

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 191119-140

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 (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, On January 8, 2018, the Director of Transportation approved Contract Modification No. 1, which increased the Contract amount by \$667,065.78 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; and,

WHEREAS, On April 17, 2018, the SFMTA Board adopted Resolution No. 180417-062 approving Contract Modification No. 2, which increased the Contract amount by \$459,740, for a total amount not to exceed \$4,647,920.77; extended the Contract term by 502 days; and added two subcontractors, W. Bradley Electric and Reliance Engineering, due to public necessity as authorized under Public Contract Code Section 4109; and,

WHEREAS, On July 17, 2018, the SFMTA Board adopted Resolution No. 180717-102 approving Modification No. 3 to design and construct a duct bank for the San Francisco Public Utilities Commission; increasing the Contract amount by \$1,744,867.67, for a total amount not to exceed \$6,392,788.44, and extending the Contract term by 90 days; and,

WHEREAS, On September 4, 2018, the SFMTA Board adopted Resolution No. 180904-123 rescinding Modification No. 3 and approving Modification No. 3R for the same work, Contract amount, and time extension as Modification No. 3; the Contractor felt, however, that the release in Modification No. 3 was too broad; under Modification No. 3R, the Contractor released the City for compensation for the direct costs of design and all costs related to construction of the duct bank, but any time extension and associated costs related to design was reserved for a future modification; and,

WHEREAS, On June 18, 2019, the SFMTA Board adopted Resolution No. 190618-072 approving Modification No. 4; to realign a sewer line due to a PG&E vault, modify catch basin, monitor noise and vibration and perform rail isolation work, increasing the Contract amount by \$827,381.36, for a total amount not to exceed \$7,220,169.80; and,

WHEREAS, The proposed Modification No. 5 will increase the Contract amount by \$491,654.18, for a total Contract amount not to exceed \$7,711,823.98 for costs associated with rail isolation, additional sewer work, modification to manholes, street base repair, traffic signal wiring, additional electrical conduit installation, procuring missing track components, temporary adjustment of the overhead contact wire heights, disposal of hazardous materials, adjustment to pole foundation due to unforeseen site condition, and realignment of track; and,

WHEREAS, The SFMTA Contract Compliance Office has reviewed this Contract Modification No. 5 and has determined that it is consistent with the SBE participation goals of 25% established for the Contract; and,

WHEREAS, The Mission Bay Loop Project initially was reviewed and analyzed in the Environmental Impact Report and Environmental Impact Statement (EIR/EIS) 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 (CEQA) 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 CEQA guidelines; a citizens' group filed a lawsuit challenging the Planning Department's determination, but the San Francisco Superior Court, and on appeal, the Court of Appeal, ruled for the City; and,

WHEREAS, Some of the work included in Contract Modification No.5 is within the scope of the Mission Bay Loop Project Final EIR/EIS and 2013 Finding of No Significant Impact; and,

WHEREAS, Some of the work included in Contract Modification 5 is part of a project that 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 has subsequently reviewed the Mission Bay Loop Project Final Environmental Impact Report and Study and 2013 Environmental Assessment and Finding of No Significant Impact, and finds that the Mission Bay Loop Project Final EIR/EIS and 2013 Environmental Assessment and Finding of No Significant Impact is

adequate for the Board's use as the decision-making body for the actions taken herein, and incorporates the CEQA findings, including the Statement of Overriding Considerations, and Mitigation Monitoring Program, by this reference as though set forth in this Resolution; and, be it further,

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Modification No. 5 to Contract No. 1236R, Third Street Light Rail Project Mission Bay Loop, with Mitchell Engineering, to perform additional miscellaneous work, increasing the Contract amount by \$492,689.18, for a total Contract amount not to exceed \$7,712,858.98.

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



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency