

THIS PRINT COVERS CALENDAR ITEM NO.: 15

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Modification No. 15 to SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project, with Walsh Construction Company II, LLC, to resolve any and all current and future claims Walsh has or may have relating to the project, increasing the contract price by \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, and increasing the required time of completion by 832 days. The work performed under this contract allowed SFMTA to open Van Ness Bus Rapid Transit (BRT) service successfully in 2022.

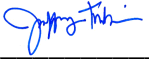

SUMMARY:

- On July 7, 2015, the SFMTA Board of Directors awarded SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project (Contract), to Walsh Construction Company II, LLC (Walsh), in an amount not to exceed \$800,000 and a term of 300 days, to provide pre-construction services for the Project.
- In August 2016, this Board approved Modification No. 1 for construction services, increasing the Contract to an amount not to exceed \$193,827,555, with an overall term not to exceed five years.
- Contract Modifications Nos. 2 thru 14 added \$28,637,588.57 to the Contract amount and extended the term by 279 days.
- On April 1, 2022, Van Ness BRT began revenue service. The service has been a success, reducing travel times by 30% for 45,000 Muni riders.
- Contract Modification No. 15 settles contract claim #9 and any current or potential claims \$5,159,578.55, with a time extension of 832 days.
- SFMTA staff will negotiate final closeout of any remaining subcontractors' claims.

ENCLOSURES:

1. SFMTAB Resolution
2. Contract Modification No. 15
3. Project Budget and Financial Plan
4. Van Ness Corridor Transit Improvement Project Final EIS/EIR:
<https://www.sfcta.org/projects/van-ness-improvement-project#panel-reports-documents>
5. SFMTA Board Resolution No. 13-214:
<https://www.sfmta.com/sites/default/files/agendaitems/2016/09-17-13--13-214.pdf>

APPROVALS:

	DATE
DIRECTOR 	August 30, 2023
SECRETARY 	August 30, 2023

ASSIGNED SFMTAB CALENDAR DATE: September 5, 2023

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PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Modification No. 15 to SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project, with Walsh Construction Company II, LLC, to resolve any and all current and future claims Walsh has or may have relating to the project, increasing the contract price by \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, and increasing the required time of completion by 832 days.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

Goal 1: Identify and reduce disproportionate outcomes and resolve past harm towards marginalized communities.

Goal 4: Make streets safer for everyone.

Goal 5: Deliver reliable and equitable transportation services.

Goal 6: Eliminate pollution and greenhouse gas emissions by increasing use of transit, walking and bicycling.

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.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety
4. Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.
5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.
9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

Background

The Van Ness Corridor Transit Improvement Project (Project) implemented the first bus rapid transit (BRT) service in San Francisco, which improved transit reliability for the 49 Muni route and provide reliable transit connections to transfer routes. The ridership on these lines is historically about 45,000 passengers per day. Since the project began revenue service on April 1, 2022, the transit travel times have been reduced by over 30% and ridership has increased by about 33%.

Van Ness Avenue is a Vision Zero high-injury corridor. To improve safety, the Project installed pedestrian countdown timers, pedestrian bulb-outs, and eliminated the majority of left turns that formerly existed along the corridor. In addition, the Project replaced the City’s 100-year-old sewer and water system along the length of the corridor, as well as selected sections of the auxiliary water supply system. The Project also enhanced the urban design of Van Ness Avenue. All the underground sewer and water work is complete. The project reached Substantial Completion on October 31, 2022. The project is 100% complete.

Prior Contract Modifications

On October 7, 2014, the SFMTA Board of Directors adopted Resolution No. 14-147, which authorized the SFMTA to use a Construction Manager/General Contractor (CM/GC) project delivery method for the Project, to include a team of core trade subcontractors, minimum qualifications for the CM/GC and certain subcontractors; evaluation of the CM/GC primarily on non-cost criteria; and negotiation of a Guaranteed Maximum Price (GMP) with the selected CM/GC. On July 7, 2015, the SFMTA Board of Directors awarded SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project (Contract), to Walsh Construction Company II, LLC (Walsh), to provide pre-construction services for the Project, in an amount not to exceed \$800,000 and a term of 300 days. After Walsh and the City agreed to a GMP, the SFMTA prepared Contract Modification No. 1 to add the construction work. In August 2016, this Board approved Modification No. 1, which increased the Contract to an amount not to exceed \$193,827,555, with an overall term not to exceed five years.

The following table represents all previous modifications to the Contract. Contract Modifications Nos. 4, 5, and 6 were approved by the Director of Transportation (DOT) under the authority given under SFMTA Board Resolution No. 1800821-115 (CM No. 2 – authorizing DOT to approve up to an additional aggregate of \$10,000,000 in future amendments to Contract No. 1289 without further approval by the SFMTA Board). The DOT approved Contract Modification No. 11 on July 24, 2020, under the authority given under the prior resolution and SFMTA Board Resolution No. 191203-153 (new delegation policy, which resulted in additional authority of \$400,000).

MOD No.	Modification Description	Change	Approved By	Resolution No/Date
CM-1	Phase 2 CM/GC - Construction	\$193,027,555.00	Board	16-110/8-16-2016
CM-2	Historic street lights & CIDH pole foundation reinforcement	\$4,463,160.98	Board	180821-115
CM-3	Formation of Dispute Resolution Board	0	DOT	7/5/2018

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CM-4	Revisions to plans and specifications for sewer, water, landscaping, traction power, streetlights and roadway	\$3,376,341.14	DOT	9/28/2018
CM-5	PCC # 8 - Traffic Signal Modifications to ET Drawings	\$2,606,043.75	DOT	10/16/2018
CM-6	Payments for extra field work for various items, specification changes to sewer system, amendment of DRB process	\$4,013,223.96	DOT	4/24/2019
CM-7	Resolution of Claim Nos. 1 and 2	\$4,819,650.00	Board	190716-092
CM-8	Resolution of Claim No. 3	\$1,709,201.81	Board	190820-104
CM-9	Additional Out-Of-Sequence Sewer and Roadway Work	\$633,003.16	Board	200218-015
CM-10	Miscellaneous additional work	\$2,187,655.23	Board	200519-047
CM-11	Allowance for Safe Work Practices due to COVID-19	\$ 282,000.00	DOT	7/24/2020
CM-12	Pedestrian Monitoring Services	\$ 2,589,381.00	Board	201215-112
CM-13	Various Design Changes	\$1,240,049.98	Board	210803-098
CM-14	Various Roadway Work	\$717,877.56	Board	211019-125
CM-15	Resolution of Contract Claim No. 9	\$5,159,578.55	Board	
	Contract Total (including \$800K Pre-construction services)	\$227,624,722.12		

Contract Modification No. 15 (CM-15)

As outlined in the Settlement Agreement and Release, Contractor and City entered into negotiations related to Walsh’s Contract Claim 9 and, as a result, resolved all claims or potential claims by and between Walsh and City through the completion of the Project. This Contract Modification increases the contract price by \$5,159,578.55 and extends the completion date by 832 days. Payment made through this Contract Modification to Walsh is made in consideration for a waiver and release of claims known or unknown by Walsh through the completion of the Project. SFMTA staff will negotiate any remaining subcontractors’ claims.

The SFPUC which has been a City partner to the SFMTA during the duration of the project agrees with this resolution of the claim.

The final payment to Walsh Construction Company II, LLC will total \$24,000,000. This payment will consist of \$5,159,578.55 as settlement for claim #9. It will also include \$12,375,947.13 in funding owed for the existing contract work and \$6,464,474.32 in retention held under the contract. This will be a total payment to Walsh of \$24,000,000.00.

STAKEHOLDER ENGAGEMENT

During construction, SFMTA met with community organizations and elected officials on a regular basis to inform them of construction activities, the status of the Project, and anticipated completion dates.

ALTERNATIVES CONSIDERED

The SFMTA Board could reject the proposed Contract Modification 15, but doing so may result in legal action by the Contractor to obtain the compensation provided in the Modification, which may result in a less advantageous outcome for the SFMTA. It is unlikely that additional negotiations with the Contractor would produce a better result for the SFMTA.

FUNDING IMPACT

Contract Modification No. 15, in the amount of \$5,159,578.55, will be funded through the existing approved budget for the Project. There are funds available within the approved funding sources, as detailed below:

Funding Sources	Amount
FTA 5309 Small Starts	\$74,999,999
Active Transportation Program	\$4,058,000
California Pacific Medical Center Contribution	\$5,000,000
Central Freeway Parcel Revenues	\$12,654,135
FTA 5307 Formula Funds	\$3,980,000
FTA 5309 State of Good Repair Funds	\$23,871,440
FTA Congestion Mitigation and Air Quality	\$20,000,000
PPM: Planning, Programming and Monitoring funds	\$197,907
Prop B Population based General Fund Set Aside	\$8,134,232
Prop K Sales Tax	\$44,898,444
PUC Local Funds	\$61,543,618
SFMTA Series 2013 Revenue Bonds	\$1,765,751
SFMTA Series 2016 Revenue Bonds	\$48,000,000
State Highway Operation and Protection Program (SHOPP)	\$7,304,868
2021C Revenue Bond	\$5,159,579
TOTAL	\$321,567,973

This Contract Modification will not likely result in the Project exceeding its total budget of \$321.6 million. However, there are a number of subcontractors that the project team is currently negotiating with that could further increase the project budget.

ENVIRONMENTAL REVIEW

On September 10, 2013, the San Francisco County Transportation Authority (SFCTA), as lead agency under California Environmental Quality Act (CEQA), certified the Final Environmental Impact Statements (EIS)/Environmental Impact Report (EIR) for the Van Ness Corridor Improvement Project under Resolution 14-18, adopted CEQA Findings and a Statement of Overriding Considerations,

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adopted the Mitigation Monitoring and Reporting Plan, and approved the Locally Preferred Alternative (LPA). The certification of the Final EIS/EIR included incorporating the Vallejo Northbound Station Variant into the Project.

On September 17, 2013, the SFMTA Board of Directors, acting in the capacity as a responsible agency under CEQA, adopted Resolution No. 13-214, approving the Project, analyzed as the LPA in the Final EIS/EIR, including an amendment to include the Vallejo Northbound Station Variant in the approval of the LPA. As part of the resolution, the Board also adopted the CEQA Findings, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan for the Final EIS/EIR and authorized the Director of Transportation to direct staff to continue with obtaining the necessary approvals to implement the Project.

On December 20, 2013, the FTA issued a Record of Decision for the Project, determining that the requirements of the National Environmental Policy Act have been met through the Final EIS document and process.

Since the adoption of CEQA Findings and the approval of the Project, the SFCTA has prepared a memo to file dated July 15, 2014, titled “Van Ness Avenue Bus Rapid Transit Project – Environmental Compliance for the Proposed Parking Removal from Conceptual Engineering Report” (Memo to File), which concludes that the removal of 11 parking spaces more than assumed in the Final EIS/EIR, as proposed by SFMTA in the Conceptual Engineering Report, would not result in a new significant environmental impact due to parking loss.

As mentioned above, on July 7, 2015, the SFMTA Board of Directors authorized the award of the Contract for Phase 1 (pre-construction services), for a target duration of 300 days, and in an amount not to exceed \$800,000. At that time, the Board reviewed and considered the EIS/EIR and record as a whole and found that the Final EIS/EIR was adequate for its use as the decision-making body for the approval of the Contract, found that the actions being taken were within the scope of the EIS/EIR, and incorporated the CEQA findings contained in its Resolution No. 13-214, including the Statement of Overriding Considerations, and found that no additional environmental review would be required under Public Resources Code Section 21166.

On March 4, 2016, the SFCTA issued an “Addendum to Environmental Impact Report” for the Project, which conclude that removal and replacement of various trees along the Van Ness corridor not previously identified in the Final EIS/EIR would not result in a new significant environmental impact.

The proposed Modification No. 15 to Contract No. 1289 that is the subject of this calendar item is within the scope of the Final EIS/EIR.

A copy of the Van Ness Corridor Improvement Project Final EIS/EIR can be found at <https://www.sfcta.org/projects/van-ness-improvement-project#panel-reports-documents> and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The SFMTA Contract Compliance Office continues to monitor the Contract for compliance with the Small Business Enterprise (SBE) participation goals and concurs with this Modification.

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The Contract Compliance Office established SBE goals for each of the core trades:

- Paving 25%
- Sewer/Water Main Replacement 25%
- Overhead Contact System 20%
- Traffic Control 10%

The City Attorney's Office has reviewed this calendar item.

No other approvals are required for this Contract Modification.

RECOMMENDATION

Staff recommends that the SFMTA Board authorize the Director of Transportation to execute Modification No. 15 to SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project, with Walsh Construction Company II, LLC, resolve any and all current and future claims Walsh has or may have relating to the project, increasing the contract price by \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, and increasing the required time of completion by 832 days.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Van Ness Corridor Transit Improvement Project (formerly known as the Van Ness Bus Rapid Transit Project) (Project) will implement the first Bus Rapid Transit (BRT) service in San Francisco, which will improve transit reliability for the 47 and 49 Muni routes and provide reliable transit connections to transfer routes; and,

WHEREAS, On July 7, 2015, the SFMTA Board of Directors adopted Resolution No. 15-108, awarding SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project (Contract), to Walsh Construction Company II, LLC (Walsh) in the amount of \$800,000 and for a term of 300 days, to provide pre-construction services for the Project; and,

WHEREAS, On August 16, 2016, the SFMTA Board of Directors adopted Resolution No. 16-110, authorizing Modification No. 1 to the Contract for construction of the Project in the amount of \$193,027,555, for a total Contract amount of \$193,827,555, with an overall term not to exceed five years; and,

WHEREAS, On August 21, 2018, the SFMTA Board of Directors adopted Resolution No. 180821-115, approving Contract Modification No. 2 to the Contract for changes to the overhead contact system trolley/light poles and foundations, increasing the Contract amount by \$4,463,160.98, for a total Contract amount not to exceed \$198,290,715.98, with no extension of time; and authorizing the Director of Transportation to approve up to an additional aggregate of \$10,000,000 in future amendments to Contract No. 1289 without further approval of the SFMTA Board; and,

WHEREAS, Contract Modifications Nos. 3 through 6, executed by the Director of Transportation, increased the Contract amount by \$9,995,608.85, for a total Contract amount not to exceed \$208,286,324.83, with no extension of time; and,

WHEREAS, The SFMTA Board of Directors adopted Resolutions Nos. 190716-092, 190820-104, 200218-015, and 200519-047, approving Contract Modifications Nos. 7 through 10, respectively, increasing the Contract amount by \$9,349,510.20, for a total Contract amount not to exceed \$217,635,835.03, and extending the time to Substantial Completion by 279 days; and,

WHEREAS, Contract Modification No. 11, executed by the Director of Transportation under Board Resolution Nos. 180821-115 and 191203-153, increased the Contract amount by \$282,000, for a total Contract amount not to exceed \$217,917,835.03, with no extension of time; and,

WHEREAS, Contract Modification No. 12, executed by the Director of Transportation under Board Resolution No. 201215-112, increased the Contract amount by \$2,589,381, for a total Contract amount not to exceed \$220,507,216.03, with no extension of time; and,

WHEREAS, Contract Modification No. 13, executed by the Director of Transportation under Board Resolution No. 210803-098, increased the Contract amount by \$1,240,049.98, for a total Contract

amount not to exceed \$221,747,266.01, with no extension of time; and,

WHEREAS, Contract Modification No. 14, executed by the Director of Transportation under Board Resolution No. 211019-125 to performed various additional roadway work in the amount of \$717,877.56, for a total Contract amount not to exceed \$222,465,143.57, with no time extension; and,

WHEREAS, Contract Modification No. 15 will settle contract claim #9 in the amount of \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, with 831 days time extension; and,

WHEREAS, On September 10, 2013, the San Francisco County Transportation Authority, as lead agency under California Environmental Quality Act (CEQA), certified the Final Environmental Impact Statement/ Environmental Impacts Reports (EIS/EIR) under Resolution No. 14-18, adopted CEQA Findings and a Statement of Overriding Considerations, adopted the Mitigation Monitoring and Reporting Plan, and approved the Locally Preferred Alternative (LPA); the certification of the Final EIS/EIR included incorporating the Vallejo Northbound Station Variant into the Project; and,

WHEREAS, On September 17, 2013, the SFMTA Board of Directors, acting in the capacity as a responsible agency under CEQA, adopted Resolution No. 13-214, approving the Project, analyzed as the LPA in the Final EIS/EIR, including an amendment to include the Vallejo Northbound Station Variant in the approval of the LPA; as part of the resolution, the Board also adopted the CEQA Findings, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan for the Final EIS/EIR, and authorized the Director of Transportation to direct staff to continue with obtaining the necessary approvals to implement the Project; and,

WHEREAS, On December 20, 2013, the Federal Transit Administration issued a Record of Decision for the Project, determining that the requirements of the National Environmental Policy Act have been met through the Final EIS document and process; and,

WHEREAS, On March 4, 2016, the San Francisco County Transportation Authority issued an "Addendum to Environmental Impact Report" for the Project, which concluded that removal and replacement of various trees along the Van Ness corridor not previously identified in the Final EIS/EIR would not result in a new significant environmental impact; and,

WHEREAS, As mentioned above, on July 7, 2015, the SFMTA Board of Directors authorized the award of the Contract for Phase 1 pre-construction services to Walsh, having reviewed and considered the EIS/EIR and record as a whole and found that the Final EIS/EIR was adequate for its use as the decision-making body for the approval of the Contract; the Board also found that the actions being taken were within the scope of the EIS/EIR, incorporated the CEQA findings contained in its Resolution No. 13-214, including the Statement of Overriding Considerations, and further found that no additional environmental review would be required under Public Resources Code section 21166; and,

WHEREAS, The proposed Modification No. 15 to Contract No. 1289, as described above, is within the scope of the Final EIS/EIR; and,

WHEREAS, A copy of the Van Ness Corridor Improvement Project Final EIS/EIR can be found in the records of the Planning Department at <https://www.sfcta.org/projects/van-ness-improvement-project#panel-reports-documents> and is incorporated herein by reference; now, therefore, be it,

RESOLVED, That the SFMTA Board of Directors has reviewed and considered the Van Ness Bus Rapid Transit Project Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) and record as a whole, finds that the Final EIS/EIR 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 of Directors further finds that since the Final EIS/EIR was finalized, there have been no substantial Project changes and no substantial changes in Project circumstances that would require major revisions to the Final EIS/EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIS/EIR; and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Modification No. 15 to SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project, with Walsh Construction Company II, LLC, to resolve any and all current and future claims Walsh has or may have relating to the project, increasing the contract price by \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, and increasing the required time of completion by 832 days; and it be further

RESOLVED, That the SFMTA Board authorizes the Director of Transportation, in consultation with the City Attorney, to make such changes to Modification No. 15 as necessary to effect the intent and purpose of this Resolution, provided that said changes shall not further increase the Contract Amount or further extend Contract Time beyond the values stated in this Resolution, or reduce warranty or bond protections stated in the Contract.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 5, 2023.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

CONTRACT MODIFICATION NO. 15

**San Francisco Municipal Transportation Agency Contract No. 1289
Van Ness Corridor Transit Improvement Project**

Contractor: **Walsh Construction Company II, LLC
180 Redwood Street, Suite 300
San Francisco, CA 94102**

The Contract is modified as follows:

1. Scope of Change

	<u>Amount</u>
CM-15. <u>Global Claims Settlement</u> : Resolves and settles claims under Contract No. 1289 as described in the attached Settlement Agreement and Release, which is incorporated by reference. This Change Order increases the Contract Price by the following amount to cover the amount to be paid to Walsh under the Settlement Agreement and Release:	\$5,159,578.55
Total Negotiated Lump Sum Increase to	\$5,159,578.55
Contract:	

2. Add the following new Contract Pay Items:

Item	Description	Quantity	Unit	Unit Price	Extension
CM-15	Global Claims Settlement:	N/A	LS		\$5,159,578.55
Total Amount of this Contract Modification				Increase	\$5,159,578.55
Previous Total of Contract					\$222,465,143.57
New Revised Total of Contract					\$227,624,722.12

Total Contract Time added by this Contract Modification:	832 Days
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Previous Contract Substantial Completion Date:	7/21/2020
Current Contract Substantial Completion Date:	10/31/2022

3. This Contract Modification is made in accordance with Articles 6 and 7 of the General Provisions of the

Contract.

4. Contractor and City have agreed to terms as described in the attached and incorporated Settlement Agreement and Release. The Settlement Agreement and Release contains the specific terms under which Contractor and City have agreed to resolve claims and potential claims by and between Contractor and City as described in the Settlement Agreement and Release. The Settlement Agreement and Release also provides the specific requirements for the City to award Final Completion to Contractor. Payment shall be made to Walsh as set forth in the Settlement Agreement and Release.
5. Order of Precedence: In the case of discrepancy or ambiguity in this document and the Settlement Agreement and Release or conflict among the provisions of this document and the Settlement Agreement and Release, the Settlement Agreement and Release will be given precedence over this document in the construction or interpretation of the documents.
6. Contractor and City agree that, subject to approval by the SFMTA Board of Directors, no further documentation from Contractor will be required before payment without any offset for withholdings, liquidated damages or any other amounts, as agreed under the Settlement Agreement and Release.
7. Except as specifically stated herein and in the Settlement Agreement and Release, all previous terms and conditions of the Contract remain unchanged.

In witness thereof, the parties have executed this Modification in San Francisco, California as of this date: August 18, 2023.

WALSH CONSTRUCTION COMPANY II, LLC

CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

By: X
David Casey
President

By: X
Jeffrey P. Tumlin
Director of Transportation

Authorized By:

San Francisco Municipal Transportation Agency Board of Directors
Resolution No. _____
Adopted: _____

Attest:

_____, Secretary

APPROVED AS TO FORM:
David Chiu, City Attorney

By: _____
David Innis
Deputy City Attorney

ENCLOSURE 3
 Van Ness Corridor Transit Improvement Project Contract No. 1289
 Project Budget and Financial Plan

Project Budget (by Type of Work)	Amount
Core Bus Rapid Transit (BRT)	\$185.5 M
Water Line Replacement	\$26.8 M
Sewer Replacement	\$20.6 M
SFGo Traffic Signals	\$24.6 M
Muni Forward	\$4.3 M
Emergency Firefighting System Replacement	\$6.2 M
Bus Procurement	\$4.0 M
Bus Power Overhead Contact System and Pole Replacement	\$30.3 M
Lighting Replacement	\$13.0 M
Green Infrastructure	\$1.2 M
Final Settlement Claim #9	\$5.2 M
Total	\$321.6 M

Project Budget (by Phase)	Amount
Environmental	\$6.0 M
Conceptual Engineering	\$8.9 M
Detailed Design	\$15.9 M
Construction	\$286.9 M
Total	\$321.6 M

Funding Sources	Amount
FTA 5309 Small Starts	\$74,999,999
Active Transportation Program	\$4,058,000
California Pacific Medical Center Contribution	\$5,000,000
Central Freeway Parcel Revenues	\$12,654,135
FTA 5307 Formula Funds	\$3,980,000
FTA 5309 State of Good Repair Funds	\$23,871,440
FTA Congestion Mitigation and Air Quality	\$20,000,000
PPM: Planning, Programming and Monitoring funds	\$197,907
Prop B Population based General Fund Set Aside	\$8,134,232
Prop K Sales Tax	\$44,898,444
PUC Local Funds	\$61,543,618
SFMTA Series 2013 Revenue Bonds	\$1,765,751
SFMTA Series 2016 Revenue Bonds	\$48,000,000
State Highway Operation and Protection Program (SHOPP)	\$7,304,868
2021C Revenue Bond	\$5,159,579
TOTAL	\$321,567,973

