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## ***Memorandum***

TO: BATA Oversight Committee

DATE: October 28, 2015

FR: Executive Director

W. I. 1251

RE: Contract – Bridge Yard Building Seismic Retrofit and Renovation Project: BHM Construction, Inc. (\$4.6 million plus a contingency of \$700,000)

This item would authorize the Executive Director or his designee to enter into a contract with BHM Construction, Inc. for construction services for the Bridge Yard Building Seismic Retrofit and Renovation Project in an amount not to exceed \$4,612,403. This item would also authorize use of contingency funds in an amount of \$700,000 to be used at the Executive Director's discretion for changes in the work.

### **Background**

Until recently, the Bridge Yard Building, commonly known as the “sawtooth” building near the Bay Bridge Toll Plaza, had housed bridge painting and warehousing activities. These activities have been relocated to the newly completed maintenance complex. The Bridge Yard Building Seismic Retrofit and Renovation Project will seismically retrofit and bring the historic 75-year-old building into code compliance. Notably, the Bridge Yard Building was partly renovated in 2013 to accommodate bridge opening activities for the new East span. Staff plans to reuse the building for several purposes including meetings, training, and public outreach events. The building will also serve as a rest stop along the Bay Bridge bicycle/pedestrian path.

### **Contractor Selection Process**

On August 28, 2015, BATA issued an Invitation for Bid (IFB) for the project. BATA held a bidders' conference and site walkthrough on September 11, 2015, during which staff provided project information and answered questions. On October 2, 2015, eight (8) sealed bids were received at the public bid opening for the project.

The Bridge Yard IFB was the first BATA contract that allowed for a Small Business Enterprise (SBE) Bid Preference. For bid comparison purposes, the SBE Bid Preference grants a five percent discount to the total bid amount when certified SBE Prime Contractors perform at least forty percent of the work or when non-SBE Prime Contractors subcontract with certified SBE firms for at least forty percent of the work. The use of a SBE Bid Preference for bid comparison does not alter the total amount of the bid submitted by a bidder or the contract executed based on a bid. As set forth below, the five percent discount is applied to the Total Bid Amount (A) resulting in the SBE Bid Preference Amount (B), from which the lowest responsive bidder and Bid Rank (C) is determined.

The four (4) lowest bids are presented in the following table:

Bidder	Location	Total Bid Amount (A)	SBE Bid Preference	SBE Bid Preference Amount* (B)	Bid Rank (C)
BHM Construction, Inc.	Napa, CA	\$4,612,403	Yes	\$4,381,783	1
Taber Construction, Inc.	Concord, CA	\$4,687,000	No	\$4,687,000	2
D.L. Falk Construction, Inc.	Hayward, CA	\$5,249,000	Yes	\$4,986,550	3
Strawn Construction, Inc.	San Jose, CA	\$5,190,000	No	\$5,190,000	4

\*SBE Bid Preference Amount is used solely for the purpose of determining the lowest bid.

The four lowest bids are under the engineer's estimate of \$5,500,000. Staff is also requesting a total contingency of \$700,000 to be added to the total contract price to cover unknown project costs not included in the scope of work.

Attachment A includes a summary of BHM Construction, Inc. and its project team's small business and disadvantaged business enterprise status.

### Recommendation

Staff recommends that pending staff's review of bid responsiveness and responsibility:

- This Committee authorize the Executive Director or his designee to award the contract for construction of the Bridge Yard Building Seismic Retrofit and Renovation Project to BHM Construction, Inc. in the amount of \$4,612,403;
- Should staff determine that BHM Construction, Inc. is not responsive or responsible, this Committee authorize the Executive Director or his designee to award the contract for construction of the Bridge Yard Building Seismic Retrofit and Renovation Project to Taber Construction, Inc. in the amount of \$4,687,000;
- Should staff determine that Taber Construction Inc. is also not responsive or responsible, this Committee authorize the Executive Director or his designee to award the contract for construction of the Bridge Yard Building Seismic Retrofit and Renovation Project to D.L. Falk Construction, Inc. in the amount of \$5,249,000;
- Should staff determine that D.L. Falk Construction, Inc. is also not responsive or responsible, this Committee authorize the Executive Director or his designee to award the contract for construction of the Bridge Yard Building Seismic Retrofit and Renovation Project to Strawn Construction, Inc. in the amount of \$5,190,000; and
- That this Committee give the Executive Director, or his designee, authority to use contingency funds in the amount of \$700,000 for contract changes as needed to complete work.



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Steve Heminger

SH: sb

**Attachment A**  
**Small Business and Disadvantaged Business Enterprise Status**

	Firm Name	Role on Project	DBE* Firm			SBE** Firm		
			Yes	If Yes, List #	No	Yes	If Yes, List #	No
Prime Contractor	BHM Construction, Inc.	General Contractor			X			X
Subcontractors	Stich Construction, Inc.	Earthwork / AC			X			X
	CPM	Demo / Abatement	X	23942		X	31998	
	Contract Installations	Polish Concrete			X	X	1106220	
	TLK Steel	Structural Steel / Metal Fab			X			X
	AHC Glass	Glass / Storefront			X	X	61557	
	Darden Painting, Inc.	Painting			X	X	62586	
	Island Fire Protection	Fire Sprinkler			X			X
	North American Fence & Railing, Inc.	Fencing	X	40456		X	1795892	
	Mc Peak Electric, Inc.	Electrical			X	X	59284	

\*Denotes certification by the California Unified Certification Program (CUCP).

\*\*Denotes certification by the State of California.

## REQUEST FOR COMMITTEE APPROVAL

### Summary of Proposed Contract

Work Item No.:	1251
Vendor:	BHM Construction, Inc., Taber Construction, Inc., D.L. Falk Construction, Inc., or Strawn Construction Inc.
Work Project Title:	Bridge Yard Building Seismic Retrofit and Renovation
Purpose of Project:	Construction services for the Bridge Yard Building Seismic Retrofit and Renovation Project.
Brief Scope of Work:	The proposed project will seismic retrofit and renovate the Bridge Yard Building.
Project Cost Not to Exceed:	<ul style="list-style-type: none"><li>• \$4,612,403 if BHM Construction, Inc. is awarded the contract;</li><li>• \$4,687,000 if Taber Construction, Inc. is awarded the contract;</li><li>• \$5,249,000 if D.L. Falk Construction, Inc. is awarded the contract; or</li><li>• \$5,190,000 if Strawn Construction, Inc. is awarded the contract</li><li>• Plus a contingency totaling \$700,000 (to be used at the Executive Director's discretion for changes in the work)</li></ul>
Funding Source:	Toll Bridge Rehabilitation Funds
Fiscal Impact:	Funds are included in the FY 2015-16 Toll Bridge Rehabilitation Program Budget.
Motion by Committee:	<p>That the Executive Director or his designee is authorized to award the contract for construction of the Bridge Yard Building Seismic Retrofit and Renovation Project, as described above and in the Executive Director's memorandum dated October 28, 2015, as follows:</p> <ul style="list-style-type: none"><li>• To BHM Construction, Inc. in the amount of \$4,612,403;</li><li>• Should staff determine that BHM Construction, Inc. is not responsible or responsive, to Taber Construction, Inc. in the amount of \$4,687,000;</li><li>• Should staff determine that Taber Construction Inc. is not responsible or responsive, to D.L. Falk Construction, Inc. in the amount of \$5,249,000; and</li><li>• Should staff determine that D. L. Falk Construction, Inc. is not responsible or responsive, to Strawn Construction, Inc. in the amount of \$5,190,000.</li></ul> <p>Further, that the Executive Director, or his designee, is authorized to use contingency funds in the amount of \$700,000 for any changes not included in the scope of work, and that the Chief Financial Officer is directed to set aside funds for such contract and for such contingency.</p>

BATA Oversight Committee:

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Amy Rein Worth, Chair

Approved: November 4, 2015