

AGENDA REPORT

Resolution: Authorize the Executive Director to Enter into a Contract with Moffat and Nichol in an Amount Not-To-Exceed \$1,020,500 For Design and Construction Support Services for the Berths 55-59 Wharf Upgrades Project **(Engineering/Maritime)**

MEETING DATE: 12/17/2020

AMOUNT: \$1,020,500 Capital Expenditure
(Part of \$1,320,500 Design/Construction Support Effort)

PARTIES INVOLVED: Moffat and Nichol
Scott Butler, Vice President
1300 Clay Street, Suite 350
Oakland, California

SUBMITTED BY: Kristi McKenney, Chief Operating Officer
Bryan Brandes, Director of Maritime

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

Staff is requesting authorization for the Executive Director to enter into a contract with Moffat and Nichol in an amount not to exceed \$1,020,500. The Project will evaluate and design upgrades for Berths 55-59 wharf structure to accommodate the berthing and mooring of Ultra-Large Container Vessels. The Project (through construction) will take approximately three years to complete.

BACKGROUND

The marine terminals comprising Berths 55-56 and Berths 57-59 are located contiguously in the Port's Middle Harbor Area. SSA Terminals (Oakland), LLC¹ operates Berths 55-56 and Berths 57-59 for international cargo as a single terminal (the Oakland International Container Terminal, or OICT) pursuant to two separate lease agreements. Pursuant to the lease agreements, the Port of Oakland (Port) is responsible for maintenance and repair of the wharf structure. The wharf structures associated with Berths 55-56 and 57-59 were constructed by the Port in 1999 and 2000, respectively.

Marine bollards and fendering systems (bollards and fenders) are components of the wharf structure. Bollards are constructed of steel, mounted to the top of the wharf deck,

¹ SSAT (Oakland), LLC is the subassignee of SSA Terminals, LLC for the Berths 55-59 marine terminal.

and used in conjunction with high-strength mooring lines to secure berthed vessels to the wharf structure. Fenders are constructed of steel and rubber, mounted vertically to the face of the wharf, and absorb a berthing vessel's kinetic energy as it contacts the wharf structure. Across the Seaport, the Port's bollards and fenders are becoming outdated as they reach the end of their useful life and as carriers continue to deploy larger and larger vessels.

Changes in the maritime industry and in alliances amongst the ocean carriers are leading to the deployment of ultra-large container vessels (ULCVs). ULCVs provide economies of scale to shipping companies; as the volume of trade grows over time, each successive voyage will see a given vessel load more. As the amount of transported goods increases, it becomes less costly to transport each additional output of goods.

This new class of vessel has already entered the Trans-Pacific trade route and has called the Port of Oakland with arrival of the CMA CGM Benjamin Franklin (18,000 Twenty-Foot Equivalent Units or "TEUs") in 2015 and 2016 and the MSC Anna (19,000 TEUs) in 2020. As the size of vessels that call the Port increases, so do their loads on our infrastructure, creating the need for improved wharf structures with stronger bollards and fenders.

ANALYSIS

Staff has assessed the bollards and fenders at each Seaport terminal based on design strength, age, visible signs of wear and distress, maintenance records, and the current and projected sizes of vessels they berth and moor. Based on these criteria, the bollards and fenders at Berths 55-59 are the highest priority for upgrade.

In August 2020, Staff issued a Request for Proposals to solicit a consultant to provide technical support for the Berth 55-59 Wharf Upgrades project. The proposed scope of work includes a condition assessment of the existing wharf structure, the design of wharf structure improvements, the preparation of plans and specifications for contractor solicitation, the development of terminal operating limits for the upgraded wharf structure, and engineering support throughout the construction phase of the project.

The Port received proposals from four consultants. Staff reviewed the proposals and interviewed each of the consultants. Each proposer was evaluated based on overall experience, personnel and team organization, referenced projects, project approach, cost, and the Port's Non-Discrimination and Small/Location Business Utilization Policy (NDSLBU). Taking both the proposals and interviews into consideration, Port staff scored the consultants as follows as shown in Table 1.

Table 1. Berths 55-59 Wharf Upgrades RFP - Proposer Scoring Summary

Proposer	Location	Certified LIA/LBA/SBE/VSBE	Rank
Moffat and Nichol	Oakland, CA	LIA	1
COWI North America, Inc.	Oakland, CA	LIA	2
Liftech Consultants, Inc.	Oakland, CA	LIA/SBE	3
Simpson Gumpertz and Heger	Oakland, CA	LIA	4

Moffat and Nichol is the highest-rated proposer. They demonstrated significant experience in similar specialized maritime design work. Moffat and Nichol proposed the second lowest price, approximately 20% more than the lowest priced proposal. Staff recommends authorization for the Executive Director to award a contract for the Berths 55-59 Project to Moffat and Nichol in the amount not-to-exceed \$1,020,500. The work (through construction) is estimated to take approximately three years to complete.

BUDGET & STAFFING

This total project, including construction is estimated to be approximately \$8 million or more but will depend on final scope and details determined through the design process. Port Staff costs are estimated to be \$300,000. The project is included in the within the Five-year CIP Budget. There is no anticipated impact to the budget. Staff will seek Board authorization for contract award (and other actions as necessary) for the construction phase.

There is no anticipated impact to staffing.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

This contract is for professional services. The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) apply to this professional services contract only to the extent it involves work within the craft jurisdiction of the unions signatory to the MAPLA.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port’s Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: *Modernize and Maintain Infrastructure*
- Goal: *Improve Customer Service*

- *Goal: Strengthen Safety and Security*

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to the professional services of this contract as the service provider does not employ 21 or more employees working on Port-related work. In addition, future construction work under this contract, construction prevailing wage requirements will apply.

SUSTAINABILITY

Staff reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. Port Staff concluded that there are no sustainability opportunities associated with the Design of the Berths 55-59 Wharf Upgrades Project.

ENVIRONMENTAL

California CEQA Determination: Staff has determined that the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographic features, involving negligible or no expansion of existing or former use. The berths are not located on a site that is included on any list of hazardous waste sites compiled pursuant to Section 65962.5 of the Government Code. No in-water work would occur.

GENERAL PLAN

This project involves maintenance of existing facilities being used in conformance with the Oakland General Plan, pursuant to Section 727 of the City of Oakland Charter, and will not change the use of any facility(ies).

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

Professional service agreements are not subject to the Port's Owner Controlled Insurance Program (OCIP) as professional services are not construction activities.

OPTIONS

The following are options for the Board's consideration:

- 1) Approve the actions as outlined in this agenda report. This is the recommended option.

- 2) Do not approve the actions outlined in this agenda report. Direct Staff to contract with a different proposer or reject all proposals and direct Staff to change the scope of the project and re-issue a new RFP for the project.

RECOMMENDATION

Staff recommends that the Board adopt a resolution for the following:

Authorize the Executive Director to enter into a contract with Moffat and Nichol in an amount not-to-exceed \$1,020,500 for design and construction support services for the Berths 55-59 Wharf Upgrades Project.