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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.

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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.

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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.

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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.

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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.

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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

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Questions

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