

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION NO. 220118-008

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, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems (Contract No. 1300) to Tutor Perini Corporation (Contractor) to construct one street-level and three subway stations, trackways, and systems for the Central Subway Project; and,

WHEREAS, Contract Modification No. 143 (also referenced as “Omnibus No. 3”) will compensate the Contractor and subcontractors \$27,924,758 for the direct costs of additional work the Contractor has performed under change orders listed in Enclosure 2, Attachments 1, 2 and 3 to Contract Modification No. 143, and fully releases the SFMTA from further liability for any and all costs related to these change orders; and extends the Final Completion to June 18, 2022; and,

WHEREAS, The additional work covered by the listed change orders generally resulted from City-directed design changes, including changes over the entire 1.75-mile alignment to key underground utilities routing and sizing of pipes and duct banks including for major trunk lines, a significant number of changes to details for station structures and finishes, and changes to and mechanical, electrical, and plumbing routing and sizing changes; and,

WHEREAS, The SFMTA performed analysis of merit and verification of costs of the Work, which informed the Agency’s determination that the payment of \$27,924,758 for the additional work performed is justified, fair and reasonable; and,

WHEREAS, The SFMTA and the Contractor have identified all change orders and claims that the SFMTA has issued or that Contractor has submitted as of December 17, 2021 that remain unresolved, and all change orders issued by the SFMTA or submitted by Contractor as of that date are fully resolved and released by this Contract Modification No. 143; and,

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

WHEREAS, The SFMTA’s Contract Compliance Office has previously determined that the Contractor is complying with the Small Business Enterprise requirements of Contract No. 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 California Environmental Quality Act (CEQA) Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, The changes effected by Modification No. 143 to Contract No. 1300, as described herein, falls 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 at [Central Subway Final SEIS/SEIR | SFMTA](#), 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 and record as a whole, and finds that the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report 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 approves Modification No. 143 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's and subcontractors' claims for compensation for additional work and delay resulting from City-directed design changes and unexpected site conditions, which increases the contract amount \$27,924,758 and to extend the Project Final Completion date to June 18, 2022. In conjunction with bilateral Contract Modification No. 144, which reduces the contract amount by \$10,500,000, the total net increase of Contract Modifications No. 143 and 144 is \$17,424,758, for a total modified contract value of \$1,158,241,864.70.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 18, 2022.



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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency