

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 180904-123

WHEREAS, On September 16, 2014, the SFMTA Board of Directors adopted Resolution No. 14-121, awarding Contract No. 1236R, Third Street Light Rail Project Mission Bay Loop (the Contract), to Mitchell Engineering (the Contractor), in the amount of \$3,521,115, for a term of 240 days, to install trackwork around the 3rd Street/18th Street/Illinois Street/19th Street block to create a short line loop for the T-Line; and,

WHEREAS, The SFMTA issued a written notice to proceed with the work with a commencement date of December 8, 2014; and,

WHEREAS, On January 8, 2018, the Director of Transportation approved Contract Modification No. 1, for additional work to the sewer system under Illinois Street and further noise and dust monitoring requirements as dictated by a Storm Water Pollution and Prevention Plan from the Port of San Francisco; Modification No. 1 increased the Contract amount by \$667,065.78; and,

WHEREAS, On April 17, 2018, the San Francisco Municipal Transportation Agency Board of Directors approved Contract Modification No. 2, increasing the Contract amount by \$459,740, for a total amount not to exceed \$4,647,920.77. Contract Modification No. 2 approved escalation costs due to a suspension of the work as a result of the pendency of a California Environmental Quality Act lawsuit and because of a delay in the delegation of permitting authority from the Port of San Francisco to San Francisco Public Works, regarding work on Port property. Contract Modification No. 2 also added two subcontractors, W. Bradley Electric and Reliance Engineering, due to public necessity as authorized under Public Contract Code Section 4109; and,

WHEREAS, The San Francisco Public Utilities Commission currently has a project, the Bay Corridor Electrical Power Transmission and Distribution Project, to install a duct bank along Illinois Street between 16th Street and 23rd Street to provide a power distribution system for electricity users along the eastern waterfront; and,

WHEREAS, The San Francisco Public Utilities Commission duct bank goes directly through the SFMTA's project limits; and,

WHEREAS, After analysis of the proposed San Francisco Public Utilities Commission work, the SFMTA determined that if it were constructed after completion of the Mission Bay Loop Project, it would undermine the newly constructed San Francisco Municipal Transportation Agency trackway, in addition to causing additional construction impacts to the public, including noise, dust and traffic; and,

WHEREAS, The Public Works Code establishes a moratorium on excavating in streets that have been reconstructed, repaved or resurfaced in the preceding five years; if the duct bank work were to be performed after the Project, then it would have to be delayed for five years because of this moratorium; and,

WHEREAS, On July 17, 2018, the San Francisco Municipal Transportation Agency Board of Directors approved Contract Modification No. 3, related to design and construction of a duct bank on behalf of the San Francisco Public Utilities Commission, including adding the time necessary for Mitchell Engineering to construct the duct bank; and,

WHEREAS; By the time Modification No. 3 was approved, staff had not analyzed any time impacts associated with the design (as opposed to the construction) of the duct bank, and,

WHEREAS, The Contractor felt that the original release in Contract Modification No. 3 was too broad; under Modification No. 3R, the Contractor will release the City for compensation for the direct costs of design, but any time extension and associated costs related to design will be reserved for a future modification; there will still be a release of all costs related to construction of the duct bank; and,

WHEREAS, Any such claims by Mitchell Engineering will be reviewed, negotiated and incorporated into a future Contract modification; and,

WHEREAS, The Mission Bay Loop Project initially was reviewed and analyzed in the Environmental Impact Report and Environmental Impact Statement for the Third Street Light Rail Project Phase 1; and,

WHEREAS, The Environmental Impact Report and Environmental Impact Statement for the Third Street Light Rail Project Phase 1 was certified by the City in 1998 and the Record of Decision for this project was issued in 1999; and,

WHEREAS, On October 12, 2012, the San Francisco Planning Department determined that no further assessment was required under the California Environmental Quality Act Guidelines for the Project; and,

WHEREAS, An Environmental Assessment was completed in May 2013 for which the Federal Transit Administration issued a Finding of No Significant Impact on July 30, 2013; and,

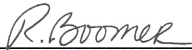
WHEREAS, On August 27, 2014, the Planning Department determined that there were no circumstances occurring since October 2012 that would require additional environmental review under the California Environmental Quality Act guidelines; a citizens' group challenged the Planning Department's determination, but the California courts denied the challenge; and,

WHEREAS, The work being performed for the San Francisco Public Utilities Commission is a subsection of its larger Bay Corridor Electrical Power Transmission and Distribution Project, which received a Categorical Exemption (Case Number 2016-007195ENV) from California Environmental Quality Act (new construction or conversion of small structures as defined in Title 14 of the California Code of Regulations Sections 15303) from the San Francisco Planning Department on February 1, 2017; and,

WHEREAS, All environmental documents are on file with the Secretary to the San Francisco Municipal Transportation Agency 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 rescinds Modification No. 3 and approves Modification No. 3R to Contract No. 1236R, Third Street Light Rail Project Mission Bay Loop, with Mitchell Engineering, to design and construct a duct bank for the San Francisco Public Utilities Commission; to increase the Contract amount by \$1,744,867.67, for a total amount not to exceed \$6,392,788.44; and to extend the Contract term by 90 days, for a total term of 832 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 September 4, 2018.

  
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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency