

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 210105-007

WHEREAS, The SFMTA contracted with Tutor Perini Corporation (TPC) to construct the Central Subway Stations, Surface, Track and Systems under Contract No. 1300. FISK Electric (FEC), Best Contracting and ACR Glass are subcontractors to TPC that performed fire alarm work at all three underground stations; and,

WHEREAS, Changes to the Central Subway stations' fire and vehicle undercarriage fixed fire protection system (Deluge System) were necessary to make the system compliant with the Codes and Standards in use at present and to obtain approval of the Fire Marshall for beneficial occupancy; and,

WHEREAS, TPC submitted Certified Contract Claim No.163 seeking \$11,969,598 in compensation for additional labor costs, delays, schedule impacts, and equipment and material costs arising from changes to the Central Subway stations Fire Alarm and Deluge Systems; and,

WHEREAS, The SFMTA independently estimated the fair and reasonable costs of the additional work and effort, which informed the SFMTA's negotiations as included in the Summary Record of Negotiations; and,

WHEREAS, The full compensation to the Contractor and their Subcontractors for CCC #163 is \$8,187,279 of which \$1,210,445 was compensated under Contract Modification #131, resulting in a net compensation of \$6,976,834 by this Contract Modification #136; 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, Modification No. 136 to Contract No. 1300 described herein comes is 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 <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and is incorporated herein by reference; now therefore, be it

RESOLVED, That the SFMTA Board has reviewed and considered the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (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 California Environmental Quality Act (CEQA) findings by this reference as though set forth in this Resolution; and be it further

RESOLVED, That the SFMTA Board of Directors approves Modification No. 136 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems with Tutor Perini Corporation, to resolve Contractor claims for costs of additional work resulting from design changes to the Fire Alarm and Deluge Systems at all three underground stations in the amount of \$6,976,834, for a modified contract amount of \$996,698,587.32.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 5, 2021.

Caroline Celaya

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency