

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 190917-116

WHEREAS, Design and construction of the 1.75-mile Central Subway (Central Subway Project) is Phase 2 of the Third Street Light Rail Transit Project; and,

WHEREAS, On May 21, 2013, the SFMTA Board of Directors awarded Contract No. 1300 (Contract 1300) to Tutor Perini Corporation (Contractor) to construct one street-level and three subway stations, trackways, and systems for the Central Subway Project, in an amount not to exceed \$839,676,400, and for a term of 1700 days to substantial completion; and,

WHEREAS, Contract Modification Nos. 1 through 121 addressed unexpected site conditions and changes in the Project design, and increased the contract amount \$8,004,142.17 and extended contract time 140 days, of which the SFMTA deemed 89 days to be compensable delay and 51 days were non-compensable delay; and,

WHEREAS, Contractor included in its bid for Contract 1300 an Established Daily Rate for Delay of \$40,000, which the Contractor agreed is the amount that it would be compensated for each calendar day that the Project is delayed where that delay is not caused by Contractor; and,

WHEREAS, The SFMTA performed an as-built schedule analysis of the accepted Project Baseline Schedule, which informed the Agency's determination that the negotiated 781 calendar days' time extension and payment of the associated contracted Established Daily Rate for Delay for that period of delay are justified, fair and reasonable; and,

WHEREAS, Under Contract Modification No. 122, except for certain express reserved claims, including Contractor certified subcontractor claims and certain classes of construction costs impacted by the Project, Contractor releases all claims for further compensation related to the Project delay covered by the extension of time and payment of the Established Daily Rate of Delay for that time extension; and,

WHEREAS, Under Contract Modification No. 122, Contractor will produce a revised project schedule, under which Contractor will bring the work to substantial completion on or before June 29, 2020; and,

WHEREAS, Following completion of Contractor's final punchlist work, and SFMTA completion of systems testing and dynamic vehicle testing, revenue service is anticipated to commence in summer of 2021; and,

WHEREAS, To facilitate the timely installation and testing of the radio communications system and of the Advanced Train Control System (ATCS), Contractor shall provide scheduled access to the SFMTA's radio and ATCS vendors, and other technology vendors and consultants, to the Project's stations and tunnels; and

WHEREAS, The SFMTA does not waive or otherwise compromise any contractual right or legal defense concerning the any provisions or protections provided by the Contract or applicable law; and,

WHEREAS, SFMTA's Contract Compliance Office has determined that Contractor is in compliance with the Small Business Enterprise requirements of Contract 1300: and,

WHEREAS, The Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway Project, including construction of the subway stations; on August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,


WHEREAS, The modification to Contract 1300 described herein comes within the scope of the Central Subway SEIS/SEIR; and,

WHEREAS, The Central Subway SEIS/SEIR is on file with the SFMTA Board of Directors and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; therefore, be it

RESOLVED, That the SFMTA Board has reviewed and considered the Central Subway SEIS/SEIR and record as a whole, and finds that the Central Subway SEIS/SEIR is adequate for the Board's use as the decision-making body for the actions taken herein relative to construction of the Project, and incorporates the CEQA findings by this reference as though set forth in this Resolution; and be it

FURTHER RESOLVED, The SFMTA Board of Directors approves Modification No. 122 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems (Contract 1300) with Tutor Perini Corporation to extend Contract Time 730 calendar days, for a total contract time of 2,570 days and a substantial completion date of June 29, 2020, and pay Contractor \$31,240,000 for 781 days of compensable unavoidable delays, resulting in a total modified contract amount of \$878,920,542.17.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 17, 2019.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency