

THIS PRINT COVERS CALENDAR ITEM NO.: 10.2

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs & Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Contract Modification No. 1 to Contract No. 1318, Woods Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., to increase the Contract amount by \$172,310.77 for a total Contract amount of \$5,028,537.77 and increase the overall Contract Time to substantial completion by 307 non-compensable days for a total Contract Time of 577 days to Substantial Completion.

SUMMARY:

- On October 5, 2021, the SFMTA Board of Directors adopted Resolution No. 211005-115, which authorized the award of SFMTA Contract No. 1318, Wood Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., in the amount of \$4,856,227, and for a term of 270 days from the date of commencement of the Contract Time established on the Notice to Proceed to Substantial Completion.
- Substantial Completion has been delayed from October 27, 2022 to August 30, 2023 due to various construction and unavoidable delays. The total contract delay was 307 non-compensable days.
- This Contract Modification also increases the Contract amount by \$172,310.77 to pay for the replacement of the 12-inch existing underground chase due to differing site conditions.

ENCLOSURES:

1. SFMTAB Resolution
2. Contract Modification No. 1
3. Project Budget and Financial Plan

APPROVALS:

DATE

DIRECTOR



November 29, 2023

SECRETARY



November 29, 2023

ASSIGNED SFMTAB CALENDAR DATE: December 5, 2023

PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Contract Modification No. 1 to Contract No. 1318, Woods Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., to increase the Contract amount by \$172,310.77 for a total Contract amount of \$5,028,537.77 and increase the overall Contract Time to substantial completion by 307 non-compensable days for a total Contract Time of 577 days to Substantial Completion.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The Work performed under Modification 1 to Contract No. 1318 supports the following goals in the SFMTA’s Strategic Plan and Transit First Policy Principles:

Strategic Plan

Goal 5: Deliver reliable and equitable transportation services.

Goal 9: Fix things before they break, and modernize systems and infrastructure.

Transit First Policy Principles

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.

DESCRIPTION

Background

The Woods Bus Maintenance Facility located at 1095 Indiana Street within the Dogpatch neighborhood is a key Muni transit maintenance yard which has a significant backlog in deferred facility upgrades. The existing drive-through bus wash system consists of two bus washers and a water reclamation system, which converts the wastewater from the wash building into water that can be reused for bus washing. The bus wash system was designed to wash only the 40-foot-long diesel buses and is near the end of its 20-year lifespan.

On October 5, 2021, the SFMTA Board of Directors adopted Resolution No. 211005-115, which authorized the award of SFMTA Contract No. 1318, Wood Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., in the amount of \$4,856,227, and for a term of 270 days from the date of commencement of the Contract Time established on the Notice to Proceed to Substantial Completion.

Work performed under the Contract included replacing the existing bus washers and water reclamation system to accommodate and wash all 40-foot and 60-foot-long hybrid and low-floor battery electric buses more efficiently and effectively.

Current Status

The Contractor achieved Substantial Completion of all work on August 30, 2023. Beneficial Occupancy began in mid-August 2023. Testing, commissioning and training were all completed.

Current Modification

This Contract Modification No. 1 includes two items as follows: (1) Increase the Contract amount by \$172,310.77 to pay for the replacement of the existing 12-inch PVC underground chase due to differing site conditions, and (2) Increase the overall Contract Time to substantial completion by 307 non-compensable days due to various construction and unavoidable delays as outlined below and included in the Contract Modification (Enclosure 2).

- Bus Wash Equipment procurement delay due to supply chain interruptions associated with COVID-19 disruptions. This required a time extension of 80 non-compensable calendar days.
- During demolition of ceiling, the Contractor discovered a different site condition consisting of thicker plaster material than expected. This required a time extension of 4 non-compensable calendar days.
- The Contractor was directed to avoid unplanned interruptions to the maintenance facility by providing temporary electrical feeds to the existing pressure washer and lift adjacent to wash building while new conduits/feeds were installed inside the wash building. This required a time extension of 14 non-compensable calendar days.
- The electrical feed conduit for the Woods Facility pressure washer and bus lifts located adjacent to the Bus Wash Building had to be temporarily removed and then reinstalled after installation of the new ceiling. The contract drawings did not show this conduit run in the Bus Wash Building. Additional j-boxes were required on this conduit run for accessibility after plaster ceiling work was completed. This required a time extension of 36 non-compensable calendar days.
- The Contractor installed additional cross runners and readjusted the existing Bus Wash Building roll up doors to achieve the required clearance per the current building code for the new ceiling. The original ceiling height was not indicated on the contract drawings or as-builts. This required a time extension of 11 non-compensable calendar days.
- The Contractor conducted an investigation of the skylight per contract drawings and discovered that 8 skylight panels needed to be replaced due to cracking and other damages. The contract drawings directed the Contractor to replace panels in kind, but the panel material was discontinued. The Contractor was directed to modify the skylight soffits to hold the new approved skylight panels. Modification of the skylight soffits is not part of the original contract. This required a time extension of 4 non-compensable calendar days.
- The project experienced an unforeseen weather delay with heavy rainfall for 3 consecutive week, during which time the Contractor was unable to perform work. This required a time extension of 15 non-compensable calendar days.
- The Contractor was directed to replace the existing 12-inch underground chase per Item CM-1.B. This work was considered a differing site condition and required a time extension of 130 non-compensable calendar days.

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- An additional 13 non-compensable calendar days were required to complete the Start-Up and Commissioning procedures, which pushed the finish of critical Activity ID A3840 – Substantial Completion from August 18, 2023, to August 30, 2023.

Because the extension of time is greater than 25 percent of the original term of the contract, authority to approve this modification has not been delegated to the Director of Transportation.

STAKEHOLDER ENGAGEMENT

The scope at the Woods Bus Yard was limited to work within the property line and did not directly impact transit service. Project staff consulted SFMTA Transit Management, Facility Management, along with superintendents and staff at the Woods Bus Yard during the project design process. Staff were supportive of the project.

Prior to the award of this Contract, local residents including the Dogpatch district community and nearby businesses were contacted and have been kept informed about construction progress throughout the duration of the Project. The Supervisor's office (District 10) has been briefed.

ALTERNATIVES CONSIDERED

There were no alternatives available regarding Contract Modification No. 1 the underground chase replacement because this additional work was triggered by an unforeseen condition that was not indicated in the original contract. If the change order work was not executed, then the bus wash equipment would not function.

FUNDING IMPACT

Contract Modification No. 1 increases the Contract amount by \$172,310.77 or 3.5% from \$4,856,227 to \$5,028,537.77.

The overall budget cost is \$16,967,473 which is funded by Transportation Sustainability Fee, SB1SGR, FTA, General Fund, and Operating funding sources, as listed in Enclosure 3. The \$172,310.77 contract increase does not increase the \$16,967,473 current budget. Funding sources were realigned to offset the contract increase.

ENVIRONMENTAL REVIEW

On December 30, 2020, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Woods Facility Rehabilitation – Bus Wash Systems Replacement is not a “project” under CEQA pursuant to CEQA Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct or a reasonably foreseeable indirect physical change to the environment.

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The proposed Contract Modification No. 1 to Contract No. 1318 is within the scope of the Woods Facility Rehabilitation – Bus Wash Systems Replacement not a “project” determination issued in 2020.

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney’s Office and 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 Contract Modification No. 1 to Contract No. 1318, Woods Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., to increase the Contract amount by \$172,310.77 for a total Contract amount of \$5,028,537.77 and increase the overall Contract Time to substantial completion by 307 non-compensable days for a total Contract Time of 577 days to Substantial Completion.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On October 5, 2021, the SFMTA Board of Directors adopted Resolution No. 211005-115, which authorized the award of SFMTA Contract No. 1318, Wood Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., in the amount of \$4,856,227, and for a term of 270 days from Notice to Proceed to Substantial Completion; and,

WHEREAS, During performance of the Contract, the Contractor incurred additional costs in the amount of \$172,310.77 to replace the existing 12-inch PVC underground chase due to differing site conditions, and required an additional 307 days to complete construction due to various unavoidable delays, which the Contractor acknowledges are non-compensable; and

WHEREAS, On December 30, 2020, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Woods Facility Rehabilitation – Bus Wash Systems Replacement is not a “project” under CEQA pursuant to CEQA Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct or a reasonably foreseeable indirect physical change to the environment; and,

WHEREAS, The proposed Contract Modification No. 1 to Contract No. 1318 is within the scope of the Woods Facility Rehabilitation – Bus Wash Systems Replacement not a “project” determination issued in 2020; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Contract Modification No. 1 to Contract No. 1318, Woods Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., to increase the Contract amount by \$172,310.77 for a total Contract amount of \$5,028,537.77 and increase the overall Contract Time to substantial completion by 307 non-compensable days for a total Contract Time of 577 days to Substantial Completion.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of December 5, 2023.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Enclosure 2



CONTRACT MODIFICATION No. 1

SFMTA Contract No. 1318
Woods Facility Rehabilitation – Bus Wash System
Replacement Project

Contractor: Air & Lube Systems Inc.
8353 Demetre Avenue
Sacramento, CA 95828

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The Contract has been modified as follows:

1. Scope of Work

CM-1.A	<p><u>Replace Existing 12-Inch Underground Chase</u> – Replace existing 12-Inch Underground Chase spanning between the Bus Wash Building and Reclaim Area at Woods Bus Facility as detailed in Change Order Request 06 dated 4/30/2023.</p> <p>The agreed lump sum amount includes all cost, including labor, equipment, materials, design, installation, additional field supervision, additional insurance and bond, and any and all incidental costs to perform this work.</p>	\$172,310.77
CM-1.B	<p><u>Non-compensable Time Extension</u> – Extend the Contract term by 307 Calendar days for a new Substantial Completion date of August 30, 2023. The time extension is non-compensable (See General Provisions Article 7.02.H) due to multiple unavoidable delays. Please see the list below for these delays.</p>	\$0.00

Activity	Description
A1200	Bus Wash Equipment procurement delay due to supply chain interruptions associated with COVID-19 disruptions. This required a time extension of 80 non-compensable calendar days.
A2080	During demolition of ceiling the Contractor discovered different site condition of thicker plaster material. This required a time extension of 4 non-compensable calendar days.
A2081	The Contractor was directed to avoid unplanned interruptions to maintenance facility by providing temporary electrical feeds to existing pressure washer and lift adjacent to wash building while new conduits/feeds were installed inside wash building. This



	required a time extension of 14 non-compensable calendar days.
A2082	The electrical feed conduit for the Woods Facility pressure washer and bus lifts located adjacent to the Bus Wash Building had to be temporarily removed then reinstalled after installation of the new ceiling. The contract drawings did not show this conduit run in the Bus Wash Building. Additional j-boxes were required on this conduit run for accessibility after plaster ceiling work is completed. This required a time extension of 36 non-compensable calendar days.
A2090	The Contractor installed additional cross runners and readjusted the existing Bus Wash Building roll up doors to achieve the required clearance per the current building code for the new ceiling. The original ceiling height was not indicated on the contract drawings or as-builts. This required a time extension of 11 non-compensable calendar days.
A2145	The Contractor conducted investigation of skylight per contract drawings and discovered 8 skylight panels needed to be replaced due to cracking and other damages. The contract drawings directed the Contractor to replace panels in-kind, but the panel material was discontinued. The Contractor was directed to modify the skylight soffits to hold the new/approved skylight panels. Modification of the skylight soffits is not part of the original contract. This required a time extension of 4 non-compensable calendar days.
A2149	The project experienced an unforeseen weather delay with heavy rainfall for 3 consecutive weeks. Contractor was unable to perform work. This required a time extension of 15 non-compensable calendar days.
A3551	The Contractor was directed to replace the of existing 12-inch underground chase per Item CM-1.B. This work was considered a differing site condition and required a time extension of 130 non-compensable calendar days.
A3840	An additional 13 non-compensable calendar days was required to complete the Start-Up and Commissioning procedures, which pushed the finish of critical Activity ID A3840 – Substantial Completion from August 18, 2023, to August 30, 2023.



2. Add the following new Contract Pay Items:

CM-1.A	Replace Existing 12-Inch Underground Conduit	Lump Sum	\$ 172,310.77
CM-1.B	Non-compensable Time Extension	Lump Sum	\$ 0.00
Total Amount of this Contract Modification:		Increase	\$ 172,310.77
Previous Total of Contract:			\$ 4,856,227.00
New Revised Total of Contract:			\$ 5,028,537.77

Total Contract Time added by this Contract Modification: 307 Days

Previous Contract Substantial Completion Date: 10/27/22

Current Contract Substantial Completion Date: 8/30/23

3. This Modification is made in accordance with Article 6 and 7 of the Contract General Provisions.
4. Except as provided herein, all previous terms and conditions of the Contract remain unchanged.
5. The compensation (time and cost) set forth in this Modification comprises the total of all compensation due to Contractor, all Subcontractors and all Suppliers, as a result of the events giving rise to the Modification and for the Additional Work described in this Modification, including any time impact on unchanged Work, including delays and inefficiencies. The execution of this Modification constitutes an accord and satisfaction of any claim for additional compensation or time for the Additional Work effected by this Modification, and Contractor on behalf of itself, and all Subcontractors and Suppliers, specifically waives and releases any and all claims rights or interest, including but not limited to legal and equitable claims for direct, indirect, and overhead costs, delay, impact, disruption, loss of efficiency or other special, extraordinary or consequential costs arising from or related to the Work described in the Modification, without exception or reservation of any kind.

Signatures on following page.



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

AIR & LUBE SYSTEMS, INC.

CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY

By: _____
Miguel Micheltorena
Project Manager

By: _____
Jeffrey P. Tumlin
Director of Transportation

Authorized By:

MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

Resolution No. _____

Adopted: _____

Attest:

By: _____
Secretary, Municipal Transportation
Agency

APPROVED AS TO FORM:

David Chiu, City Attorney

By: _____
David F. Innis
Deputy City Attorney

Enclosure 3

Woods Facility Rehabilitation – Bus Wash Systems Replacement

San Francisco Municipal Transportation Agency, Contract No. 1318,

Project Budget and Financial Plan

Cost	Amount
Planning Phase (SFMTA and Other City Services)	\$33,533
Preliminary Engineering Phase (SFMTA and Other City Services)	\$467,466
Detail Design Phase Staff Support (SFMTA and Other City Services)	\$ 1,745,120
Construction Phase Construction Contract, Contingency, and Staff Support	\$14,721,353
Total Cost	\$16,967,473ⁱ

Funding	Amount
Transportation Sustainability Fee	\$1,318,032
SB1SGR	\$10,866,466
FTA	\$3,617,415
Operating	\$745,699
General Fund	\$419,861
Grand Total	\$16,967,473

ⁱ The total budget cost includes both Woods Bus Wash System Replacement Project and Woods eBus Charging Station Pilot Program under the Woods Facility Rehabilitation Project.