

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.5**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Capital Programs & Construction

**BRIEF DESCRIPTION:**

Authorizing the award of SFMTA Contract No. 1272, Job Order Contract, to Yerba Buena Engineering & Construction Inc., located at 1340 Egbert Ave., San Francisco, CA 94124, as the lowest eligible responsive and responsible bidder, in the amount of \$5,000,000, and for an initial term not to exceed three years, and, if necessary, extending the term of the Contract for up to an additional two years to complete previously issued task orders.

**SUMMARY:**

- As authorized under Section 6.62 of the San Francisco Administrative Code, the San Francisco Municipal Transportation Agency (SFMTA) has developed a Job Order Contracting (JOC) program for the purpose of performing minor construction and maintenance work in an efficient and expeditious manner.
- On January 30, 2014, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for three new JOC Contracts, Nos. 1271, 1272, and 1273.
- SFMTA received two bids for Contract No. 1272. The lowest responsive and responsible bidder was Yerba Buena Engineering and Construction, Inc. (Yerba Buena).
- The contract will be established for a maximum amount of \$5,000,000 and an initial term of three years. Section 6.62 of the Administrative Code allows for an extension of the contract for an additional two years to complete previously issued task orders. No new task orders may be issued after the initial three years.
- Federal, state, and local sources will provide funding for the services on an “as-needed,” project-by-project basis from capital and/or operating funds.

**ENCLOSURES:**

1. SFMTAB Resolution

**APPROVALS:**

**DATE**

DIRECTOR \_\_\_\_\_ 5/12/14

SECRETARY \_\_\_\_\_ 5/12/14

**ASSIGNED SFMTAB CALENDAR DATE:** May 20, 2014

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### **PURPOSE**

The purpose of this calendar item is to authorize the Director of Transportation to execute San SFMTA Contract No. 1272, Job Order Contract, to Yerba Buena Engineering & Construction Inc., as the lowest eligible responsive and responsible bidder, in an amount not to exceed \$5,000,000, and for a term not to exceed three years. Section 6.62 of the Administrative Code (Section 6.62) allows for an extension of the contract for an additional two years to complete the previously issued task orders. No new task orders may be issued after the initial three years.

### **GOAL**

Contract No. 1272 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

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 3.5: Reduce capital and operating structural deficits

### **DESCRIPTION**

#### Background

As authorized under Section 6.62, the SFMTA has developed a Job Order Contracting (JOC) program for the purpose of performing minor construction and maintenance work in an efficient and expeditious manner.

A JOC contract is a unique, indefinite-quantity type of contract that enables SFMTA to accomplish a large number of smaller repair, maintenance and construction projects through a single, competitively bid contract. SFMTA has used its previous JOC contracts to accomplish a number of critically important projects effectively and expeditiously. Following is a representative listing of completed projects:

- Subway platform lighting upgrade at subway stations.
- Network NEXTMUNI Displays
- Mobile gate roll-up at Woods Division
- Green Division rail work
- Sectionalizing switches replacement
- Communication cable tray on the platform at Van Ness Station
- Repair 12" crack sewer between Palou & Quesada along Third Street

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- Installation of video security cameras at all SFMTA bus facilities.
- CO2 fire suppression system in the engine room at Woods Division.
- System Management Control Upgrade Project – Lenox Operation Central Control.
- CCTV and intrusion alarms for drawbridges.
- 1508 Bancroft tenant improvements
- Muni Metro Turnback water mitigation
- SFMTA employee break and lunch office at Woods Division.
- Operator restroom repair at 48<sup>th</sup> & Geary.
- Islais Creek wireless installation
- Fuel pump modification at Islais Creek
- Power to bus shelters adjacent to Balboa Park BART Station

Using a JOC contract eliminates the time and expense of completing the normal design-bid-construct cycle for each project. It allows SFMTA to reduce project duration and cost, while increasing quality.

Job Order Contracting utilizes a Unit Price Book (Construction Task Catalog) containing at least 60,000 to 100,000 unit prices covering material, equipment and labor costs for various units of construction, adjusted to current conditions. Contractors competitively bid an adjustment factor (e.g., 1.75) to be applied to this catalog of construction tasks with pre-set unit prices.

Task orders up to \$400,000 will be authorized within SFMTA's Capital Program and Construction Division. Section 6.62 limits the amount of a single task order to \$400,000, including all modifications, except upon the Director of Transportation's written determination establishing the urgency of the work and the justification for proceeding under Section 6.62 rather than by a formal competitive process.

Recent amendments to Section 6.62 allow departments to issue JOC contracts for up to five years and up to \$5 million per contract. However, no new task order may be issued after the initial three years; the additional two-year extension allows time to complete task orders that have already been issued.

### Scope of Work

The Contractor will be asked to perform a series of projects on an as-needed basis. When a project is first identified, the SFMTA staff holds a joint scoping meeting with the Contractor to define the scope and calculate quantities of work. The price for each project will be the quantity of units multiplied by the pre-set unit prices and multiplied by the competitively bid adjustment factor. SFMTA will issue a separate task order for each project.

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Bids Received

On January 30, 2014, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for Contract Nos. 1271, 1272 and 1273 in accordance with Board Resolution No. 09-191, which delegates, among other things, the authority to issue bid calls to the Director of Transportation.

Under Section 6.62(I), a bidder may bid on one, two or more Job Order Contracts. However, no bidder may receive more than one JOC contract with a single City department at any given time. The basis for award of these contracts is the responsive and responsible bidder who submits the lowest adjustment factor (Award Criteria Figure).

On February 10, 2014, the SFMTA advertised bid calls for three Job Order Contracts, including Contract No. 1272. SFMTA opened bids for Contract No. 1271 on March 10, 2014. On April 15, 2014, SFMTA Board of Directors adopted Resolution No. 14-056, which authorized the Director of Transportation to award SFMTA Contract No. 1271, to Rodan Builders Inc.

The SFMTA received and publicly opened the following two responsive bids for Contract No. 1272 on April 7, 2014:

Bidder	Award Criteria Figure
1. Yerba Buena Engineering & Construction Inc. 1340 Egbert Ave., San Francisco, CA 94124	1.238
2. NTK Construction, Inc. 501 Cesar Chavez Street, Suite 123, San Francisco, CA 94124	1.240

On April 10, 2014, the Director of Transportation notified the SFMTA Board of Directors that he had cancelled the bid for Contract No. 1273, as it was unlikely that more than one or two new bidders will be available to bid on Contract No. 1273. It was to the Agency's benefit to cancel the bid solicitation for Contract no. 1273 to maintain an eligible bidding pool for its new set of locally funded contracts scheduled to be advertised within the next two months.

Based on the award criteria figure, staff recommends Yerba Buena for award of Contract No. 1272. Yerba Buena has successfully completed two JOC contracts for the SFMTA.

The Contract Compliance Office reviewed the bid proposals and confirmed that Yerba Buena has made a commitment to meeting the Small Business Enterprise (SBE) participation goal of 25 percent established for this contract and meeting the Non-discrimination Equal Employment Requirements of the contract. Yerba Buena is in compliance with Chapter 12B, the equal benefits provision of the San Francisco Administrative Code.

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 work.

Yerba Buena listed the following subcontractors:

<b>Subcontractor</b>	<b>%</b>	<b>Amount</b>	<b>Certification Type</b>
Western Pacific Tech	20%	\$ 1,000,000	DBE, SBE, LBE
Spencer Masonry	1%	\$ 50,000	DBE, SBE, LBE
Oliver Transbay	3%	\$ 150,000	LBE
Tom's Metal	3%	\$ 150,000	DBE, SBE, LBE
Giron Construction	2%	\$ 100,000	DBE, SBE, LBE
Anchor Fence	1%	\$ 50,000	

The City Attorney's Office has reviewed this calendar item.

**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**

No new funds are required for this contract since all tasks will be funded through existing project budgets from capital and/or operating funds, as appropriate. Federal, state, and local sources will provide funding for the services on an as-needed project-by-project basis.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

For work performed on federally funded capital projects, those projects will have already obtained NEPA and CEQA clearances. For projects funded with operating funds, the SFMTA will obtain required environmental clearances through the City Planning Department prior to issuing a task order for an individual project.

**RECOMMENDATION**

Staff recommends that the SFMTA Board of Directors award SFMTA Contract No. 1272, Job Order Contract, to Yerba Buena Engineering & Construction Inc. as the lowest eligible responsive and responsible bidder, for a contract amount of \$5,000,000, and an initial term not to exceed three years, and, if necessary, extending the term of the contract for up to an additional two years to complete the previously issued task orders.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1272, Job Order Contract, is an indefinite quantity contract with a predefined set of bid items that are assigned on a task order basis for the performance of public work maintenance, repair, and minor construction projects; and,

WHEREAS, On January 30, 2014, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for Contract No. 1272 in accordance with Board Resolution No. 09-191, which delegates, among other things, the authority to issue bid calls to the Director of Transportation; and,

WHEREAS, On February 10, 2014, the SFMTA advertised the bid call for Contract No.1272; and,

WHEREAS, On April 7, 2014, the SFMTA received and publicly opened two bid proposals from Yerba Buena Engineering & Construction Inc. and NTK Construction, Inc. in response to the invitation for bids; and,

WHEREAS, The SFMTA determined that Yerba Buena Engineering & Construction Inc. is the lowest eligible responsive and responsible bidder, with an Award Criteria Figure of 1.238; and,

WHEREAS, The SFMTA Contract Compliance Office reviewed the bid proposals and confirmed that Yerba Buena Engineering & Construction Inc. will meet the Small Business Enterprise participation goal of 25 percent established for this contract and will commit to meeting the Non-discrimination Equal Employment requirements of the contract; and

WHEREAS, All tasks will be funded through existing project budgets from capital or operating funds from Federal, state, and local sources on an as-needed basis; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to award SFMTA Contract No. 1272, Job Order Contract, to Yerba Buena Engineering & Construction Inc. as the lowest eligible responsive and responsible bidder, in an amount not to exceed \$5,000,000, and for an initial term not to exceed three years, and, if necessary, extending the term of the contract for up to an additional two years to complete previously issued task orders.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 20, 2014.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency