

THIS PRINT COVERS CALENDAR ITEM NO. : 10.6

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Approving Modification No. 1 to SFMTA Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project, with Con-Quest Contractors, Inc., to increase the Contract term by 72 days, for a revised term of 222 days, retroactively revising the substantial completion date to May 18, 2018, with no change to the Contract amount.

SUMMARY:

- On June 6, 2017, the SFMTA Board of Directors adopted Resolution No. 170606-073, which authorized the award of SFMTA Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project, with Con-Quest Contractors, Inc. (Project), in the amount of \$4,171,700, and for a term of 150 days to substantial completion.
- Notice to Proceed was issued to the contractor on October 9, 2017, with a contract substantial completion date of March 7, 2018.
- Under the Project, the Contractor extended five tracks at the southwest corner of the existing Muni Metro East (MME) Facility for storage of light rail vehicles (LRVs)
- Due to cellcrete off haul and restoration, procurement of tee rail assembly, additional hose bibb work, catenary indication light redesign and revised wheel stop location, it is necessary to extend the term of the Contract by 72 non-compensable days, for a revised term of 222 days, retroactively revising the substantial completion date to May 18, 2018.

ENCLOSURES:

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

APPROVALS:

DIRECTOR  _____

SECRETARY  _____

DATE

February 11, 2019

February 11, 2019

ASSIGNED SFMTAB CALENDAR DATE: March, 5, 2019

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PURPOSE

The purpose of this calendar item is to approve Modification No. 1 to SFMTA Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project, with Con-Quest Contractors, Inc., to increase the Contract term by 72 days, for a revised term of 222 days, extending the contract substantial completion date to May 18, 2018, with no change to the Contract amount.

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 1.2: Improve workplace safety and security.

Objective 1.3: Improve the safety of the transportation system.

Goal 2: Make transit and other sustainable means of transportation the most attractive and preferred means of travel

Objective 2.2: Enhance and expand use of the city’s sustainable modes of transportation.

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.

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DESCRIPTION

Background

By the end of 2019, the SFMTA will have received 68 new Siemens light rail vehicles (LRVs). These vehicles will be primarily stored and maintained at the Muni Metro East facility (MME), and will be followed by the replacement of 151 Breda LRVs, and an option for up to 45 additional service expansion LRVs.

In order to provide more storage space for the new LRVs that are currently under procurement, the Agency required additional rail tracks inside MME. The additional storage tracks allow up to 15 spaces for LRV storage. Proper storage of the new vehicles preserves their useful life and ensure that the fleet is safe, reliable, and able to deliver service to Muni customers. To provide the needed storage space, the existing five tracks were extended at the southwest corner of MME.

Scope of the Original Contract

On June 6, 2017, the SFMTA Board of Directors adopted Resolution No. 170606-073, which authorized the award of SFMTA Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project, with Con-Quest Contractors, Inc. (Project), in the amount of \$4,171,700, and for a term of 150 days to substantial completion.

Work performed under the Project included:

- Extend five existing tracks at the southwest corner of the existing MME Facility
- Modify/extend the existing overhead contact system to support the new tracks
- Perform traction power work to include a separate circuit for the proposed five tracks
- Install new disconnect switches for each proposed track and indicator lights
- Perform general electrical work to include site illumination and 120V convenience outlets
- Relocate existing infrastructure in conflict with the proposed track alignment
- General site work, including surface drainage that will be tied into the existing storm drain system with water spigots/hose bibs installed at various locations.

Contract Modification No.1 (Increase the team of the contract by 72 Days)

The Contractor provided a baseline construction schedule to SFMTA and indicated that the Project would go beyond the mandated substantial completion date due to the procurement of long-lead items. The SFMTA advised the Contractor that it would grant a non-compensable time extension of 25 calendar days.

Due to failing cellular concrete placed at MME during San Francisco Public Works' (SFPW) Soil Improvement Project, additional time was required to import Class 2 soils to use as backfill material and restore the subgrade layer between the existing cellular concrete and the new concrete.

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Work restoring the subgrade layer delayed the Project by 28 non-compensable days.

Additional work due to hose bib connections, catenary indication light redesign, and revised wheel stop location delayed the Project by 19 non-compensable days.

This Contract extension was not brought earlier before the SFMTA Board due to time required for the review and approval of the time impact evaluation that was provided by the contractor. As of the revised May 18, 2018, substantial completion, the contractor has been working on punch list items and the administrative paperwork required as part of final acceptance of the Contract.

There are no transit impacts due to this Contract Modification.

Under SFMTA Resolution No. 10-008, the Director of Transportation has the authority to increase the term of a construction contract by 25% of the original term; in this case, 38 days. Accordingly, this Board must approve Contract Modification No. 1 because it will extend the term of the Contract by 72 days.

STAKEHOLDER ENGAGEMENT

All work in the contract was performed inside of SFMTA's maintenance facilities. The work was not expected to generate loud noise or debris that would impact the public. As such, no external outreach effort was done for the Project. We did, however, notify the offices of the Supervisors in the respective districts as an information item.

Equally important to external outreach is in-reach to staff. We have provided information to staff at MME digitally via the "In The Know" newsletter, provide information at monthly safety meetings, and distribute posters and flyers. Our key message is that safety is our number one goal. The Project team worked closely with the rail maintenance staff to ensure that the construction work was conducted safely on site and did not interfere with the rail operations and maintenance activities inside the MME facility.

ALTERNATIVES CONSIDERED

Staff held discussions with transit and maintenance staff concerning whether the work should be done by in-house staff. The preference was to have a contractor perform the work because a contractor will have greater resources to complete the work in a timely manner with minimal impact to Muni Operations. Staff determined that contracting out the work was the best alternative.

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FUNDING IMPACT

Contract No. 1299 is part of the Muni Metro East Phase II Project, which has a total cost of approximately \$16.14 million. The contract is fully funded by Proposition K sales tax local funds administered by the San Francisco County Transportation Authority, the Series 2015B SFMTA General Obligation Bond, and future series of the General Obligation bonds.

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

ENVIRONMENTAL REVIEW

On October 13, 2016, the San Francisco Planning Department determined that the Muni Metro East - Five Track Extension is categorically exempt (Case No. 2016-011134ENV) from environmental review as defined in Title 14 of the California Code of Regulations Sections 15301 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, or facilities).

Modification No. 1 to SFMTA Contract No. 1299, the subject of this calendar item, is within the scope of the 2016 Categorical Exemption. 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 has reviewed this calendar item.

No other approvals are required.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors approve SFMTA Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project, with Con-Quest Contractors, Inc., to extend the Contract term by 72 days, for a revised term of 222 days to substantial completion, with no change to the Contract amount.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On June, 6, 2017, the SFMTA Board of Directors adopted Resolution No. 170606-073, awarding Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project (the Project), to Con-Quest Contractors, Inc. (the Contractor), in the amount of \$4,171,700, for a term of 150 days, to install five tracks at the southwest corner of the Muni Metro East (MME) Facility for storage of light rail vehicles (LRVs); and,

WHEREAS, On October 15, 2017, the Contractor provided a baseline construction schedule to the SFMTA and indicated that the Project would extend beyond the mandated substantial completion date to due to the delayed procurement of long team-items; the SFMTA advised the Contractor that it would grant a non-compensable time extension of 25 days; and,

WHEREAS, Additional work due to hose bib connections, catenary indication light redesign, and revised wheel stop location delayed the Project by 19 non-compensable days; and,

WHEREAS, On January 17, 2018, due to failing cellular concrete placed on the site during San Francisco Public Works' (SFPW) Soil Improvement Project at MME, additional time was required to import Class 2 soils to use as backfill material and restore the subgrade layer between the existing cellular concrete and the new concrete; the work restoring the subgrade layer delayed the Project by 28 days, which would be non-compensable; and,

WHEREAS, Under SFMTA Board Resolution No. 10-008, the Board must approve any time extension over 25% of the original term;

WHEREAS, On October 13, 2016, the San Francisco Planning Department determined that the Muni Metro East - Five Track Extension is categorically exempt (Case No. 2016-011134ENV) from environmental review as defined in Title 14 of the California Code of Regulations, Section 15301 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, or facilities); and

WHEREAS, Modification No. 1 to SFMTA Contract No. 1299, the subject of this calendar item, is within the scope of the 2016 Categorical Exemption; a copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors approves Modification No.1 to Contract No. 1299, Muni Metro East Phase II – Five Storage Track Extension Project, with Con-Quest Contractors, Inc., to extend the Contract term by 72 days, for a revised term of 222 days, extending the contract substantial completion date to May 18, 2018, with no change to the Contract amount.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 19, 2019.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

Muni Metro East Phase II – Five Storage Track Extension Project
Project Budget and Financial Plan

Cost	Amount
Pre-Development & Preliminary Engineering Phase Staff Support (SFMTA and Other Dept. Services)	\$2,332,500
Detail Design Phase Staff Support (SFMTA and Other Dept. Services)	\$1,286,600
Construction Phase Staff Support and Contingency	\$6,938,480
Contract No. 185824 issued by Public Works – Five Storage Track Extension Soil Improvement	\$3,729,824
Contract No. 1299 – MME Phase II Five Storage Track Extension	\$4,171,700
Total Cost	\$18,459,100

Funding	Amount
San Francisco County Transportation Authority Proposition K Sales Tax	\$3,598,500
Operating	\$75,000
Transportation and Road Improvement General Obligation Bond (Series 2015B)	\$8,802,073
Transportation and Road Improvement General Obligation Bond Future Issuance(s)	\$4,520,270
Other Funding	\$1,463,257
Total Funding	\$18,459,100

ENCLOSURE 3

CONTRACT MODIFICATION NO. 1

San Francisco Municipal Transportation Agency
Contract No. 1299
Muni Metro East (MME) Phase II – Five Storage
Track Extension Project

Contractor: Con-Quest Contractors, Inc.
290 Toland Street
San Francisco, CA 94124

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The Contract is modified as follows:

1. Scope of Work

CM-1.A	<p>Delay in Cellcrete Offhaul and Restoration – 28 Non-compensable Days.</p> <ul style="list-style-type: none">Dispose cellular concrete and reconstruct the subgrade between existing cellular concrete and new concrete with aggregate base to mitigate failing existing cellular concrete subgrade as described and directed in RE Letter #012 dated 01/17/18 and RE Letter #20 dated 2/9/18, which are incorporated by reference.
CM-1.B	<p>Delay in Procurement of Tee Rail Assembly – 25 Non-compensable Days.</p> <ul style="list-style-type: none">Fabrication and delivery of Tee Rail Fastening Assembly was delayed due to Manufacturer's inability to deliver within the original duration of 45 days at time of bid. The manufacturer informed the contractor that the actual duration required was 70 Days after award. The 25-Day delay (excluding holidays) from 12/22/17 to 2/5/18 is an Unavoidable Delay. See RE Letter #021 dated 11/8/18, which is incorporated by reference.
CM-1.C	<p>Delay from Additional Hose Bibb Work – 2 Non-compensable Days.</p> <ul style="list-style-type: none">Additional hose bib conduits required due to hose bib connection design omission. Additional work caused 2-Day delay to the critical path from 2/6/18 to 2/7/18. See RE Letter #44 dated 5/29/18, which is incorporated by reference.
CM-1.D	<p>Delay from Catenary Indication Light Redesign – 14 Non-compensable Days.</p> <ul style="list-style-type: none">Catenary indication lights as shown on Contract Drawing EL-10 had to be inverted to meet manufacturer's requirements, and the lamps replaced due to resulting water intrusion within the fixtures. See RE Letters #52 and #53 dated 6/5/18 and 6/25/18, which are incorporated by reference.
CM-1.E	<p>Delay from Revised Wheel Stop Location – 3 Non-compensable Days.</p>

	<ul style="list-style-type: none"> • Post-paving test train was delayed from 5/14/18 to 5/17/18 due to revised wheel stops locations. See RE Letter #49 dated 6/5/18, which is incorporated by reference.
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1. Add the following new Contract Pay Items:

Contract Pay Item	Description	Total Added Contract Days	Total Added Contract Cost
CM-1.A	Delay in Cellcrete Offhaul and Restoration	28	\$0
CM-1.B	Delay in Procurement of Tee Rail Assembly	25	\$0
CM-1.C	Delay from Additional Hose Bib Work	2	\$0
CM-1.D	Delay from Catenary Indication Light Redesign	14	\$0
CM-1.E	Delay from Revised Wheel Stop Location	3	\$0

Total Amount of this Contract Modification: No change \$0

Previous Total of Contract: \$4,171,700

New Revised Total of Contract: \$4,171,700

Total Contract Time Added by this Contract Modification:	72 Days
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Contract Substantial Completion Date: 03/07/2018

Current Contract Substantial Completion Date: 05/18/2018

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 for the Additional Work described above shall be full accord and satisfaction of all current and prospective direct costs incurred in connection with Contractor's performance of the Additional Work under this Contract Modification, without limitation, including any and all markups and overhead on the direct costs.

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 San Francisco, California on the following date: _____.

CON-QUEST CONTRACTORS, INC.

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

By: _____

Signature
Paul N. Loukianoff
President

By: _____

Signature
Edward D. Reiskin
Director of Transportation

Authorized By:

MUNICIPAL TRANSPORTATION
AGENCY

BOARD OF DIRECTORS

Resolution No.

Adopted:

Attest:

By: _____

Secretary Date
Municipal Transportation Agency

APPROVED AS TO FORM:
Dennis J. Herrera, City Attorney

By: _____

Signature
Robin M. Reitzes
Deputy City Attorney