




## MEMORANDUM

December 6, 2024

**TO:** MEMBERS, PORT COMMISSION  
Hon. Kimberly Brandon, President  
Hon. Gail Gilman, Vice President  
Hon. Willie Adams  
Hon. Stephen Engblom  
Hon. Steven Lee

**FROM:** Elaine Forbes  
Executive Director 

**SUBJECT:** Request authorization to award Construction Contract No. 2852R, Amador Street Infrastructure Improvements to JMB Construction, Inc. in the amount of \$10,236,543, and authorization for a contract contingency fund of 10% of the contract amount (or \$1,023,654), for a total authorization not to exceed \$11,260,197.

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution No. 24-57

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### EXECUTIVE SUMMARY

Pursuant to Port Commission authorization (Resolution 24-17), Port staff issued an Advertisement for Bids ("AFB") on October 21, 2024 soliciting bids. Four (4) proposals were submitted in response to the AFB. Port staff requests the Port Commission's authorization to award Contract No. 2852R, Amador Street Infrastructure Improvement (the "Project") to JMB Construction, Inc. ("JMB"), the lowest responsible, responsive bidder, in the amount of \$10,236,543 and authorize a contract contingency fund of 10% (or \$1,023,654), for a total authorization not to exceed \$11,260,197.

### STRATEGIC OBJECTIVES

The proposed Amador Street Infrastructure Improvement Project supports the Port's 2021-2025 Strategic Plan through the following goals:

Equity:

Create a diverse, equitable, and inclusive organization and waterfront, and empower Black, Indigenous, and other People of Color (BIPOC) in Port operations and opportunities through equitable policies and practices.

The pavement has potholes that expose the street's base layer and create a hazardous environment, resulting in reduced speeds and increased idling that affects the efficiencies of goods movements through the Port and increases greenhouse gas emissions to the surrounding community. Many Local Business Enterprise (LBE) and disadvantaged trucking businesses utilize Amador Street to deliver building materials around the City like concrete and aggregates. The Project will improve the roadway and it will increase the efficiency of deliveries and reduce the risk of damage to their vehicles due to deteriorated roadway conditions.

Sustainability:

Advance environmental stewardship to limit climate change and protect the Bay.

The Project will remove contaminated rail ties, install trash capture devices in manholes to prevent trash from discharging into the bay, and add green infrastructure tree planters to collect stormwater.

Evolution:

Evolve the waterfront to respond to changing public and Port needs.

Amador Street serves as a gateway to Piers 90-96, and improvements to the roadway will benefit current and future tenants' access to the Maritime Eco-Industrial Complex located on the piers and upland properties within the Southern Waterfront Community.

## **PROJECT BACKGROUND AND SCOPE**

The infrastructure serving Amador Street roadway is beyond its useful life and is continuously in need of emergency maintenance and repairs, which include resurfacing damaged pavement, repairing deteriorated sewer infrastructure, and servicing the undersized sewer pump station located at the CEMEX leasehold. Current tenants include concrete batch plants and aggregate suppliers, with trucks that must drive slowly over the roadway to avoid damage to their vehicles. The project area is susceptible to floods during storm events due to improper drainage and aging infrastructure. See Attachment A, Area of Work Location Map.

An example of the continual maintenance needed on Amador Street includes an emergency repair project performed in 2022 to address a broken storm sewer line, which was originally intended to be part of this Project. The replacement of this segment of sewer line needed to be performed earlier to avoid roadway flooding during storm events and potential creosote contamination.

Scope of work includes:

- Replace existing pump station to upgrade capacity
- Replace concrete foundation to support new pump station layout
- Replace the gravity sewer and force the main sewer
- Reconstruct roadway
- Replace SFPUC's City Distribution Division waterline
- Remove abandoned rail track in the roadway
- Install new landscaping with stormwater retention planters
- Install trash capture device

## **PROJECT ADVERTISEMENT**

On April 9, 2024, the Port Commission authorized staff to advertise for bids for Construction Contract No. 2852, Amador Street Infrastructure Improvements (Port Commission Resolution 24-17).

Port staff originally published the advertisement for Contract No. 2852 Amador Street Infrastructure Improvements on July 15, 2024. The published Engineer's Estimate for the contract was \$9,125,000. Three bids were received on August 29, 2024. All bids exceeded the Engineer's estimate. Due to insufficient funding, all bids were rejected.

The Project was readvertised as Contract No. 2852R Amador Street Infrastructure Improvements with an updated Engineer's estimate of \$11,100,000 on October 21, 2024. Port staff conducted a virtual optional pre-bid conference on October 24, 2024, that was attended by six contractors. The advertisement was posted to San Francisco City Partners which is widely accessed by contractors and vendors. The SFPUC and SF Public Works also performed outreach efforts to potential bidders who would qualify with the federal small/disadvantaged business requirements. There were 36 project plan holders registered on the Port's website; four bids were received on the bid opening date of November 4, 2024. The Port did not receive any protests during the five working day bid protest period that ended on November 11, 2024.

## **EVALUATION OF BIDS**

City staff determined that the lowest bidder, JMB Construction, Inc. met the Project's minimum experience qualifications. The experience requirements are to demonstrate that the contractor has previously performed similar work included in the Project which includes paving, sewer work, water line installation, and pump station installation. The designers from SF Public Works and SFPUC who set the minimum experience qualifications evaluated JMB's experience statements and determined they met the Project's minimum qualifications. The Project is receiving funding from a federal grant. In general, federal regulations prohibit the use of local preferences, so Chapter 14B Local Business Enterprise (LBE) requirements do not apply. In their place, the Port engaged SF Public Works Contract Compliance Officer ("CCO"), who set the following Small/Disadvantaged Business Enterprise (SBE/DBE), Minority Businesses Enterprise (MBE), and Women Business Enterprise (WBE) goals:

- SBE/DBE = 15%
- MBE = 10%
- WBE = 5%

Per the specification set by the CCO, a contractor who fails to meet these goals could nonetheless be found responsive if that contractor exhibited sufficient good faith efforts that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain SBE/DBE, MBE, and WBE participation sufficient to meet the DBE contract goal.

The CCO reviewed JMB's bid, and identified the following subcontracting percentages:

- SBE/DBE = 10.33%
- MBE = 16.47%
- WBE = 5.7%

The CCO also reviewed documentation of JMB's good faith efforts and determined that JMB performed adequate good faith efforts towards meeting the SBE Goal.

Accordingly, JMB is the lowest responsive responsible bidder. The final bid rankings are shown in Table 1:

**Table 1: Project Bid Ranking**

<b>Bidder</b>	<b>Base Bid</b>	<b>Bid Rank</b>
JMB Construction, Inc.	\$10,236,543	1
A.Ruiz Construction Company, Inc.	\$10,762,181	2
Minerva Construction, Inc	\$11,651,024	3
Anvil Builders, Inc.	\$11,688,202	4

Founded in 1990, JMB is a general contractor that has experience working for state and local government agencies. It has worked on City of San Francisco projects with similar scope to the Project, including the 19<sup>th</sup> Avenue Combined City Project and the Geary Blvd. Sewer and Water Improvements project. These projects both include a scope of work that involves water lines, sewer lines, traffic control, and paving work. The Project will pilot the installation of a new trash capture device to collect large debris before discharging it into the bay. JMB has experience installing these devices for the City of San Jose.

## **FUNDING**

The low bid of \$10,236,543 and 10% contingency of \$1,023,654 for a total of \$11,260,197 is within the Port's budget. The Project will be funded by the following sources found in Table 2:

**Table 2: Funding Sources**

<b>Source</b>	<b>Amount</b>
MARAD PIDP Grant	\$8,187,000
CalSTA PFIP Grant	\$2,362,000
Port Local Match	\$711,197
Total	\$11,260,197

## **PERMITTING AND APPROVALS SUMMARY**

All necessary approvals and permits have been secured by Port staff and the Port of San Francisco Building Permit will be secured prior to the Notice to Proceed. All work under the contract is covered under the regulatory approvals and permits shown in Table 3.

**Table 3: Regulatory Permits**

<b>Agency</b>	<b>Permit or Approval Required and Status</b>
San Francisco Planning Department (CEQA)	CEQA Categorical Exemption Determination filed by the San Francisco Planning Department on June 4, 2021 (2021-003773ENV) for Portwide Repair and Maintenance Program
U.S. Department of Transportation Maritime Administration (NEPA)	National Environmental Policy Act Maritime Administrative Order 600-1 Categorical Exclusion (MAO 600-1), issued September 6, 2023
Port of San Francisco Building Permit	Permit to be secured prior to issuance of the Notice to Proceed
Port of San Francisco Encroachment Permit	Permit to be secured prior to issuance of the Notice to Proceed

## **SCHEDULE**

The contract duration is 639 consecutive calendar days from the Notice to Proceed date. Below is a summary of the construction and contracting milestones:

- Commission Authorization to Award December 10, 2024
- Notice to Proceed February 2025
- Substantial Completion November 2026
- MARAD Grant Deadline February 28, 2027

## **RECOMMENDATION**

Port staff recommend the Port Commission approve the attached resolution authorizing staff to award Construction Contract No. 2852R, Amador Street Infrastructure Improvements to JMB Construction, Inc. in the amount of \$10,236,543 and authorizing a contract contingency fund of 10% of the contract amount (or \$1,023,654) for unanticipated conditions, for a total authorization not to exceed \$11,260,197. Port staff also recommends

that the Port Commission authorize the Executive Director to accept the work once it is complete.

Prepared by: Noel Aquino  
Project Manager

For: Wendy Proctor  
Acting Deputy Director, Engineering

Attachments: Exhibit A – Area of Work Location Map  
Exhibit B – SBE/DBE Memo

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 24-57**

- WHEREAS, Port staff seeks Port Commission authorization to award construction Contract No. 2852R, Amador Street Infrastructure Improvements (the “Contract”); and
- WHEREAS, The scope of work for Contract No. 2852R includes replacing the existing pump station to upgrade capacity, replacing a concrete foundation to support the new pump station layout, replacing the gravity sewer and force main sewer, reconstructing a portion of the roadway, replacing San Francisco Public Utilities Commission’s (“SFPUC”) City Distribution Division waterline, removing abandoned rail track and ties in the roadway, installing new landscaping with stormwater retention planters, and installing trash capture devices (collectively, the “Project”); and
- WHEREAS, On April 9, 2024, the Port Commission adopted Resolution No. 24-17, authorizing staff to solicit competitive bids for construction Contract No. 2852; and
- WHEREAS, Port staff published the advertisement for Contract No. 2852 on the Port’s website on July 15, 2024; and
- WHEREAS, Three bids were received for Contract No. 2852 on August 29th, 2024 that were rejected because they all exceeded the Engineer’s estimate and available funding; and
- WHEREAS, The Project was re-advertised as Contract No. 2852R on October 21, 2024; and
- WHEREAS Four bids were received for Contract No. 2852R on November 4, 2024; and
- WHEREAS, JMB Construction, Inc.’s total price for the Project Base Bid and Additive Bid is \$10,236,543 and a recommended 10% contract contingency fund of \$1,023,654, for a total of \$11,260,197;
- WHEREAS, The Project cost is fully funded by a CalSTA Grant, MARAD Grant, and Port capital funds; and
- WHEREAS, The San Francisco Department of Public Works Contract Compliance Officer reviewed and determined that JMB Construction, Inc.’s bid satisfied the SBE/DBE, MBE, and WBE subcontracting participation goals; and
- WHEREAS, This Project falls within the Port’s CEQA Categorical Exemption Determination filed by the San Francisco Planning Department on June 4, 2021 (2021-

003773ENV) for Portwide Repair and Maintenance Program, and NEPA Maritime Administrative Order 600-1 Categorical Exclusion (MAO 600-1), issued on September 6, 2023; and

WHEREAS, Port Building and Encroachment Permits will be obtained by Port staff prior to issuance of a Notice to Proceed; now, therefore, be it

RESOLVED, That the Port Commission hereby authorizes the award of Construction Contract No. 2852R, Amador Street Infrastructure Improvements, to JMB Construction, Inc., the lowest responsive and responsible bidder, for the not-to-exceed amount of \$10,236,543; and be it further

RESOLVED, That the Port Commission authorizes Port staff to increase the contract amount, as necessary for unanticipated conditions, by an additional \$1,023,654 (10% contingency) through contract modification or change order; and be it further

RESOLVED, That the Port Commission hereby authorizes the Executive Director to accept the work once it is complete; and be it further

RESOLVED, That the Port Commission authorizes Port staff to take further actions in connection with the award of Construction Contract No. 2852R as necessary to achieve the purposes described in this Resolution.

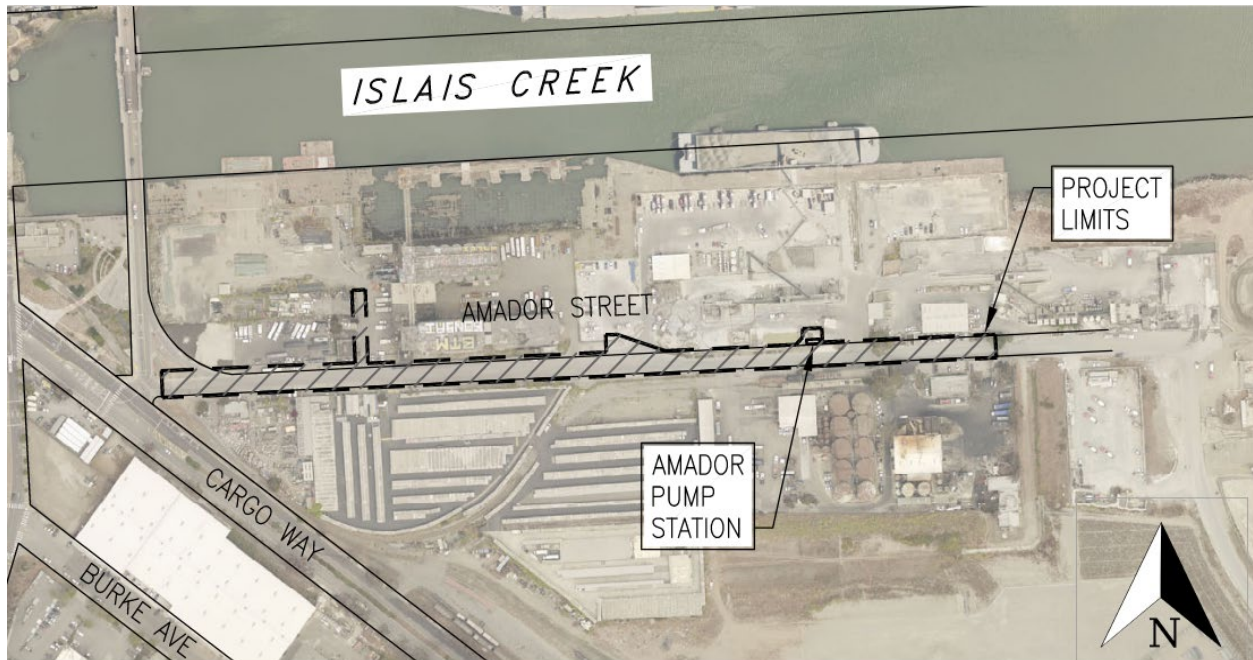
***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of December 10, 2024.***

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Secretary



**ATTACHMENT A**  
**Area of Work Location Map**



**ATTACHMENT B**  
**SBE / DBE Memo**