

THIS PRINT COVERS CALENDAR ITEM NO.:10.6

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs & Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1283, Unity Plaza Development, with Bauman Landscape Construction Inc., as the lowest responsive and responsible bidder, in the amount of \$2,482,500 and for a term of 243 days.

SUMMARY:

- On April 6, 2015, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for SFMTA Contract No. 1283, Unity Plaza Development.
- The project involves the construction of a public plaza and pedestrian connector to provide a safe and convenient pedestrian corridor between Ocean Avenue, City College, Muni bus lines 8X/8BX, and 49, and residents of a new affordable housing facility.
- Unity Plaza will serve as a place for community events, such as street fairs, performances, and farmers' markets.
- The project will also include specialty paving designs, a play structure, a historic photographic stairway, landscaping, and irrigation systems.
- Funding for construction services is provided by federal and local sources.

ENCLOSURES:

1. SFMTAB Resolution
2. Project Budget and Financial Plan
3. Balboa Park Station Area Plan Final Environmental Impact Report (FEIR); Mitigation Monitoring and Reporting Program: <http://www.sf-planning.org/index.aspx?page=1893>
4. Planning Commission Motions 17774 and 17775 and April 4, 2013 memo

APPROVALS:

DATE

DIRECTOR _____ 6/26/15

SECRETARY _____ 6/26/15

ASSIGNED SFMTAB CALENDAR DATE: July 7, 0215

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PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute SFMTA Contract No. 1283, Unity Plaza Development, with Bauman Landscape Construction Inc., located at 1255 Battery Street, Suite 400, San Francisco, CA 94111, for an amount not to exceed \$2,482,500 and for a term of 243 calendar days.

GOAL

The work to be performed under Contract No. 1283 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 1.3 Improve the safety of the transportation system.

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

Objective 2.3 Increase use of all non-private auto modes.

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 3.3 Allocate capital resources effectively.

DESCRIPTION

Background:

The Unity Plaza Development Project is part of the Balboa Park Station Area Plan adopted by the Board of Supervisors on April 7, 2009. The Plaza's location is bounded on the east by the City College Terminal (formally Phelan Bus Loop), to the west by a new affordable housing facility, to its north by City College of San Francisco, and to its south by Ocean Avenue.

Unity Plaza will provide open space to a neighborhood that lacks such an amenity. The plaza is envisioned to be the heart of the community, which shall bring people from different segments of the diverse neighborhood together. The plaza will have multiple functions: a public gathering space, a farmer's market, a front door to the affordable housing, and a safer, more direct connection to public transit.

Approximately 65 feet wide by 220 feet long, Unity Plaza's design will contain smaller "rooms." The north end will be the focal point -- a 14-foot tall sculptural element that will also

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double as a climbing structure. At the middle of the plaza will be the meeting point between the adjacent affordable housing front door and the public face of the plaza. The west of the housing's edge will be softened by a row of trees and seating areas on the plaza. The front door of the housing will lead directly to the plaza. There will also be a ground floor retail that opens onto the plaza. On the east side, the plaza will be enclosed by raised planters and benches. The plaza will also serve as the location for a possible farmers' market and a venue for community events, such as fairs and concerts. After a public contest, a community advisory committee selected the name "Unity Plaza" and recommended it to the SFMTA Board of Directors, who adopted it in May 2014.

Adjacent to Unity Plaza will be the pedestrian connector, where the "College meets the City." After the SFMTA's Phelan Bus Loop project to reconfigure and move the Phelan bus loop (now the City College Terminal) was approved for construction in 2012, City College desired a more direct pedestrian link from the new terminal to the part of its campus just to the north, which is separated from the terminal by an earth berm that rises approximately 12 feet, a fence, and dense undergrowth. With support from the SFMTA, City College developed a conceptual plan for a pedestrian connector, which would be on City College property but connect directly to the north sidewalk of the terminal and the north-east edge of the plaza. This pedestrian connector will also provide beautification to the area with a collage of historic photographs of the area commissioned by the San Francisco Arts Commission. The historic photographs will be installed as metallic tiles on the face of the steps, made by a specialty fabricator.

In December 2012, the San Francisco County Transportation Authority (SFCTA) Board approved programming \$933,000 in Prop AA funds to City College for the design and construction of the Pedestrian Connector Project which provides direct connection between City College and the north sidewalk of the Phelan Bus Loop and the north-east edge of the plaza as described in the paragraph above. However, as City College was facing an accreditation crisis, and key staff involved in the project had left the College, City College requested that the funds be reprogrammed to the SFMTA for purposes of designing and constructing the Unity Plaza project. Due to the timing of construction, similarity of materials, and proximity of the pedestrian connector to the plaza, the pedestrian connector is now included as part of the Unity Plaza project.

In March 2015, City College and the SFMTA entered into an agreement documenting the terms and conditions under which SFMTA will construct and maintain the pedestrian connector on City College property.

The City's Department of Real Estate (RED) and SFMTA are working on the terms of a jurisdictional transfer, which shall transfer the ownership and responsibility of the plaza from SFMTA to RED after the completion of construction and one year of maintenance of the plaza landscaping.

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Scope of Contract:

Work to be performed to construct Unity Plaza includes the following:

- Asphalt paving.
- Concrete curbs, walls and planters.
- Fencing.
- Trees and shrubs.
- Poured-in-place integrally colored concrete paving.
- Retractable bollards.
- Climbing structure.
- Light poles and recessed wall lights.
- Landscaping, irrigation and drainage systems.

Construction of the pedestrian connector includes the following:

- Asphalt paving.
- Concrete curbs and walls.
- Fencing.
- Trees and shrubs.
- Poured-in-place concrete stairway with photographic (mosaic) art tiles.
- Stainless steel handrails.
- Wall recessed lights.
- Chain link fencing.
- Rain garden.
- Landscaping, irrigation and drainage systems.

The time allotted to substantially complete construction of the project is 243 days from the date of the written Notice to Proceed. The Contractor shall complete all remaining work within 120 days from substantial completion, with the exception of the maintenance of the pedestrian connector, which shall extend for 360 days after substantial completion. Liquidated damages are \$2,000 per day of delay to substantially complete construction and \$500 per day of delay in final completion of all remaining Contract work, excluding the one-year maintenance work.

Bids Received:

On April 6, 2015, the Director of Transportation notified the SFMTA Board of Directors that it had authorized a bid call for Contract No. 1283 in accordance with Board Resolution No. 09-191, which delegates, among other things, the authority to issue bid calls to the Director of Transportation.

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On May 21, 2015, the SFMTA received and publicly opened four bid proposals as follows:

	Bidders	Bid Amount
1	Hoseley Corporation	\$2,365,500
2	Bauman Landscaping Construction Inc.	\$2,482,500
3	CF Contracting, Inc.	\$2,994,500
4	Azul Works Inc.	\$3,216,775

A review of the bid documents indicated that the apparent low bidder, Hoseley Corporation, was non-responsive for non-compliance with the Federal Transit Administration's Buy America requirements. As a result, Bauman Landscaping Construction Inc. (Bauman) is the responsible bidder that submitted the lowest responsive bid.

The engineer's estimate for the work was \$2,001,725. The bid submitted by Hoseley is 18% above the engineer's estimate. Bauman's bid is 24% above the engineer's estimate. Staff concluded that the current strong market for qualified contractors caused the bids to exceed the engineer's estimate. Staff studied two recent DPW projects of similar scope and found that the low bids for both projects were 15% above the engineers' estimates. As such, rebidding the contract would not likely result in a lower price.

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. Bauman listed the following subcontractors:

Subcontractor	Status	Value
T.B. Penick & Sons, Inc.		\$560,000
De Lao Electric	SBE	\$160,000
MC Metals	SBE	\$10,800
AAA Fence	SBE	\$16,500
Playgrounds Unlimited	SBE	\$9,495

The Contract Compliance Office has established this contract as a set-aside for Small Business Enterprise (SBE) prime bidders only. There was no SBE goal. However, the SBE prime bidders were required to demonstrate that they will perform no less than 30% of the work and that SBEs would perform 100% of the work, with the exception of the placement and installation of Lithocrete design specialty paving elements. The Contract Compliance Office reviewed the bid proposals and confirmed that Bauman will meet the SBE set aside requirements established for this contract and has committed to meeting the Non-discrimination Equal Employment requirements of the contract.

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PUBLIC OUTREACH

In 2009, the Balboa Park Station Area Plan was adopted by the City and County of San Francisco. This was the culmination of a 10 year Better Neighborhoods Planning Process with multiple community meetings led by the San Francisco Planning Department. The development of a new plaza at the City College Bus Terminal was specifically identified as a goal within the Balboa Station Area Plan to create a variety of new public open spaces. The area plan includes design guidelines for the development of a plaza.

Following adoption of the Balboa Park Station Area Plan, the SFMTA and the Mayor's Office of Economic and Workforce Development formed a Community Advisory Committee (CAC). This committee is currently active and has met quarterly since August 2012 to assist the project team to develop the design of the plaza program. The committee has taken the lead on the content for the mosaic tile photo/art to be installed on the stairway to City College (pedestrian connector) that will depict the history of the neighborhood and City College.

The SFMTA has held several community wide meetings about the bus loop and plaza design. In September 2013, Mayor Lee held a large press conference at the project site to commemorate the completion of the bus loop and ground breaking for the housing development. The San Francisco Chronicle issued an article about the Transit-Oriented Development (TOD) projects at the redeveloped City College Bus Terminal site including the plaza. The press conference was open to the public and experienced no apparent opposition.

Additionally, the project team conducted outreach to the Balboa Park Station Area Plan Community Advisory Committee, who is in favor of the plaza project.

Prior to and during design there were two well attended public meetings where members of the public expressed their expectations, priorities and concerns about the project. These comments were taken into consideration in designing the project. The public was in support of the plaza project with no apparent opposition during such meetings.

The following is a project timeline for community outreach:

1999 – 2009: 10 years of community planning & meetings for the Balboa Park Station Area Plan.

2011 – 2012: Community wide meetings about the bus loop and plaza design and program were held on October 6, 2011, May 23, 2012, and September 20, 2012.

2013: Mayor Lee press conference at the project site in September, the SFMTA public naming contest for the plaza. Outreach to the Balboa Park Station Area Plan Community Advisory Committee (CAC).

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2012 – 2015: Community Advisory Committee (CAC) was formed in August 2012.

The committee is active and meets quarterly to assist the project team to develop the plaza design and program.

2015: A meeting with affordable housing residents was held on June 11, 2015 to discuss the project and potential construction impacts. There was no opposition from affordable housing residents or management. They are in support of the project.

Forthcoming: A community meeting consisting of merchants and residents within the project area will take place at the end of July 2015. SFMTA staff will also have meetings with the stakeholders who may experience the largest impacts during construction (Wholefoods, Avalon Apartments and Ocean Avenue Fire Station). After issuing the Notice to Proceed, a pre-construction meeting with such stakeholders will take place to coordinate vehicle activity in and out of the project site.

The communications plan for the project has been established. The outreach methods used shall consist of site tours, email updates, direct mailers, community meetings and flyers. Staff will engage the following target audience:

- New affordable housing
- Whole Foods
- Local business owners and residents
- City College of San Francisco
- Supervisor Norman Yee
- Unity Plaza Citizens Advisory Committee (CAC)
- Ocean Avenue Fire Station
- Ingleside Presbyterian Church

The communication goals are as follows:

- Engage the residents of the new affordable housing to update the status of construction and project timeline.
- Engage the businesses and residents around the proposed site about the objective of the project and the construction timeline.
- Fulfill the expectations of construction activity that staff presented through the outreach activities.
- Fully advertise when outreach and construction activities would begin to alert residents and merchants about future construction activity.
- Work with Whole Foods regarding access along Lee Ave during construction.
- Work with the Ocean Avenue Fire Department regarding potential Ocean Ave lane closure between the Phelan loop and Lee Ave.

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- Have the Community Advisory Committee (CAC) be the champion that reflects the neighborhood and supports the project so the neighborhood sees that we have stakeholders involved.

ALTERNATIVES CONSIDERED

Staff held discussions with Muni Maintenance staff concerning whether the work should be done by in-house staff. The preference was to have a contractor perform the work because a contractor will have greater resources to complete the work in a timely manner with minimal impact to Muni Operations. Staff determined that contracting out the work was the best alternative.

FUNDING IMPACT

The Unity Plaza Development Project's total cost is \$4.8 million, funded by several sources: Federal Transit Administration (FTA) grant funds, Prop AA local funds, SFMTA operating funds, and a portion of the proceeds from the prior sale of excess Phelan Transit Loop property owned by SFMTA to the Mayor's Office of Housing (MOH) for the site of the affordable housing development. Funding for the design and construction of the pedestrian connector comes from Prop AA funds approved by the SFCTA to City College.

The budget and financial plan for this project is presented in Enclosure 2.

ENVIRONMENTAL REVIEW

The San Francisco Planning Department fully analyzed the project in the programmatic Balboa Park Station Area Plan Final Environmental Impact Report (EIR), which was certified by the Planning Commission on December 4, 2008. On April 4, 2013, the Planning Department determined that the "Phelan Loop Plaza" required no further analysis under the California Environmental Quality Act (CEQA).

All environmental documents are on file with the Secretary of the Planning Commission.

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 San Francisco Municipal Transportation Agency Contract No. 1283, Unity Plaza Development, to Bauman Landscape Construction Inc., as the lowest responsive and responsible bidder, in the amount of \$2,482,500 and for a term of 243 calendar days.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1283, Unity Plaza Development, implements the improvements described in the Balboa Park Station Area Plan; and,

WHEREAS, The project involves construction of a public plaza to provide an open space for the community, and a pedestrian connector between the plaza and City College of San Francisco, to provide a safe and convenient pedestrian corridor between Ocean Avenue, City College, SFMTA transit lines and residents of a new affordable housing facility; and,

WHEREAS, On April 6, 2015, the Director of Transportation notified the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors that he had authorized a bid call for Contract No. 1283 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 May 21, 2015, the SFMTA received and publicly opened four bid proposals in response to the invitation for bids; and,

WHEREAS, Staff determined that the bid received from the apparent low bidder, Hoseley Corporation, was non-responsive to the bidding requirements and therefore, rejected the bid; and,

WHEREAS, The SFMTA determined that Bauman Landscape Construction Inc., the second low bidder, is the lowest responsive and responsible bidder, with a bid of \$2,482,500; and,

WHEREAS, The Contract Compliance Office reviewed the bid proposals and confirmed that Bauman Landscape Construction Inc. will meet the Small Business Enterprise set aside of 100% of the work, with the exception of the placement and installation of Lithocrete design specialty paving elements; and,

WHEREAS, Work under Contract No. 1283 will be funded by federal and local sources; and,

WHEREAS, On December 4, 2008 after a duly noticed public meeting, the Planning Commission certified the Final Environmental Impact Report (Final EIR) for the Balboa Park Station Area Plan (file number 2004.1059E) by Motion No. 17774 and found that the Final EIR reflected the independent judgment and analysis of the City and County of San Francisco, is

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adequate, accurate and objective, contains no significant revisions to the Draft EIR, and the content of the report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Sections 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code; and,

WHEREAS, At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the proposed Balboa Park Station Area Plan Amendments and other actions in Motion No. 17775 and adopted the Balboa Park Station Area Plan Amendments in Resolution No. 17776. The Final EIR, the CEQA Findings adopted by the Planning Commission with respect to the approval of the Balboa Park Station Area Plan Amendments, including a mitigation monitoring and reporting program and a statement of overriding considerations are on file with the Secretary of the Planning Commission; and

WHEREAS, These CEQA-related documents have been made available to the SFMTA and may be found in the files of the Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco, and are incorporated herein by reference; and,

WHEREAS, The SFMTA Board of Directors has reviewed and considered the Final EIR and the environmental documents on file referred to herein; the SFMTA Board of Directors has reviewed and considered the CEQA Findings adopted by the Planning Commission in support of the approval of the Balboa Park Station Area Plan Amendments, including the mitigation monitoring and reporting program and the statement of overriding considerations, and hereby adopts as its own and incorporates the CEQA Findings contained in Planning Commission Motion Nos. 17774 and 17775 by reference as though such findings were fully set forth in this Resolution; and,

WHEREAS, The SFMTA Board of Directors adopts those mitigation measures as identified in the Planning Commission's CEQA Findings and determined by the Planning Department to be applicable to the Unity Plaza project (HM-1 and AM-2), endorses the implementation of those mitigation measures, and recommends for adoption those mitigation measures, including the mitigation monitoring and reporting program contained in the referenced CEQA Findings as the program relates to those mitigation measures; and,

WHEREAS, On April 4, 2013, the San Francisco Planning Department determined that work to be performed for the Unity Plaza project was analyzed in the Final EIR and that no further environmental analysis of the project was required; and,

WHEREAS, Based on this Planning Department determination, the SFMTA Board of Directors finds that no substantial changes have occurred in the proposed project that will require revisions in the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no substantial changes have occurred with respect to the circumstances under which the proposed project for

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approval are undertaken which will require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR and no new information of substantial importance to the project as proposed for approval in the Resolution has become available which indicates that (1) the project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measure or alternatives found not feasible which would reduce one or more significant effects have become feasible or (4) mitigation measures or alternatives which are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Contract No. 1283, Unity Plaza Development, with Bauman Landscape Construction Inc., as the lowest responsive and responsible bidder, in an amount of \$2,482,500 and for a term of 243 calendar days.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 7, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2
UNITY PLAZA DEVELOPMENT PROJECT

San Francisco Municipal Railway Contract No. 1283

Project Budget and Financial Plan

Cost	Amount
Conceptual Engineering Phase Staff Support (SFMTA, DPW and Other Dept. Services)	\$271,000
Detail Design Phase Staff Support (SFMTA, DPW and Other Dept. Services)	\$601,812
Construction Phase Construction Contract, Contingency, and Staff Support	\$3,976,000
Total Cost	\$4,848,812

Funding	Amount
FTA Surface Transp. Prog. (Sect. 5307)	\$1,389,274
SFCTA Prop AA	\$933,000
Phelan Loop Land Sale Proceeds	\$2,036,019
SFMTA Operating funds (CIP budgeted)	\$490,519
Total Funding	\$4,848,812