

THIS PRINT COVERS CALENDAR ITEM NO. : 10.7

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Contract Modification No. 1 to San Francisco Municipal Transportation Agency Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive, with ProVen Management, Inc., to compensate the contractor for all costs resulting from extending the contract term, increasing the contract amount by \$314,838, for a total contract amount of \$3,677,485.75, and extending the contract term by 193 days to 463 days.

SUMMARY:

- On March 7, 2017, the SFMTA Board of Directors awarded Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive, to ProVen Management, Inc. (M-Ocean View Contract), at a cost not to exceed \$ 3,362,647.75, and for a term of 270 days.
- The M-Ocean View Contract includes safety, accessibility, and transit reliability improvements at 19th Avenue and Rossmoor Drive, such as replacement of track infrastructure and upgrading of the traffic signal.
- To minimize service disruptions, the SFMTA directed ProVen Management to coordinate the work under the M-Ocean View Contract with work scheduled to be performed under Contract No. 1282R, Twin Peaks Tunnel Trackway Improvement Project, with NTK Construction, Inc., as both contracts resulted in interruption of the service for the M-Ocean View Line.
- On June 2, 2017, the SFMTA issued a notice of its intent to terminate the Twin Peaks Tunnel Contract and postponed the M-Ocean View Line service shutdown to July 2018 in order to engage a new contractor for the Twin Peaks Tunnel Project.
- Postponement of the M-Ocean View Line service shutdown delayed completion of work under the M-Ocean View Contract, resulting in costs to the Contractor.

ENCLOSURES:

1. SFMTAB Resolution
2. Project Budget and Financial Plan
3. Modification #1

APPROVALS:

DIRECTOR



DATE

1/8/2018

SECRETARY



1/8/2018

ASSIGNED SFMTAB CALENDAR DATE: January 16, 2018

PAGE 2.

PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Contract Modification No. 1 for San Francisco Municipal Transportation Agency Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive, with ProVen Management, Inc., to compensate the Contractor for all costs resulting from extending the contract term. The Modification will increase the contract amount by \$314,838, for a total contract amount of \$3,677,485.75, and extend the term of the Contract by 193 days to 463 days.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following goals and objectives in the SFMTA's Strategic Plan and Transit First Policy Principles:

Strategic Plan Goals/Objectives:

- Goal 1: Create a safer transportation experience for everyone.
 - Objective 1.3 Improve the safety of the transportation system.
 - Objective 1.4 Improve accessibility across transit service.

- Goal 2: Make transit, walking, bicycling, taxi, ridesharing & carsharing the preferred means of travel.
 - Objective 2.2 Improve transit performance.

- Goal 3: Improve the environment and quality of life in San Francisco
 - Objective 3.2 Increase the transportation system's positive impact to the economy.
 - Objective 3.3 Allocate capital resources effectively.
 - Objective 3.4 Deliver Services efficiently.

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.

DESCRIPTION

Background

PAGE 3.

SFMTA Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive (the M-Ocean View Project), aims to improve reliability and on-time performance of the M-Ocean View light rail line, improve safety, and replace sections of aging tracks to keep the Muni system in a state of good repair. The M-Ocean View Project area is on 19th Avenue (State Route 1) between Winston Drive and Eucalyptus Drive. 19th Avenue is an urban, divided conventional highway running in a north-south direction, with three lanes in each direction. The SFMTA train tracks run along the median between Junipero Serra Boulevard and Rossmoor Drive and cross the northbound lanes of 19th Avenue at Rossmoor Drive.

Project Description

The M-Ocean View Project includes safety, accessibility, and transit reliability improvements. The safety features of the project include signaling the Rossmoor Drive approach and improving the pedestrian conditions at the light rail vehicle (LRV) crossing at Rossmoor Drive by adding “train-coming” signals to alert pedestrians. Accessibility will be improved through installation of ADA-compliant curb ramps.

Transit reliability will be improved by installation of train detection to allow for transit signal priority, allowing the traffic signal to operate more efficiently. The current intersection operates based on fixed time intervals, which means the train signal stops 19th Avenue northbound traffic even if a train is not present. This creates unnecessary delays to traffic, including Muni, as the 28-Line and the 28R-Line both travel on 19th Avenue. In addition, the contractor will be installing red concrete in the track right-of-way crossing northbound 19th Avenue at Rossmoor Drive to serve as an indication to motorists not to block the train right-of-way.

To keep the Muni system safe and reliable, tracks and related infrastructure must be regularly replaced. The state-of-good-repair improvements include replacement of tracks, which are prioritized based on their potential for failure and derailments, and the amount of noise and vibration present. The curved tracks crossing 19th Avenue and the tangent tracks leading up to the intersection at Rossmoor Drive from the Winston Drive Platform are approximately 40 years old and are in need of replacement. The contractor will also replace old concrete overhead catenary system (OCS) poles.

To minimize transit service impacts, the Project was to coordinate with the Twin Peaks Tunnel Track Replacement Project (Twin Peaks Tunnel Project). Under the Twin Peaks Tunnel Project, the Twin Peaks Tunnel would be shut down, requiring the SFMTA to provide bus substitution for LRV service, including for the M-Ocean View line, which travels through the Project site. The work on this Project was planned to be performed during one of the five shutdown periods anticipated for the Twin Peaks Tunnel Project.

Contract Status:

On March 7, 2017, the SFMTA Board of Directors authorized the Director of Transportation to execute SFMTA Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue

PAGE 4.

and Rossmoor Drive, with ProVen Management, Inc. (ProVen or contractor), as the lowest responsive and responsible bidder, in the amount of \$3,362,647.75 for the base contract work only, and for a term of 270 days to substantial completion.

On May 1, 2017, the SFMTA issued the notice to proceed to ProVen as the official date of commencement of work. In addition, the SFMTA notified the contractor that it will provide a nine-consecutive-day shutdown of the M-Ocean View line to complete all work impacting LRV operations.

To minimize service disruptions, the SFMTA directed ProVen to coordinate the work under this contract with work scheduled to be performed under Contract No. 1282R, Twin Peaks Tunnel Trackway Improvement Project, with NTK Construction, Inc. (Twin Peaks Tunnel Project), as they both were scheduled to interrupt service on the M-Ocean View Line.

CONTRACT MODIFICATION No. 1:

The Twin Peaks Tunnel Project was working on a revised shutdown schedule, changing the original 21 weekend shutdowns to five shutdowns ranging from 11-15 days each. The M-Ocean View Project was scheduled to share the second planned shutdown with the Twin Peaks Tunnel Project, which was anticipated to be from October 14, 2017 to October 28, 2017.

On June 2, 2017, the SFMTA issued a notice of its intent to terminate the Twin Peaks Tunnel contract and postponed the M-Ocean View Line service shutdown to July 2018 in order to engage a new contractor for the Twin Peaks Tunnel Project.

As a result of the contract termination of the Twin Peaks Tunnel Project, the SFMTA requested ProVen to move the nine-day shutdown work to between July 13th and July 23rd, 2018, which will result in a significant delay to substantial completion currently scheduled for January 25, 2018. This nine-day shutdown will be coordinated with the revised shutdown dates for the Twin Peaks Tunnel Project—June 24 to August 24, 2018. The Twin Peaks Tunnel Project is currently out to bid.

The SFMTA's Independent Cost Estimate for this schedule delay was \$340,000. The Contractor's initial proposed cost was \$468,095 to complete the work by July 23, 2018. Staff negotiated and recommends an adjustment to the Contract amount of \$314,838 as fair and reasonable compensation for the contractor's direct and indirect costs arising from and related to the deferment of the contract work. The contractor's compensation includes extended overhead costs for field and home offices, cost escalation, and all costs associated with the time extension of 193 days.

STAKEHOLDER ENGAGEMENT

The SFMTA has used the outreach efforts for other projects in the area, including the Twin Peaks Tunnel Project and the long-term 19th Avenue/M-Ocean View Subway Project, to inform

PAGE 5.

the public about the improvements and impacts of the M-Ocean View Project. The SFMTA will issue a press release two to three days ahead of starting work on 19th Ave., advising motorists to use alternate routes to avoid congestion on 19th Ave. and Winston Drive.

Initial outreach began in conjunction with the 19th Avenue/M Ocean View Subway Project. Outreach materials were available and a public information officer was present during several public meetings. As this Project is taking advantage of planned construction shutdown periods for the Twin Peaks Tunnel Project, outreach materials will be used to inform residents about both the Twin Peaks Tunnel Project and this Project. The transit service plan for providing bus substitution during the Twin Peaks Tunnel shutdown will also cover bus substitution for this Project, and customer outreach to affected transit lines for this Project will be done in conjunction with outreach for the Twin Peaks Tunnel project.

Specific outreach to businesses fronting the planned construction staging areas was employed to gather information to better plan mitigation of construction impacts. Congregants of Temple Baptist Church, located on 19th Avenue adjacent to the staging area, are the primary users of the curbside parking that will be temporarily removed for staging near Rossmoor Drive. Project staff have adjusted the staging plan to accommodate concerns from the church. The SFMTA is continuing to work with church staff to determine what additional concerns they have as construction approaches.

Outreach activities are broken into two main categories: Pre-Construction (leading up to the start of construction) and During Construction (after project has started until final punch list items are completed):

Pre-Construction Outreach:

- Launched project website
- Provided project information and updates to nearby neighborhood associations and businesses
- Direct mailers and fliers to residences surrounding construction area
- Door-to-door outreach for fronting businesses near construction area
- Construction signage notices to bus stops for affected transit lines (M Ocean View) and potential bus transit connections
- Social media alerts (Twitter, Facebook)
- Story on SFMTA's Moving SF blog about project and planned construction
- Construction notice e-mails to all 11 district neighborhood and merchant contacts
- Notifications to partnering Bay Area transit agencies, 511
- Electronic signage for vehicles approaching construction zone from 101-N

During Construction Outreach:

- Updates to project website after each project completion
- Customer Noticing for Bus Shuttles: postings in English, Chinese, Spanish and

PAGE 6.

Filipino at stations along M Ocean View from West Portal and Balboa Park stations two weeks before M Ocean View work is scheduled.

- Ambassadors at Key Bus Shuttle Transfer Areas (Saint Francis, Circle, Balboa Park) during shutdowns to assist customers to bus substitutions

ALTERNATIVES CONSIDERED

Staff considered two alternatives—terminating the contract and re-bidding the Project, and extending the current contract with ProVen. Staff concluded that terminating the contract and re-bidding would be more expensive than compensating the contractor for the time extension. The SFMTA would also be at risk to potentially receive higher bids due to the current bidding environment. The most important criteria in choosing to extend the contract with ProVen was the time constraint. The additional time needed to package the re-bid, advertise, award, and certify the new contract could have resulted in not meeting the new Twin Peaks Shutdown, scheduled to start in June 2018.

FUNDING IMPACT

The construction phase of this Project is funded with FTA formula funds and Proposition K Sales Tax dollars. The project will not require additional funds as funds budgeted for contingency will be used to cover the \$314,838 contract modification cost.

The budget and financial plan for this project is presented in Enclosure 2.

ENVIRONMENTAL REVIEW

The proposed Project is subject to the California Environmental Quality Act (CEQA). CEQA provides a categorical exemption from environmental review for repair, maintenance or minor modification of existing public facilities, as defined in Title 14 of the California Code of Regulations Section 15301.

On February 2, 2017, the Planning Department determined (Case Number 2017-001436ENV) that the proposed Project is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15301. The Planning Department's determination (Case Number 2017-001436ENV) is on file with the Secretary to 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.

In addition, the Environmental Review for the traffic signal elements at 19th Avenue and Rossmoor Drive are within the jurisdiction of the California Department of Transportation (Caltrans). This traffic signal upgrade was included in the Project Study Report (PSR) for the State Route 1 Phase III Signal Upgrade Project, Project EA No. 0J700. As part of the PSR, Caltrans completed environmental review for the traffic signal elements and determined in April 2015 that the traffic signal elements are categorically exempt from CEQA as defined in Title 14

PAGE 7.

of the California Code of Regulations Section 15302. The Caltrans environmental determinations are documented in the PSR, which is on file with the Secretary of the Board of Directors.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office has reviewed this 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 for San Francisco Municipal Transportation Agency Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive, with ProVen Management, Inc., to increase the contract amount by \$314,838, for a total contract amount of \$3,677,485.75, and to extend the term of the contract by 193 days to 463 days.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, SFMTA Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive (Contract 1294 or the Project), aims to improve reliability and on-time performance of the M-Ocean View light rail line, improve safety, and replace sections of aging tracks to keep the Muni system in a state of good repair; and,

WHEREAS, On March 7, 2017, the SFMTA Board of Directors awarded the Contract to ProVen Management, Inc. (ProVen or Contractor), at a cost not to exceed \$ 3,362,647.75, and for a term of 270 days; and,

WHEREAS, On May 1, 2017, the SFMTA issued the notice to proceed to ProVen; and,

WHEREAS, To minimize service disruptions, the SFMTA directed the Contractor to coordinate the work under the Project with work being performed under Contract No. 1282R, Twin Peaks Tunnel Trackway Improvement Project, with NTK Construction, Inc. (Twin Peaks Tunnel Project), as they both were scheduled to interrupt service for the M-Ocean View Line; and,

WHEREAS, On June 2, 2017, the SFMTA issued a notice of its intent to terminate the Twin Peaks Tunnel contract and postponed the M-Ocean View Line service shutdown to July 2018 in order to engage a new contractor for the Twin Peaks Tunnel Project; and,

WHEREAS, The SFMTA has directed ProVen to reschedule the nine-day shutdown work for Contract 1294 to between July 13 and July 23, 2018, which would result in a 193-day extension of time to Contract 1294; and,

WHEREAS, SFMTA staff negotiated and recommends an increase of \$314,838 to the amount of Contract 1294; SFMTA staff believes this amount to be fair and reasonable compensation for the Contractor's direct and indirect costs arising from and related to the time extension; and,

WHEREAS, The Contract Compliance Office reviewed Contract Modification No. 1 and confirmed that ProVen will continue to meet the Small Business Enterprise participation goal of 30% established for Contract 1294; and,

WHEREAS, Funding for the construction services under Contract 1294 comes from Federal Transit Administration formula funds; Proposition K Sales Tax dollars will serve as local matching funds; and,

WHEREAS, On February 2, 2017, the San Francisco Planning Department determined that the proposed project is categorically exempt from CEQA pursuant to Title 14 of the California Code of Regulations Section 15301 (Planning Case Number 2017-001436ENV); and,

WHEREAS, The traffic signal upgrade elements of this project were included in a California Department of Transportation (Caltrans) Project Study Report (PSR) for the State Route 1 Phase III Signal Upgrade Project, Project EA No. 0J700; as part of the PSR, Caltrans determined in April 2015 that the traffic signal elements are categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15302; and,

WHEREAS, Copies of the 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 1650 Mission Street in San Francisco, and are incorporated herein by reference; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Contract Modification No. 1 to San Francisco Municipal Transportation Agency Contract No. 1294, M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive, with ProVen Management, Inc., to compensate the Contractor for all costs resulting from extending the contract term, increasing the contract amount by \$314,838, for a total contract amount of \$3,677,485.75, and extending the term of the contract by 193 days to 463 days.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 16, 2018.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2
M-OCEAN VIEW TRACK REPLACEMENT PROJECT
AT 19TH AVENUE AND ROSSMOR DRIVE

San Francisco Municipal Railway Contract No. 1294

Project Budget and Financial Plan

Cost	Amount
Conceptual Engineering Phase Staff Support (SFMTA, DPW and Other Dept. Services)	\$349,064
Detail Design Phase Staff Support (SFMTA, DPW and Other Dept. Services)	\$1,000,936
Construction Phase Construction Contract, Contingency, and Staff Support	\$6,490,000
Total Cost	\$7,840,838

Funding	Amount
FTA Formula Funds	\$6,092,000
Proposition K Sales Tax (SFCTA-Sales Tax- EP22M)	\$1,468,838
SFMTA Revenue Bonds	\$112,000
AB664 Regional Bridge Tolls	\$168,000
Total Funding	\$7,840,000



CONTRACT MODIFICATION NO. 01

**San Francisco Municipal Transportation Agency Contract No. 1294
M-Ocean View Track Replacement Project at 19th Avenue and Rossmoor Drive**

Contractor: ProVen Management, Inc
2000 5th Street
Berkeley, CA 94710

The Contract is modified as follows:

1. Scope of Work

CM-1	The nine-consecutive-day shutdown of the M-Ocean View line required for the Work, which had been scheduled to begin in October 2017, has been rescheduled to start no later than July 13, 2018. This delay to the critical activity modifies the Baseline Schedule and delays the Substantial Completion by 193 Days. This Modification compensates the Contractor for all costs resulting from this delay inclusive of all extended field and home office overhead, cost escalation, profit, and all impact costs at every tier. The total cost of \$314,838 shall be paid as part of monthly progress payments in six equal monthly installments of \$52,473, beginning January 2018 and ending June 2018.
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2. The following new Pay Items are added to the Contract:

CM-1	Delay to M-Ocean View Track Shutdown	Lump Sum	\$314,838.00
Total Amount of this Contract Modification:		Increase	\$314,838.00
		Total of Base Contract:	\$3,362,647.75
		Revised Total of Contract:	\$3,677,485.75

Total Contract Time added by this Contract Modification:	193 Days
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Base Contract Substantial Completion Date: 01/25/2018

Revised Contract Substantial Completion Date: 08/06/2018

3. This Modification is made in accordance with Articles 6 and 7 of the Contract General Provisions.
4. Except as provided herein all previous terms and conditions of the Contract remain unchanged.
5. Contractor acknowledges and agrees that the compensation stated herein shall be full accord and satisfaction of all current and prospective costs incurred in connection with this Contract 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. If this Modification involves the granting of an extension of time, with or without cost, Contractor releases the City from all claims and costs associated with such extension of time. 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.

In Witness Whereof, the parties have executed this Modification in triplicate in San Francisco, California as of this _____ day of _____, 20____.

ProVen Management Inc.

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

By: _____
Abram McMickin
Project Manager

By: _____
Edward D. Reiskin
Director of Transportation

Authorized By:

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

