



London N. Breed, Mayor
Philip A. Ginsburg, General Manager

Date: August 18, 2022

To: Recreation and Park Commission

Through: Philip A. Ginsburg, General Manager
Stacy Bradley, Director of Capital and Planning

From: Melinda Sullivan, Project Manager

Subject: Gene Friend Recreation Center – Contract Award

Agenda Wording

Discussion and possible action to award a contract for Construction Manager / General Contractor (CM/GC) services for the Gene Friend Recreation Center Project (RFQP ID No. 0000006708) to Swinerton Builders in the amount of up to \$38,999,208.

Strategic Plan Reference

Strategy 1: Inspire Public Space: Keep today’s parks safe, clean, and fun; promote our parks’ historic and cultural heritage; and build the great parks of tomorrow.

Strategy 2: Inspire Play: Promote active living, well-being and community for San Francisco’s diverse and growing population.

Background

The Eugene L. Friend Recreation Center (Gene Friend Rec) is located at 270 6th Street in the SOMA district of San Francisco. The one-acre site currently includes a single-story recreation center with a full indoor gymnasium, activity room, weight room and auditorium. The grounds feature basketball and volleyball courts, lawn and planting areas and a wood and metal play structure over sand. The facility currently provides services to youth, adults and seniors.

Beginning in 2014, the Recreation and Park Department (RPD) partnered with the Trust for Public Land (TPL) to develop a feasibility study and concept design for the improvement of the recreation center. TPL funded the feasibility study and concept design process through a gift from the Friend Family Foundation; WRNS Studio was the architecture firm selected through a TPL-led Request for Proposals (RFP) to lead the design process, with a team of engineering subconsultants. TPL Staff provided landscape architecture services.

The Recreation and Park Commission approved a concept design for a wholesale replacement and expansion of the recreation center in September 2019, after a robust community outreach planning phase. The in-kind grant from TPL covered design and engineering services through concept design completion only.

The 2020 Health and Recovery Bond, which passed in November 2020, includes Gene Friend Recreation Center as a named project and identifies funding for the project. With the commitment of this funding in hand, RPD staff prepared a Request for Proposals (RFP) for architecture and engineering services to onboard a design team. The Civil Service Commission granted approval in October 2021, then RPD issued a request for Proposals on July 22, 2021. This Commission approved award of professional services in December 2021. Notice to proceed was issued to the design team in March 2022.

RFQ/P Process

Due to the unique complexities of the design and construction required for this Project, RPD staff determined that the project requires specialized expertise and skill, which should be procured with an alternate delivery method to traditional design-bid-build. The City has elected the Construction Managers/General Contractor (“CM/GC”) project delivery method – in accordance with San Francisco Administrative Code Section 6.68(b)(2) – for the project. Additionally, under the direction of the CM/GC, the mechanical, plumbing, electrical (inclusive of lighting, low-voltage: fire alarm, telecommunications, audio/visual and security) and structural / foundations scopes of work are to be delivered on a design-assist basis as part of a “CM/GC with Core Trade Subcontractor” Team.

Staff expect that the CM/GC method of alternative project delivery, in which construction professional counsel is integrated at the earliest practicable opportunity during the design process, enhanced by the involvement of the design-assist Core Trade Subcontractors, will have the following project benefits:

- Improve the reliability of design within the established budget and schedule
- Improve the coordination of Core Trade building systems to mitigate conflicts and delays
- Improve the quality of documentation for accuracy of cost opinions
- Expedite permitting and bidding for construction, and efficiently plan and organize the sequences of construction.

The successful CM/GC Team shall begin pre-construction services, including constructability reviews and cost estimating, during the design team’s transition from the schematic design phase to the design development phase.

RPD issued a Request for Qualifications and Proposals (RFQ/P) on March 16, 2022, and received five proposals, all with confirmed minimum qualifications, on March 30, 2022. A selection panel comprised of representatives from Public Works Architecture and Construction Management as well as from RPD Project Management and approved by the Contract Monitoring Division (CMD) Compliance Officer, reviewed and scored the five written proposals.

The three teams with the highest compiled written proposal scores were invited to participate in oral interviews. Upon invitation to interview, one of the contractor teams withdrew their proposal, due to unexpected capacity and staffing changes that would affect their ability to complete the project. Staff accepted this withdrawal and invited the next highest ranked team to participate in an oral interview.

Oral interviews were completed via Zoom and overseen by the Project Manager, as well as the CMD Compliance Officer and Public Works Contract Administration Staff. Oral interview scores from each of the four panelists were reviewed and compiled. Interview scores were then compiled with written proposal scores to give a final “non-cost criteria” score.

Public Works Contract Administration staff then opened Contractor bids and applied the formula provided in RFQ/P (see Attachment 1) to calculate the final proposal scoring of non-cost criteria plus cost criteria.

Following scoring review by the Project Manager, Public Works Contract Administration staff issued a Notice of Intent to Award letter to Swinerton Builders, on June 1, 2022.

Staff presented contract award as discussion only to this Commission’s Capital Committee on June 1 because the required five-business day protest period had not yet been completed, as the Notice of Intent to Award was issued on the same day of the Capital Committee hearing. This protest period has now been completed, with no protests impeding finalization of contractor selection.

Public Works Contract Administration has confirmed that all pre-award requirements have been met, including safety evaluation completion. In addition, Public Works Contract Administration has solicited paperwork required from the Contractor to meet Project Labor Agreement (PLA) requirements.

Scope of Services

Pre-construction Services

Utilizing the design team’s 100% schematic design documents, the CM/GC Team’s initial involvement on the project will be to undertake cost analysis/reconciliation, design-assist, constructability reviews and value engineering. The CM/GC Team will interact collaboratively with the design team and RPD Project Manager and interdivision team to ensure the project’s programmatic requirements are understood and the budgetary constraints can be met. This collaborative effort will inform the design team’s production of the design development and construction documents to be used for cost estimation from two to three independent sources: the CM/GC Team and consultant(s) hired separately by the City.

During Pre-Construction Phase, the Mechanical, Electrical and Plumbing (MEP) and structural / foundations contractor trades will provide design assistance, such as constructability reviews, for their respective disciplines. The CM/GC Team may be asked to participate in user meetings, in collaboration with the design team, to assist with completing the design development phase and

Construction Documents. The CM/GC will lead the CM/GC Team, who will continue to advise and assist the design team on matters influencing the established budget, including current and trending construction costs, constructability, value engineering, schedule considerations and design work of design-assist core trade scopes including coordination with the design team and trade subcontractors.

For the remaining trade works, the CM/GC will utilize the 100% construction documents, or earlier submittals to the extent possible for hazmat and demolition and other appropriate scopes, to assemble and bid multiple packages for the procurement of the subcontracts by inviting pre-qualified trade subcontractors to submit competitive bids.

Construction Services

Construction services shall involve scheduling, coordinating, sequencing, and managing of the work performed by all trade subcontracts, including the core trade subcontractors.

The CM/GC will be responsible for producing and implementing any plans and submittal of applications in conformance with codes, laws, rules, regulations, and standards necessary to obtain any "Permits to Operate" the various building systems and equipment required to obtain a Temporary Certificate of Occupancy ("TCO") allowing the building to be occupied and operated by the City and the Final Certificate of Occupancy.

The following is an excerpt from Appendix C - Sample Contract Agreement of the RFQ/P (Attachment 4 to this report):

The Contract amount is comprised of the following: (A) the Pre-Construction Services Fee for the CM/GC TEAM; (B) the Construction Services costs of (1) the aggregate value of the awarded Trade Work subcontracts and General Requirements (Direct Costs) and (2) the CM/GC Construction Services Fee (the "CM/GC Fee"); (C) the General Conditions payment; (D) Reimbursable Expenses; and (E) Bond Premium.

This not-to-exceed amount does not include any payments made to the CM/GC for allowed and approved expenditures from the CM/GC Contingency, described in Article 6 of this AGREEMENT. In the event that during the bidding of Trade Work Packages, the CITY determines that the budgeted amount for the Trade Packages will or most likely will be exceeded, the CITY shall have the right to direct the re-bid of certain Trade Packages to reduce the cost and shall, if necessary, have the right to terminate the Contract for its convenience. If, upon Final Completion of the Work, the final Contract Sum (less the Pre-Construction Services Fee and Contingency Payments) is less than the budgeted amount, the difference between the final Contract Sum and the not-to-exceed amount will accrue to the benefit of the City.

The Certified Contract Sum is the amount of Contract Sum certified by the Controller at any point in time. The City will adjust the value of the Certified Contract Sum during the course of the Project to reflect the amount of: (a) the cost of Pre-Construction Services, (b) awarded Trade Work Subcontracts, including Core Trade Subcontracts, plus CM/GC Fee, and (c) any other changes in the Work that affect the value of the Contract. See attachments for more details.

Funding

Sources:

In-kind Grant, Trust for Public Land	\$ 520,500
2020 Health and Recovery Bond	\$ 30,000,000
Development Impact Fees: received	\$ 3,650,300
Development Impact Fees: not yet available *	\$ 25,150,000
Total Sources	\$ 59,320,800

Uses:

Hard Costs (including contingencies)	\$ 42,151,129
Soft Costs	\$ 17,169,671
Total Budget	\$ 59,320,800

* Development Impact Fees are not yet available due to pandemic-related market impacts, but staff have identified financing options to cover the possibility that they are not available at time of issuing Notice to Proceed for Construction Services (anticipated Spring 2023).

We have identified the following sources to fulfill the project funding gap (\$25.15M) until development impact fees are received with the understanding that projects funded by these sources will be reimbursed once impact fees are available:

- Impact Fees (\$9.19M)
 - \$8M from impact fees received and allocated to 11th and Natoma park development
 - \$1.19M from Downtown Park Fund
- 2020 Health & Recovery Bond (\$15.4M)
 - \$5M from 2020 Named Project Contingency
 - \$10.4M from 2020 Bond Phase 2 projects:
 - \$6M from Sustainability Program
 - \$3M from Playgrounds Program
 - \$1.4M from Program Contingency
- Open Space Fund (\$0.56M)
 - \$0.56M from undesignated Open Space Reserve

Project Schedule

Upon approval by the Commission and contract certifications, pre-construction CM/GC team involvement is expected to start by October 2022, with construction activities expected to start Summer 2023, with opening in Spring / Summer 2025.

Phase	Start	End
Design	Spring 2022	Spring 2023
Bid & Award	Concurrent with Design	
Construction	Summer 2023	Spring / Summer 2025

Staff Recommendation

To award a contract for Construction Manager / General Contractor (CM/GC) services for the Gene Friend Recreation Center Project (RFQP ID No. 0000006708) to Swinerton Builders in the amount of up to \$38,999,208.

Supported by

United Playaz
Bayanihan Equity Center
Supervisor Matt Dorsey
Former Supervisor Matt Haney
Trust for Public Land

Opposed by

None known

Attachments

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| Attachment 1 | <u>Request for Qualifications and Proposals (RFQ/P)</u> for a Team Made up of a Construction Manager / General Contractor (CM/GC) with Design-assist Core Trade Subcontractors to Provide Pre-construction and Construction Services for the San Francisco Recreation and Park Department Gene Friend Recreation Center Project Rebid, Citywide Project Labor Agreement (San Francisco Public Works Sourcing ID 0000006708) |
| Attachment 2 | Swinerton Builders Qualifications and Proposal |
| Attachment 3 | Swinerton Builders Cost Proposal |
| Attachment 4 | RFQ/P Attachment C – Sample Contract Agreement |
| Attachment 5 | Score Tabulation |