

1 [Contract Amendment - Port of San Francisco - Pier 27 James R. Herman Cruise Ship
2 Terminal and Northeast Wharf Plaza - Not to Exceed \$11,491,708]

3 **Resolution authorizing the Executive Director of the Port of San Francisco to execute**
4 **an amendment to the contract with Kaplan, McLaughlin, and Diaz Architects, and Pfau**
5 **Long Architecture, a Joint Venture, for architectural and engineering design services**
6 **for the Pier 27 James R. Herman Cruise Ship Terminal and Northeast Wharf Plaza**
7 **Project at Pier 27 to increase the not-to-exceed contract amount by \$1,541,708 from**
8 **\$9,950,000 to \$11,491,708 for the period of November 10, 2009, through December 31,**
9 **2014.**

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11 WHEREAS, The City and County of San Francisco, through the San Francisco Port
12 Commission (the "Port"), is currently undertaking the construction of the Pier 27 James R.
13 Herman Cruise Ship Terminal and Northeast Wharf Plaza Project (the "Project"). The Project
14 is intended to transform the existing ten-acre Pier 27 site into a vibrant year-round cruise
15 terminal and public plaza that will meet security and passenger demands of the cruise
16 industry, while also allowing for public recreation and special event uses. The new cruise
17 terminal will function as the main point of entry for ships during the cruise season and will also
18 be available for special events such as conventions, nonprofit fund raisers, private parties,
19 and community festivals such as Fleet Week. With the award of the 34th America's Cup to
20 San Francisco, the Project will be used for two purposes – first as the starting & finishing line
21 for the America's Cup race and, subsequently, as San Francisco's premier primary cruise ship
22 terminal; and

23 WHEREAS, Through a competitive solicitation process, the Port and Department of
24 Public Works selected Kaplan, McLaughlin, and Diaz Architects, and Pfau Long Architecture,
25

1 a Joint Venture ("KMD/Pfau Long") to provide architectural and engineering design services
2 for the Project; and

3 WHEREAS, On November 10, 2009, by Resolution 09-70, the Port Commission
4 authorized award of a contract to KMD/Pfau Long in the initial amount of \$2,419,440, with a
5 contingency for further increases to \$2,661,384, for the Project architectural and engineering
6 design services (the "Contract") commencing with the Program Phase, the Conceptual Design
7 Phase and the Schematic Design Phase; and

8 WHEREAS, On April 12, 2011, by Resolution 11-22, the Port Commission authorized
9 an increase to the Contract with KMD/Pfau Long in the amount of \$2,410,070, for a total of
10 \$5,071,454, to commence the Design Development Phase; and

11 WHEREAS, On July 12, 2011, by Resolution 11-50, the Port Commission authorized
12 an increase to the Contract with KMD/Pfau Long in the amount of \$3,039,449, for a total of
13 \$8,110,903, to commence Phase 1 Construction Document and Construction Administration,
14 and to begin Phase 2 Design Development and Construction Documents; and

15 WHEREAS, On December 16, 2011, by Resolution 11-77, the Port Commission
16 authorized an increase to the Contract with KMD/Pfau Long in the amount of \$1,062,389, for
17 a total of \$9,173,292, to continue Phase 1 construction administration services; and

18 WHEREAS, On April 24, 2012, by Resolution 12-38, the Port Commission authorized
19 an increase to the Contract with KMD/Pfau Long in the amount of \$776,708, for a total of
20 \$9,950,000, to pay any remaining fees associated with Phase 1 of the Project, except for
21 Construction Administration; and

22 WHEREAS, On December 11, 2012, by Resolution 12-96, the Port Commission
23 authorized the execution of a Contract amendment with KMD/Pfau Long to extend the term of
24 the Contract to December 31, 2014, and to include any necessary additional services for
25 Phase 2 Project scope as described in the accompanying staff memorandum and to increase

1 the amount of the Contract from \$9,950,000 to a total amount not to exceed of \$11,491,708,
2 or by \$1,541,708; and

3 WHEREAS, The funding source for the proposed \$1,541,708 Contract increase
4 includes General Obligation Bond proceeds for park-related services and Port revenue bond
5 proceeds and other Port capital funds from non-park related services; and

6 WHEREAS, The Contract includes a Local Business Enterprise (LBE) subconsulting
7 goal of 15%; and

8 WHEREAS, A copy of the proposed Contract amendment in substantially the final form
9 is on file with the Clerk of the Board of Supervisors in File No. _____, which is hereby
10 declared to be part of this Resolution as if set forth fully herein; and,

11 WHEREAS, San Francisco Charter Section 9.118, requires that the Board of
12 Supervisors approve certain contracts, other than construction contracts, with anticipated
13 expenditures of more than ten million dollars (\$10,000,000); and

14 WHEREAS, a Final Environmental Impact Report ("Final EIR") was prepared for this
15 Project and this Board upheld the certification of the Final EIR on January 24, 2012 by its
16 Motion No. M12-011 (which is on file with the Clerk of this Board in File No. 111359), and the
17 Port Commission adopted Environmental Findings under the California Environmental Quality
18 Act ("CEQA Findings") when it approved the Project by Port Commission Resolution No. 11-
19 75 on December 16, 2011 (effective January 24, 2012), finding the Mitigation Measures in the
20 Final EIR to be feasible and adopting the CEQA Findings and Mitigation Monitoring and
21 Reporting Program for the Project, including the Statement of Overriding Considerations,
22 which the Board of Supervisors incorporates herein by reference; now, therefore, be it

23 RESOLVED, That the Board of Supervisors does hereby approve and authorize the
24 Executive Director of the Port to execute an amendment to the Contract between the Port and
25 KMD/Pfau Long for further architectural and engineering design services needed to complete

1 the Project, including Phase 2 construction administration and other related services and to
2 increase the not-to-exceed amount of the Agreement from \$9,950,000 to \$11,491,708, an
3 increase of \$1,541,708, in substantially the form on file with the Clerk of this Board in such
4 final form as approved by the Port Executive Director and the City Attorney; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors finds that the activities
6 described in this Resolution do not require additional environmental review because there
7 have been no substantial Project changes and no substantial changes in Project
8 circumstances that would require major revisions to the Final EIR due to the involvement of
9 new significant environmental effects or an increase in the severity of previously identified
10 significant impacts, and there is no new information of substantial importance that would
11 change the conclusions set forth in the Final EIR, and this Board hereby adopts and
12 incorporates the CEQA Findings set forth in Port Commission Resolution No. 11-75, including
13 the Mitigation Monitoring and Reporting Program, by this reference thereto; and be it

14 FURTHER RESOLVED, That within thirty (30) days of the Contract amendment being
15 fully executed by all parties, the Port shall deposit a fully-executed copy of the amendment
16 with the Clerk of this Board in File No. _____.