment factors cover a contractor's profit, overhead, and indirect costs to perform task orders.

By utilizing the JOC project delivery method for small projects, the SFMTA eliminates the time and expense of completing the typical design-bid-construct cycle for each project. This allows the SFMTA to reduce project costs and schedule.

The SFMTA has utilized its JOC Program to complete a number of critical projects including the following:

- Sunset curb ramps installation
- Twin Peaks trackway drainage inspection
- Keystops at 28th/Judah
- Automatic train control system cutover at Castro Station
- Sunset Tunnel fence replacement

Scope of Work and Pricing

The scope of work for each task order is developed as-needed on a project-by-project basis. Upon identifying the need for a project, the SFMTA and Contractor hold a joint scoping meeting to define the project's scope of work and calculate quantities of work. The price for each project equals the sum of the project's quantities of work multiplied by their corresponding pre-set unit prices and multiplied by their corresponding, competitively bid adjustment factors. The SFMTA issues a separate task order for each project after the scope of work and price are established.

Bidding and Award Process

SFMTA Board Resolution No. 09-191 delegates to the Director of Transportation authority to issue invitations for bids (bid calls). On November 15, 2018, the Director of Transportation notified the SFMTA Board of Directors he had authorized a second invitation for bids for Contract No. 1310R.

The SFMTA rebid Contract No. 1310R because two of the three bids it received in response to the first invitation for bids were deemed non-responsive for failing to achieve the Disadvantaged Business Enterprise (DBE) participation goal for the contract, and failing to meet Small Business Enterprise (SBE) / DBE Program requirements. With only one response bidder for the contract, the SFMTA did not believe it could preserve a competitive bidding environment, so it rejected all three bids.

On December 6, 2018, the SFMTA issued the second invitation for bids for both Contract No. 1310R and Contract No. 1311R. On January 10, 2019, the SFMTA publicly opened four responsive bids for each contract.

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San Francisco Administrative Code Section 6.62(a) requires the SFMTA to award Contract No. 1310R, if at all, to the responsible bidder that submits the lowest responsive bid. For evaluation and selection purposes, the SFMTA interprets the “lowest responsive bid” as the responsive bid with the lowest Award Criteria Figure (ACF). The ACF is the weighted average of the adjustment factors for different work hours.

The bid results for Contract Nos. 1310R and 1311R are shown below.

Bidder Name	Contract No 1310R ACF	Contract No. 1311R ACF
Yerba Buena Engineering & Construction Inc.	1.2250	1.2150
Mitchell Engineering Inc.	1.3100	1.3100
Rodan Builders, Inc.	1.3110	1.3110
Con-Quest Contractors Inc.	1.3020	1.3020

Yerba Buena Engineering Inc. submitted the lowest responsive bid for both Contract Nos. 1310R and 1311R, but San Francisco Administrative Code Section 6.62(j) prohibits the SFMTA from awarding more than one JOC contract to the same bidder, except in circumstances that do not apply here. Where the same bidder submits the lowest bid on more than one contract, the bidder is only eligible for award the single contract that represents the lowest total overall cost to the City. In this case, Contract No. 1311R.

Accordingly, Con-Quest Contractors Inc., the bidder with the second lowest responsive bid for Contract No. 1310R is eligible for award of that contract. Based on the award criteria, staff recommends Con-Quest Contractors Inc. for award of Contract No. 1310R.

The Contract Compliance Office reviewed the bid proposals and confirmed that the Contractor has committed to meet the following Small Business Enterprise (SBE) and Disadvantaged Business Enterprise (DBE) participation goals established for the contract: 15 percent SBE, five percent Black-owned DBE and five percent Woman-owned DBE. The Contractor is in compliance with Chapter 12B, the equal benefits provision of the San Francisco Administrative Code.

Subcontractors

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

Subcontractor	Scope	Status	Value
Roadway Construction Inc.	Earthwork/Paving	DBE/Local Business Enterprise(LBE)	\$500,000
On the Level Concrete	Concrete	Black DBE/LBE	\$250,000
Reliance Engineering	Electrical	DBE/LBE	\$500,000

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CMC Traffic Control	Traffic Control	Woman DBE/LBE/SBE	\$100,000
Pioneer Contractors Inc.	Roofing	DBE/LBE/SBE	\$250,000
San Francisco Transport Services Inc.	Trucking/Hauling	Woman DBE/LBE	\$150,000

Safety Record of Contractor

The invitation for bids the SFMTA issued for the Contract did not establish minimum criteria related to bidders' past safety record because the projects that will be performed under the Contract are very small in scale and, as per Administrative Code Section 6.1 and 6.62 (i), no task order shall exceed the threshold amount of \$600,000.

An independent investigation of the California Occupational Safety and Health Administration's (OSHA) records for the Contractor indicated it has no citations related to any serious, willful, repeat, or serious and willful violations.

Transit impacts

At this time, staff does not anticipate any impact to transit operations due to work assigned with task orders under the Contract. If a future task order contains scope that may impact operations, staff will work with the SFMTA'S Transit Division to mitigate those impacts and/or to schedule for them with least disturbance to the public.

STAKEHOLDER ENGAGEMENT

The SFMTA will perform internal and external stakeholder engagement as it issues additional task orders under the contract. The level of stakeholder engagement will depend on and be commensurate with the scope of work for each task order.

ALTERNATIVES CONSIDERED

The alternative to a JOC contract would be to bid each individual project separately. For smaller projects, the administrative costs of preparing bid documents and conducting a procurement process would be prohibitively expensive. The JOC method of contracting has been proven to be an effective and efficient method of completing smaller construction projects.

FUNDING IMPACT

The total not-to-exceed cost of the Contract is \$5,000,000. Federal funds required for operations and capital projects are budgeted in the SFMTA's budgets for the current and subsequent year's budget. Each individual task order will identify the funding source for its respective project.

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ENVIRONMENTAL REVIEW

On January 24, 2019, the SFMTA, under authority delegated by the Planning Department, determined that Job Order Contract No. 1310R is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

No other approvals are required for this Contract.

The City Attorney’s office has reviewed this Calendar Item.

RECOMMENDATION

Staff recommends that the Board of Directors authorize the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1310R, Job Order Contract for Federally Funded Projects, with Con-Quest Contractors, Inc., to perform minor construction and maintenance projects for an amount not to exceed \$5,000,000, and a term not to exceed five years.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, San Francisco Municipal Transportation Agency Contract No. 1310R, Job Order Contract, is an indefinite quantity contract with a predefined set of bid items that are assigned on an as-needed, task-order basis for the performance of public work maintenance, repair, and minor construction projects; and,

WHEREAS, On November 15, 2018, the Director of Transportation notified the San Francisco Municipal Transportation Agency Board of Directors that he had authorized an invitation for bids for Contract No. 1310R, in accordance with Board Resolution No. 09-191, which, among other things, delegates to the Director of Transportation, the authority to issue bid calls; and,

WHEREAS, On December 6, 2018, the San Francisco Municipal Transportation Agency advertised the invitation for bids for Contract No.1310R; and,

WHEREAS, On January 10, 2019, the San Francisco Municipal Transportation Agency received and publicly opened four bids in response invitation for bids; and,

WHEREAS, The San Francisco Municipal Transportation Agency determined that Con-Quest Contractors, Inc. (Contractor), was the eligible and responsible bidder that submitted the lowest responsive bid; and,

WHEREAS, Contractor will perform work for this Job Order Contract under future task orders, which will identify the scopes of work, cost and schedule of various, discrete projects; and,

WHEREAS, On January 24, 2019 the San Francisco Municipal Transportation Agency , under authority delegated by the Planning Department, determined that Job Order Contract No. 1310R is not defined as a “project” under the California Environmental Quality Act pursuant Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the California Environmental Quality Act determination is on file with the Secretary to the San Francisco Municipal Transportation Agency Board of Directors, and is incorporated herein by reference; and,

WHEREAS, Any projects designed under the Contract that would result in a direct or indirect physical change to the environment will undergo environmental review before approval; and,

WHEREAS, The San Francisco Municipal Transportation Agency Contract Compliance Office reviewed Contractor’s bid and confirmed that Contractor has committed to meet the

participation goals of 15% Small Business Enterprise, 5 % Black-owned Disadvantaged Business Enterprise and 5% Woman-owned Disadvantaged Business Enterprise established for this contract and will commit to meeting the Non-discrimination Equal Employment requirements of the Contract; and,

WHEREAS, The Contract will be funded from federal sources for both operating and capital projects; each individual project will need to identify the funding in their respective budget for this work; now, therefore, and

WHEREAS, The Contract will assist the San Francisco Municipal Transportation Agency in meeting the following objectives of Strategic Plan: Goal No. 1 to create a safer transportation experience for everyone; and Goal No. 3 to improve the environment and quality of life in San Francisco; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1310R, Job Order Contract for Federally Funded Projects, with Con-Quest Contractors, Inc., to perform minor construction and maintenance projects for an amount not to exceed \$5,000,000, and for a term not to exceed five years.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 19, 2019.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency