

THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Modification No. 4 to Contract No. 1303R, 22 Fillmore Transit Priority Project, with Ranger Pipelines Incorporated, to retroactively extend the Contract term by 168 non-compensable days.



SUMMARY:

- On August 21, 2018, The SFMTA Board of Directors adopted Resolution No. 180821-120, which authorized the award of SFMTA Contract No. 1303R, 22 Fillmore Transit Priority Project, with Ranger Pipelines Incorporated, in the amount of \$37,609,400.50, and for a term of 365 days to substantial completion.
- The SFMTA issued the Notice to Proceed with the work effective February 8, 2019, for a substantial completion date of February 7, 2020.
- The Contract was previously modified three times to modify work related to overhead, traction power, duct bank, streetlight and traffic signals, and to implement additional safe work practices due to the COVID-19 emergency, decreasing the Contract amount by \$4,800,782.40, with no impact to the Contract term.
- This Contract Modification retroactively extends the Contract term by 168 non-compensable days due to traffic signal and streetlight pole procurement, water work, and boarding island work, for a new substantial completion date of July 24, 2020.

ENCLOSURES:

1. SFMTAB Resolution
2. Contract Modification No. 4
3. Project Budget and Finance Plan
4. SFMTA Resolution No. 14-041 <http://www.sfmta.com/sites/default/files/agendaitems/3-28-14%20Item%206%20TEP%20CEQA%20approval%20resolution.pdf>
5. TEP FEIR <https://sfplanning.org/project/muni-forward-transit-effectiveness-project-tep-environmental-review-process#info>
6. Mitigation Monitoring and Reporting Program <https://www.sfmta.com/sites/default/files/agendaitems/3-28-14%20Item%207%20TEP%20Service%20Changes%20-%20MMRP.pdf>

APPROVALS:

	DATE
DIRECTOR 	<u>August 31, 2021</u>
SECRETARY 	<u>August 31, 2021</u>

ASSIGNED SFMTAB CALENDAR DATE: September 7, 2021

PAGE 2.

PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Modification No. 4 to Contract No. 1303R, 22 Fillmore Transit Priority Project, with Ranger Pipelines Incorporated, to retroactively extend the Contract term by 168 non-compensable days.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The work to be performed under Contract No. 1303R supports the following SFMTA Strategic Plan Goals and Objectives:

- Goal 1: Create a safer transportation experience for everyone.
 - Objective 1.2 Improve the safety of the transportation system.

- Goal 2: Make transit and other sustainable modes of transportation them most attractive and preferred means of travel.
 - Objective 2.1 Improve transit service.

- Goal 3: Improve the quality of life and environment in San Francisco and the region.
 - Objective 3.2 Advance policies and decisions in support of sustainable transportation and land use principles.
 - Objective 3.4 Provide environmental stewardship to improve air quality, enhance resource efficiency, and address climate change.

The work to be performed under Contract No. 1303R supports the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.

DESCRIPTION

Background

On August 21, 2018, the SFMTA Board of Directors adopted Resolution No. 180821-120, awarding Contract No. 1303R, 22 Fillmore Transit Priority Project (Contract), to Ranger Pipelines Incorporated in the amount of \$37,609,400.50, and for a Contract term of 365 days to substantial completion. The SFMTA issued the Notice to Proceed with the work effective February 8, 2019, for a substantial

PAGE 3.

completion date of February 7, 2020.

Work performed under the Contract included installing traffic signals, overhead wires, transit islands, pedestrian and transit bulbs, and related work, including replacement of sewer and water lines along the 22-Fillmore route on 16th Street between Utah and Third Streets, on Third Street between 16th Street and Mission Bay Boulevard North, and on adjacent streets in Mission Bay.

Prior Contract Modifications

On October 16, 2019, the Director of Transportation approved Contract Modification No. 1 for a total deductive amount of \$5,066,255.00 resulting from modifying scopes of work related to overhead, traction power, traction power duct bank, streetlight and traffic signal work on 16th Street between Kansas Street and Seventh Street.

On July 14, 2020, the Director of Transportation approved Contract Modification No. 2 for \$60,000.00 to implement additional safe work practices due to the COVID-19 emergency.

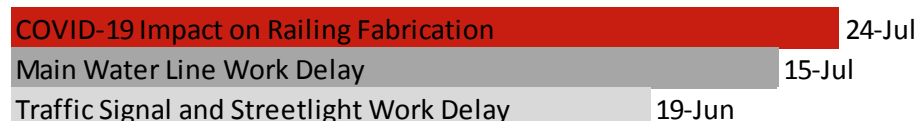
On January 27, 2021, the Director of Transportation approved Contract Modification No. 3 for \$205,472.60 to (a) furnish and install special pole foundations at 16th and Mississippi and 16th and Connecticut Streets; (b) perform additional signal work at 16th and Mississippi and 16th and Vermont Streets; (c) modify railing dome end caps; (d) quantity adjustments to civil and landscaping bid items; and (e) furnish and install a new combination traffic signal and signal light pole at 16th and De Haro Streets.

Current Status

The Contractor achieved substantial completion of all work on July 24, 2020. The Agency is preparing final closeout and acceptance of this project.

Current Modification

There were three main scopes of work that caused delay to the original substantial completion date. The project delay on the critical path was the COVID-19 impact on the boarding island railing fabrication work. There were other partially concurrent delays including the traffic signal and streetlight work, and the main water line work.



Traffic signal work completion was delayed from February 8, 2020 to June 19, 2020. On June 21, 2019, the SFMTA sent a proposed contract change to the contractor for the re-design of traffic signal and streetlight poles at two intersections. This change was necessary to upgrade the streetlights at

PAGE 4.

these two intersections to make them compatible with the new traffic signal designs. This change delayed placing the order for the fabrication of metal poles, which already had a long lead time. This pushed the pole work completion to June 19, 2019.

Water work completion was delayed from February 8, 2020 to July 15, 2020. Concurrent to the City's traffic signal and streetlight pole procurement delay, the Contractor had delays of its own completing the installation of 8" and 16" main water lines along 16th Street. These delays resulted in completing the water work on July 15, 2020.

Completion of boarding island work was delayed from February 8, 2020 to July 24, 2020. This delay was concurrent with traffic signal and streetlight work delay and water work delay. The procurement of boarding islands railings was impacted by the supply chain disruption during the pandemic. Despite all of the project team's effort to expedite fabrication of the railings, in March 2020 the COVID-19 pandemic hit our nation and the railing manufacturer immediately shut down railing fabrication. The Contractor reported that the manufacturer re-opened its doors, resuming fabrication in June 2020. The installation of railing for all boarding islands was completed on July 23, 2020, and the SFMTA agreed with the Contractor that the project reached substantial completion on July 24, 2020.

The unforeseen delay in boarding islands railing fabrication was the longest path of delay, with concurrent delay on traffic signal, street light pole procurement, and delay in the water line installation and connection. The overall delay to substantial completion was 168 days. Both parties have agreed that there is a shared responsibility in all these delays and therefore have agreed to a non-compensable time extension.

This Contract Modification extends the duration for the Contractor to achieve substantial completion by 168 days, for a new substantial completion date of July 24, 2020.

STAKEHOLDER ENGAGEMENT

Prior to the award of this Contract, local residents and businesses were contacted and have been kept informed about construction progress throughout the duration of the project.

ALTERNATIVES CONSIDERED

There were no alternatives available due to the necessity for completion of the work. Canceling this contract and issuing a new contract for the remaining work would have added major costs and adversely impacted the schedule even more.

FUNDING IMPACT

Contract Modification No. 4 is a non-compensable time extension and does not include a request for additional funds.

ENVIRONMENTAL REVIEW

The construction of capital improvements as described in the Transit Effectiveness Program (TEP) is subject to the California Environmental Quality Act (CEQA). The TEP Final Environmental Impact Report (TEP FEIR) was certified by the San Francisco Planning Commission in Motion No. 19105 on March 27, 2014. Subsequently, on March 28, 2014 in Resolution No. 14-041, the SFMTA Board of Directors approved all of the TEP proposals, including the TTRP and Service-Related Capital Improvements, to improve transit performance along various Muni routes. As part of Resolution No. 14-041, the SFMTA Board of Directors adopted findings under CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code (CEQA Findings), and a Mitigation Monitoring and Reporting Program.

In January 2016, the San Francisco Planning Department Environmental Planning Division reviewed modifications to the TTRP.22 Expanded Alternative, referred to as the Modified Expanded Alternative. On January 8, 2016, the Planning Department issued a Note to File (TEP Checklist) to the TEP FEIR (Case Number 2011.0558E) for traffic signals, overhead wires, transit islands, and pedestrian and transit bulbs. On December 11, 2017, the Planning Department issued a Note to File (Case Number 2011.0558E) to the TEP FEIR for pedestrian improvements. Both Notes to File concluded that the proposed changes would not cause new significant impacts not identified in the FEIR or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts.

The project is subject to CEQA. CEQA provides a categorical exemption from environmental review for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced as defined in Title 14 of the California Code of Regulations Section 15302.

On November 28, 2017, the Planning Department determined (Case Number 2017-015444ENV) that the replacement of sewer and water lines along the 22-Fillmore route (SFPUC - 16th Street Sewer Main Replacement Project on 16th St. from Dolores St. to Missouri St.) is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15302. On May 26, 2017, the Planning Department determined (Case Number 2017-007139ENV) that the proposed 16th Street water main replacement (SFPUC - 8-, 12-, 8 16-Inch Ductile Iron Water Main Replacements Project on 16th Street) is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15302.

The proposed Contract Modification No. 4 is within the scope of the previous environmental review described above, as the modification does not include an expansion of the scope of work.

PAGE 6.

A copy of the above CEQA determinations are on file with the Secretary to 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.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office and the Contract Compliance Office have reviewed the calendar item. No other approvals are required.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize the Director of Transportation to execute Modification No. 4 to Contract No. 1303R, 22 Fillmore Transit Priority Project, with Ranger Pipelines Incorporated, to retroactively extend the Contract term by 168 non-compensable days.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On August 21, 2018, The SFMTA Board of Directors adopted Resolution No. 180821-120, awarding Contract No. 1303R, 22 Fillmore Transit Priority Project, to Ranger Pipelines Incorporated (Contractor) to install traffic signals, overhead wires, transit islands, pedestrian and transit bulbs, and perform related work, including replacement of sewer and water lines along the 22-Fillmore route on 16th Street between Utah and Third Streets, on Third Street between 16th Street and Mission Bay Boulevard North, and on adjacent streets in Mission Bay, in the amount of \$37,609,400.50, and for a Contract term of 365 days to substantial completion; and,

WHEREAS, The SFMTA issued the Notice to Proceed with the work effective February 8, 2019, for a substantial completion date of February 7, 2020; and,

WHEREAS, On October 16, 2019, the Director of Transportation approved Contract Modification No. 1 for the modification of scope of work related to overhead, traction power, traction power duct bank, streetlight and traffic signal work on 16th Street between Kansas Street and Seventh Street, reducing the Contract amount by \$5,066,255.00, for a new Contract amount not to exceed \$32,543,145.50; and,

WHEREAS, On July 14, 2020, the Director of Transportation approved Contract Modification No. 2 to implement additional safe work practices due to the COVID-19 emergency, in the amount of \$60,000.00, for a new Contract amount not to exceed \$32,603,145.50; and,

WHEREAS, On January 27, 2021, the Director of Transportation approved Contract Modification No. 3 to (a) furnish and install special pole foundation at 16th and Mississippi and 16th and Connecticut; (b) perform additional signal work at 16th and Mississippi and 16th and Vermont; (c) modify railing dome end caps; (d) quantity adjustments to overrun civil and landscaping bid items; and (e) furnish and install a new combination traffic signal and signal light pole at 16th and De Haro, in the amount of \$205,472.60, for a new Contract amount not to exceed \$32,808,618.10; and,

WHEREAS, The 22 Fillmore Transit Priority Project is subject to the California Environmental Quality Act (CEQA); CEQA provides a categorical exemption from environmental review for existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, as defined in Title 14 of the California Code of Regulations Section 15301 Class 1(c); and,

WHEREAS, This project was analyzed in the Transit Effectiveness Program Final Environmental Impact Report (TEP FEIR) certified by the San Francisco Planning Commission in Motion No. 19105 on March 27, 2014; and,

WHEREAS, Approval for traffic and parking modifications to implement various projects along the 22-Fillmore route included in the Service-Related Capital Improvements of the Muni Forward program relies on said TEP FEIR, and information pertaining to the TEP FEIR is set forth in

a SFMTA Resolution No 14-041, adopted on March 28, 2014, which is on file with the Secretary to the SFMTA Board of Directors and incorporated herein by reference; and,

WHEREAS, As part of Resolution No. 14-041, the SFMTA Board of Directors adopted findings under CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code, and adopted a Mitigation Monitoring and Reporting Program (MMRP), which documents are on file with the Secretary to the SFMTA Board of Directors and are incorporated herein by reference as though fully set forth; and,

WHEREAS, The SFMTA Board concurs with the CEQA Findings, and the Statement of Overriding Considerations, most specifically as they relate to the 22-Fillmore project, as identified in Resolution No. 16-013, adopted by the SFMTA Board on January 19, 2016; and,

WHEREAS, On January 8, 2016, the Planning Department issued a Note to File (Case Number 2011.0558E) to the TEP FEIR for traffic signals, overhead wires, transit islands, and pedestrian and transit bulbs; and, on December 11, 2017, the Planning Department issued a Note to File (Case Number 2011.0558E) to the TEP FEIR for pedestrian improvements, concluding for both Notes to File that the proposed changes would not cause new significant impacts not identified in the FEIR or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts; and,

WHEREAS, On November 28, 2017, the Planning Department determined (Case Number 2017-015444ENV) that the 16th Street water work (SFPUC - 16th Street Sewer Main Replacement Project on 16th St. from Dolores St. to Missouri St.) is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15302; and,

WHEREAS, On May 26, 2017, the Planning Department determined (Case Number 2017-007139ENV) that the 16th Street water main replacements project (SFPUC - 8-, 12-, 8 16-Inch Ductile Iron Water Main Replacements Project on 16th Street) is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15302; and,

WHEREAS, The proposed Contract Modification No. 4 is within the scope of this environmental review; and,

WHEREAS, Copies of all CEQA documents and determinations, including a subset of the TEP MMRP pertinent to the project, are on file with the Secretary to 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 are incorporated herein by reference; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors has reviewed and considered the Transit Effectiveness Program Environmental Impact Report and record as a whole, and finds that the proposed approvals herein are within the scope of the Transit Effectiveness Program and incorporates the California Environmental Quality Act findings contained in Resolution No. 14-041, including the Statement of Overriding Considerations by this reference as though fully set forth, and be it further

RESOLVED, That SFMTA Board of Directors authorizes the Director of Transportation to execute Modification No. 4 to Contract No. 1303R, 22 Fillmore Transit Priority Project, with Ranger Pipelines Incorporated, to retroactively extend the Contract term by 168 non-compensable days.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 7, 2021.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

CONTRACT MODIFICATION NO. 4

**San Francisco Municipal Transportation
Agency
Contract No. 1303R
22 Fillmore Transit Priority Project**

Contractor: Ranger Pipelines Inc.
1790 Yosemite Avenue
San Francisco, CA 94124

Page 10 of

12

The Contract is modified as follows:

CM-4 Non-Compensable Delay for Traffic Signal Poles & Water Work

The Contract Term is extended by 168 Days for the delay resulting from redesign of the traffic signals, signal lights, and OCS poles per PCC #6 on 6/14/19 (132 days); and the delay in fabrication of railing for the boarding islands due to COVID-19. The total of 168 Days are agreed to be non-compensable. The adjusted Contract Substantial Completion date resulting from this time extension is 7/24/2020.

Total Amount of this Contract Modification: \$0.00

Previous Total of Contract: \$32,808,618.10

Current Total of Contract: \$32,808,618.10

Total Contract Time (Days) Added by this Contract Modification:	168
--	-----

Contract Substantial Completion Date: 02/07/2020

Current Contract Substantial Completion Date: 07/24/2020

3. This Modification is made in accordance with Article 7 of the Contract General Provisions.
4. Contractor acknowledges and agrees that the amounts agreed for the work described above, if any, shall be in full accord and satisfaction of all current and prospective costs

incurred in connection with Contractor's performance of the work under this Modification, without limitation, including any and all markups and overhead. Contractor releases the City from all claims for which full accord and satisfaction is made, as set forth above. This modification involves the granting of an extension of time without cost. Contractor releases the City from all claims and costs associated with such extension of time. Any such costs may include, but are not limited to, costs for labor, materials, equipment, disruption, lost productivity, escalation, delay, extended overhead, administration and extended performance time.

5.

Except as provided herein, all previous terms and conditions of the Contract remain unchanged.

In Witness Whereof, the parties have executed this Modification in San Francisco, California, on the following date: _____.

Ranger Pipelines Inc.

**CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

By: _____

Signature
John Nolan
Project Manager

By: _____

Signature
Jeffrey P. Tumlin
Director of Transportation

Authorized By:

San Francisco Municipal Transportation
Agency
Board of Directors
Resolution No. _____
Adopted: _____

Attest:

Secretary, SFMTA Board of Directors

APPROVED AS TO FORM:

Dennis J. Herrera, City Attorney

By: _____

Robin M. Reitzes
Deputy City Attorney

ENCLOSURE 3

22-Fillmore Transit Priority Project, (first contract for 16th Street Improvement Project)

San Francisco Municipal Transportation Agency, Contract No. 1303R,

Project Budget and Financial Plan

Cost	Amount
Detail Design Phase Staff Support (SFMTA and Other City Services)	\$5,000,000
Construction Phase Construction Contract, Contingency, and Staff Support	\$62,373,604
Total Cost	\$67,373,604

Funding	Amount
Cap & Trade Grant	\$2,500,000
General Fund Subsidy (Population Based Baseline)	\$6,861,494
Transportation and Road Improvement General Obligation Bond	\$33,225,319
Development Impact Fees	\$16,985,528
SFMTA Operating	\$2,200,892
Sales Tax (Prop K) Funding	\$5,600,371
Grand Total	\$67,373,604