

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 210119-013

WHEREAS, On December 6, 2016, the SFMTA Board of Directors adopted Resolution No. 16-163, authorizing the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1291, Kirkland, Scott and Flynn Facilities Tank Upgrade Project, with Pilot Construction Management Inc. (Pilot) to replace underground fuel tanks at the three named SMFTA facilities, in the amount of \$5,362,995.90, and for a term of 810 calendar days; and,

WHEREAS, The storage tank work performed under the Contract was necessary to comply with a June 2015 Final Consent Judgement and Permanent Injunction with the State Water Control Board (SWRCB), which had issued citations and levied fines against the SFMTA for violation of State regulations concerning storage tanks; and,

WHEREAS, On June 6, 2018, the Director of Transportation approved Contract Modification No. 1, to redesign the shoring and tank excavation at Kirkland Yard, increasing the Contract amount by \$976,929.90 for a total amount not to exceed \$6,339,925.60; and,

WHEREAS, On June 20, 2018, the Director of Transportation approved Contract Modification No. 2, to furnish and install a redundant fuel system at Kirkland, increasing the Contract amount by \$179,999.74 for a total amount not to exceed \$6,519,925.34; and,

WHEREAS, On May 7, 2020, the Director of Transportation approved Contract Modification No. 3, for additional cost for permit fees, unforeseen work at several facilities and reducing scope related to the installation of new tanks and piping at Scott Facility, increasing the Contract amount by \$144,414 for a total amount not to exceed \$6,664,339.54 and increased the Contract Time by 19 Calendar Days; and,

WHEREAS, During construction, Pilot requested that four listed subcontractors be replaced. In accordance with the State Subletting and Subcontracting Fair Practices Act, Public Contract Code section 4100 et seq. (Subcontractor Listing Act), and staff authorized the substitutions to complete the work and meet state requirements to replace the existing underground tanks to comply with the consent agreement with the SWRCB; and,

WHEREAS, The Subcontractor Listing Act requires subcontractor substitutions be approved by the awarding authority or a duly authorized delegate, and the SFMTA Board of Directors is the awarding authority and has not delegated its authority to approve subcontractor substitutions; and,

WHEREAS, The SFMTA Board may approve the substitution of Barri Electric Substitution with McKee Electric under Public Contract section 4107(a) [subcontractor's inability to perform the work] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor]; and,

WHEREAS, The SFMTA Board may approve the substitution of Paradiso Mechanical with CIW & Sons under Public Contract section 4107(a) [subcontractor's inability to perform the work] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor]; and,

WHEREAS, The SFMTA Board may approve the substitution of Dirt Shop with Waste Solutions Group under Public Contract section 4107(a) [subcontractor's inability to perform the work] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor]; and,

WHEREAS, The SFMTA Board may approve the substitution of JDB & Sons Substitution with Mission Constructors under Public Contract section 4107(a) [subcontractor's inability to perform the work]; and,

WHEREAS, There was additional unforeseen mechanical and plumbing work needed to replace a natural gas line around the new underground storage tanks at the Kirkland Yard at a cost of \$23,421.00; and,

WHEREAS, There was additional unforeseen sewer work at the Kirkland Yard was required to upgrade an existing catch basin at a cost of \$6,215.76; and,

WHEREAS, as part the Contract Closeout process, the estimated Contract bid item quantities were adjusted to reflect actual quantities and amounts of work provided and installed by the Contractor, resulting in a final adjustment to increase the contract by \$17,949.06; and,

WHEREAS, The Kirkland, Scott and Flynn Facilities Tank Upgrade Project is subject to the California Environmental Quality Act (CEQA); Title 14 of the California Code of Regulations Section 15301 provides an exemption from environmental review for the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, or mechanical equipment involving negligible or no expansion of existing or former use; Section 15302 provides an exemption for the 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, and Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment; and,

WHEREAS, On May 17, 2018, the Planning Department determined (Case Number 2016-005915ENV) that the proposed Kirkland, Scott and Flynn Facilities Tank Upgrade Project is exempt from CEQA as defined in Title 14 of the California Code of Regulations Sections 15301, 15302 and 15061(b)(3); The proposed Contract Modification No. 4 to SFMTA Contract No. 1291, which provides for the addition of unlisted subcontractors, is within the scope of the 2018 Categorical Exemption; and,

WHEREAS, The Planning Department's determination is on file with the Secretary to the SFMTA Board of Directors and may be found in the records of the Planning Department at 49 South Van Ness Avenue in San Francisco, and is incorporated herein by reference; therefore, now be it,

RESOLVED, The SFMTA Board approves the substitution of Barri Electric Substitution with McKee Electric under Public Contract section 4107(a) [subcontractor's inability to perform the work] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor]; and be it further

RESOLVED, The SFMTA Board approves the substitution of Paradiso Mechanical with CIW & Sons under Public Contract section 4107(a) [subcontractor's inability to perform the work] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor]; and be it further

RESOLVED, The SFMTA Board approves the substitution of Dirt Shop with Waste Solutions Group under Public Contract section 4107(a) [subcontractor's inability to perform the work] and 4107(b) [subcontractor's voluntary transfer of the work to another subcontractor]; and be it further

RESOLVED, The SFMTA Board approves the substitution of JDB & Sons Substitution with Mission Constructors under Public Contract section 4107(a) [subcontractor's inability to perform the work]; and be it further

RESOLVED, That the SFMTA Board of Directors approves Modification No. 4 to SFMTA Contract No. 1291, Kirkland, Scott and Flynn Facilities Tank Upgrade Project with Pilot Construction Management, Inc. for the replacement of underground storage tanks at four SFMTA transit facilities to comply with State Water Control Board requirements, and that the Board approve for reasons of public necessity the substitution of four subcontractors listed in the Contractor's bid, and to amend the final scope of work and adjust bid quantities, resulting in a net increase of \$47,585.82 of the contract amount, for a final contract amount of \$6,711,925.36 to close out the contract.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 19, 2021.

Caroline Celaya

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency