

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 200218-023

WHEREAS, Design and construction of the 1.75-mile Central Subway (Central Subway Project) is Phase 2 of the Third Street Light Rail Transit Project; and,

WHEREAS, On May 21, 2013, the SFMTA Board of Directors awarded Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems (Contract 1300) to Tutor Perini Corporation (Contractor) to construct one street-level and three subway stations, trackways, and systems for the Central Subway Project; and,

WHEREAS, The SFMTA authorized the Contractor to perform additional work necessary for the construction of the Central Subway, which additional work is documented in 385 Proposed Contract Changes (PCCs) and 286 Change Order Requests referenced in Contract Modification 125; and,

WHEREAS, The Contractor and the SFMTA are unable to agree on the value of the additional work: The Contractor has requested compensation of \$34,131,493.71 for that additional work; the SFMTA has determined that the reasonable value of that additional work is \$18,995,027.44; and,

WHEREAS, The SFMTA performed analysis of merit and verification of costs of the Work, which informed the Agency's determination that the payment of \$18,995,027.44 for the additional work performed is justified, fair and reasonable; and,

WHEREAS, The compensation stated in this Contract Modification No. 125 is subject to audit and adjustment based on the findings of said audit so that compensation paid conforms to the Contract, and to Federal Transit Administration and other federal requirements; and,

WHEREAS, The SFMTA does not waive or otherwise compromise any contractual right or legal defense concerning the any provisions or protections provided by the Contract or applicable law; and,

WHEREAS, SFMTA's Contract Compliance Office has determined that the Contractor is complying with the Small Business Enterprise requirements of Contract 1300: and,

WHEREAS, The Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway Project, including construction of the subway stations; on August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, The modification to Contract 1300 described herein comes within the scope of the Central Subway SEIS/SEIR; and,


WHEREAS, The Central Subway SEIS/SEIR is on file with 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; therefore, be it

RESOLVED, That the SFMTA Board has reviewed and considered the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report and record as a whole, and finds that the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report is adequate for the Board's use as the decision-making body for the actions taken herein relative to construction of the Project, and incorporates the CEQA findings by this reference as though set forth in this Resolution; and be it

FURTHER RESOLVED, That the SFMTA Board approves Unilateral Modification No. 125 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems to compensate Tutor Perini Corporation for direct and indirect costs resulting from the additional work described in the Contract Modification No 125, which was required by differing site conditions and City-directed design changes, which increase the contract value by \$18,995,027.44 to a total contract amount of \$907,275,753.09, with no change to the term of the contract; and, be it

FURTHER RESOLVED, That the SFMTA shall provide a report on the estimated cost to complete the project by March 17, 2020.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 18, 2020.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency