

Item No.: 8g_Supp
Date: April 16, 2024

Fishermen's Terminal ADA Compliance Phase 2: Additional Funding and Construction Authorization Request

Commission Meeting | April 16, 2024

Jennifer Maietta – Director, Real Estate Asset Management

Julie Yun – Waterfront Capital Project Manager



Action Requested

Request Commission Authorization from the Executive Director to:

- ➔ Request Commission authorization for the Executive Director to 1. Approve additional funding, and 2. Advertise and execute a major public works construction contract for the completion of the U00721 Fishermen's Terminal ADA Compliance Phase 2 Project (CIP# C801198). This request is in the amount of \$1,100,000 for a total estimated project cost of \$2,890,000.

Project Background

- **Litigation Settlement Agreement (10/5/2020):**
 - Port committed to address alleged Americans with Disabilities Act (ADA) code violations within the Fishermen’s Terminal parking areas by 10/5/2022.
- **Phase 1 FT ADA Compliance (C801198/U00658)**
 - Construction completed by Port Construction Services (PCS): 1/8/2023
 - Third-party post-construction survey reported remaining areas out of compliance with 2010 ADA design standards (e.g., ramps were too short and steep).
- **Phase 2 FT ADA Compliance (C801198/U00721):**
 - Scope: Correct ramps, sidewalks and parking areas that are out of compliance (demolition, regrading, paving/pavement overlay, pavement marking, landscaping)
 - Construction will be performed by an external general contractor procured via major public works construction contract.

Risk Mitigation

- Construction resource will be procured via Major Public Works Construction contract to establish contractual accountability and not-to-exceed cost limit for full delivery of design.
- Engagement of the new Port Facilities Access Program Manager specializing in ADA requirements for review and guidance through duration of project.

Tenant Impact Mitigation

- Tenant impact will be minimized through the following coordination:
 - External relations outreach and coordination.
 - Additional tenant-specific communication by on-site Real Estate and Maritime Operations staff.
 - Construction contract terms to include access and phasing accommodation
 - Timing of work to commence October 2024 after busy season.
 - Internal coordination to limit conflict with other projects occurring at Fishermen's Terminal.

Funding Request

- Additional Funding Request: **\$1,100,000**
- Justification:
 - 1. Tenant Impact:** Minimize tenant impact through construction phasing and outreach.
 - 2. Compliance:** Phase 1 original construction did not meet ADA compliance requirements per project design. Phase 2 re-work will be required to meet full ADA compliance via external construction contract.
 - 3. Litigation:** The conditions of the Litigation Settlement Agreement have not been met, as Phase 1 construction did not meet ADA compliance requirements per project design.
 - 4. Funding:** Current project funding has been exhausted as of Phase 1 original project completion. Additional funding required to proceed with Phase 2 re-work scope.

Timeline

Milestone	Date
Commission – Additional Funding and Construction Authorization	Apr 2024
Advertisement	Jun 2024
Phase 2 Construction start	Oct 2024
Phase 2 Substantial Completion	Dec 2024

Questions