THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

DIVISION: Streets

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Contract Modification No. 1 (Final) to Contract No. 1296R, Muni Metro System Automatic Train Control System (ATCS) Subway Wiring Replacement Van Ness, with Phoenix Electric Company, to extend the contract term; adjust the quantity in the Schedule of Bid Prices to reflect the actual quantity of work performed and to close out the contract. This modification decreases the Contract Amount by \$59,970.77, for a total Contract Amount of \$1,824,029.23 and increases the overall Contract Time to substantial completion by 372 days for a total Contract Time of 647 days to Substantial Completion.

SUMMARY:

- On February 21, 2017, the SFMTA Board of Directors adopted Resolution No. 170221-019, which authorized the award of SFMTA Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement Van Ness, with Phoenix Electric Company (PEC), in the amount of \$1,884,000, and for a term of 275 days to substantial completion.
- The SFMTA issued the Notice to Proceed with the work commencement date of May 22, 2017, for a substantial completion date of February 20, 2018.
- This Modification extends the Contract Term by 372 days (135%) for non-compensable delays resulting from: (1) delayed issuance of operating permit from BART; (2) delayed tunnel access due to other SFMTA projects taking precedence; (3) increased fabrication time due to material changes required by the SFMTA; and (4) reduced contract specified work windows, resulting in a new substantial completion date of February 27, 2019.
- Additionally, this Modification adjusts the quantities in the Schedule of Bid Prices and closes out the Contract.

ENCLOSURES:

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

APPROVALS:		DATE
DIRECTOR _	July This	September 10, 2024
SECRETARY _	dilm	September 10, 2024

ASSIGNED SFMTAB CALENDAR DATE: September 17, 2024

PAGE 2.

PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Contract Modification No. 1 (Final) to Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement Van Ness, with Phoenix Electric Company, to extend the contract term; adjust the quantity in the Schedule of Bid Prices to reflect the actual quantity of work performed and to close out the contract. This modification decreases the Contract Amount by \$59,970.77, for a total Contract Amount of \$1,824,029.23 and increases the overall Contract Time to substantial completion by 372 days for a total Contract Time of 647 days to Substantial Completion.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The Work performed under Modification 1 to Contract No. 1296R supports the following goals in the SFMTA's Strategic Plan and Transit First Policy Principles:

- Goal 5: Deliver reliable and equitable transportation services.
- Goal 6: Eliminate pollution and greenhouse gas emissions by increasing use of transit, walking and bicycling.
- Goal 9: Fix things before they break and modernize systems and infrastructure.

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.
- 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.

DESCRIPTION

Background

On February 21, 2017, the SFMTA Board of Directors adopted Resolution No. 170221-019, which authorized the award of SFMTA Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement Van Ness, with Phoenix Electric Company, in the amount of \$1,884,000, and for a term of 275 days to Substantial Completion.

Work performed under the Contract included the replacement of wireway, conduits, and cables at the Van Ness Platform signal equipment room to west of the wayside. The project also added conduits and cables for four axle counters, seven signal lamps, and termination panels. Current wiring in this area had been compromised by water infiltration and rodent damage. This project

PAGE 3.

ensured greater reliability of power and signaling systems in the Van Ness crossover and stub track, improving subway service consistency.

Current Status

The Contractor achieved Substantial Completion of all work on February 27, 2019. This Modification finalizes the Contract Amount and the Contract Term for contract closeout. The delay in closing out the contract was primarily due to time required to resolve outstanding time extension requests.

Current Modification

This Contract Modification No.1 adjusts the quantity in the Schedule of Bid Prices to reflect the actual quantity of work performed and extends the duration to contract substantial completion by 372 non-compensable days resulting from the following four delays: (1) delayed issuance of a BART operating permit required for the Contractor to begin work in the tunnel and station; (2) delayed tunnel access due to the prioritization of other SFMTA projects conducting ATCS testing and performing maintenance work; (3) increased fabrication time due to the SFMTA implementing a material change to future-proof new installation for the purpose of maintenance, troubleshooting, and future expansion; and (4) modified work windows specified in the Contract's Special Provisions due to operational constraints related to LRV4 testing.

SFMTA Board approval is required for Contract Modification No. 1 because under the Board's Delegation of Authority (Resolution No. 240604-061), the Director of Transportation may only approve contract extensions up to 25 percent of the original term of the contract.

TRANSIT IMPACT

Work was performed during non-revenue hours ensuring that transit service would not be impacted.

STAKEHOLDER ENGAGEMENT

The SFMTA Outreach staff engaged the community through a variety of methods during construction. Public outreach was done in English and other languages with language assistance being offered as needed. Staff made changes and modifications based on comments received and conversations with various stakeholder groups.

ALTERNATIVES CONSIDERED

There were no alternatives available regarding Contract Modification No. 1's non-compensable Contract Time delays, as these delays were due to various construction and testing requirements with precedence over the project, and other unavoidable delays.

PAGE 4.

FUNDING IMPACT

Contract Modification No. 1 closes the Contract and involves a time extension at no additional cost and an adjustment of quantities to reflect actual amounts of work installed. This Modification decreases the Contract Amount by \$59,970.77, for a total Contract Amount of \$1,824,029.23.

Category	Amount
Original Contract Value	\$1,884,000
Time Extension	\$0
Quantity Adjustment	(\$59,970.77)
Contract Value	\$1,824,029.23

This decrease will be credited to the project budget.

The project is funded by AB664 Regional Bridge Toll Funds, Federal Transit Administration Formula Funds, and San Francisco County Transportation Authority Proposition K Sales Tax.

ENVIRONMENTAL REVIEW

On April 1, 2016, the SFMTA, under authority delegated by the Planning Department, determined that the replacement of Van Ness subway ATCS wiring is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15301 Class 1(d) and Class 2(c).

The original contract award approval on February 21, 2017, was the Approval Action as defined by the S.F. Administrative Code Chapter 31.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The Contract Compliance Office has reviewed this report.

The City Attorney's Office has reviewed the calendar item. No other approvals are required.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize the Director of Transportation to execute Contract Modification No. 1 (Final) to Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement Van Ness, with Pheonix Electric Company, to extend the contract term; adjust the quantity in the Schedule of Bid Prices to reflect the actual quantity of work performed and to close out the contract. This modification decreases the Contract Amount by \$59,970.77, for a total Contract Amount of \$1,824,029.23 and increases the overall Contract Time to substantial completion by 372 days for a total Contract Time of 647 days to Substantial Completion.

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS

RESOLUTION No.

WHEREAS, On February 21, 2017, the SFMTA Board of Directors adopted Resolution No. 170221-019, which authorized the award of SFMTA Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement Van Ness, with Phoenix Electric Company, in the amount of \$1,884,000, and for a term of 275 days to Substantial Completion; and,

WHEREAS, The work under the Contract involved replacement of communications and power wiring to wayside equipment at Van Ness Station West. The wayside equipment consisted of track switches, Advanced Train Control System (ATCS) axel counters, and signal heads; and,

WHEREAS, Delayed issuance of an operating permit from BART required for the Contractor resulted in a delay of 15 days as the Contractor was unable to begin working in the tunnel and station; and,

WHEREAS, Delayed tunnel access due to the prioritization of other SFMTA projects conducting ATCS testing and performing maintenance work resulted in a delay of 38 days; and,

WHEREAS, Increased fabrication time due to the SFMTA implementing a material change to future-proof new installation for the purpose of maintenance, troubleshooting, and future expansion resulted in a delay of 203 days; and,

WHEREAS, Modified work windows specified in the Contract's Special Provisions was required due to operation constraints and resulted in a delay of 116 days; and,

WHEREAS, The above delays extended the Contract Term by 372 days, for a new substantial completion date of February 27, 2019, and the final length of the Contract was 647 days; and,

WHEREAS, The proposed Contract Modification No. 1 to Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement van Ness Project, is subject to the California Environmental Quality Act (CEQA); CEQA provides a categorical exemption from environmental review for minor alterations to existing facilities including restoration or rehabilitation of deteriorated or damage facilities or mechanical equipment to meet current standards of public health and safety, and replacement or reconstruction of existing facilities involving negligible or no expansion of capacity, as defined in Title 14 of the California Code of Regulations Section 15301 Class 1(d) and Class 2(c); and,

WHEREAS, On April 1, 2016, the SFMTA, under authority delegated by the Planning Department, determined 2016-004250ENV that the replacement of Van Ness subway ATCS

wiring is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Sections 15301 Class 1(d) and Class 2(c); and,

WHEREAS, The Board's approval of the award of the contract was the Approval Action as defined by the S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department by Case Number at https://sfplanninggis.org/pim/ or 49 South Van Ness Avenue, Suite 1400 in San Francisco, and are incorporated herein by reference; and,

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Contract Modification No. 1 (Final) to Contract No. 1296R, Muni Metro System ATCS Subway Wiring Replacement Van Ness, with Phoenix Electric Company, to extend the contract term; adjust the quantity in the Schedule of Bid Prices to reflect the actual quantity of work performed and to close out the contract. This Modification decreases the Contract Amount by \$59,970.77, for a total Contract Amount of \$1,824,029.23 and increase the overall Contract Time to substantial completion by 372 days for a total Contract Time of 647 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 17, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

CONTRACT MODIFICATION NO. 1 (FINAL)

San Francisco Municipal Transportation Agency Contract No. 1296R Muni Metro System ATCS Subway Wiring Replacement Van Ness Contractor: Phoenix Electric Company 1350 Van Dyke Avenue San Francisco, CA 94124

Page 1 of 3

The Contract is modified as follows:

1. Scope of Change

Amount

CM-1A Non-Compensable Time Extension:

\$0

Extend the Contract term by 372 calendar days for a new substantial completion date of February 27, 2019, due to the following:

- Bay Area Rapid Transit (BART) Permit: Delayed issuance of a BART operating permit required for the commencement of work. This required a time extension of 15 non-compensable calendar days.
- Tunnel Access: Delayed mobilization due to Automatic Train Control System (ATCS) testing for another project, LRV4, and maintenance work were prioritized for tunnel access. This required a time extension of 38 non-compensable calendar days.
- <u>Material Change</u>: Increased fabrication time due to the replacement of contract specified conduits with wireways, as detailed in revised Electrical (EE) drawings EE-02, Rev. 1 and EE-05, Rev. 2, transmitted under Proposed Contract Change (PCC) No. 2. This required a time extension of 203 non-compensable calendar days.
- <u>Modified Working Hours</u>: Reduced work windows specified in the Contract's Special Provisions SP-6. This required a time extension of 116 non-compensable calendar days.

CM-1B Bid Item Final Quantity Adjustment:

(\$59,970.77)

The estimated contract bid items quantities are adjusted to match with the actual quantities and amounts of work provided and installed by the Contractor, as listed on the attached Final Quantity Summary, decreasing the Contract Amount by \$59,970.77.

2. Add the following new Contract Pay Items:

Item	Description	Qty	Unit	Unit Price	Amount
CM-1A	Non-Compensable Time Extension	-	LS	-	\$0
CM-1B	Bid Item Final Quantity Adjustment	-	LS	-	(\$59,970.77)

Total Amount of this Contract Modification: Decrease (\$59,970.77)

Previous Total of Contract: \$1,884,000.00

New Revised Total of Contract: \$1,824,029.23

Total Contract Time Added by this Contract
Modification:

272 Days
Previous Contract Substantial Completion Date: 02/20/2018

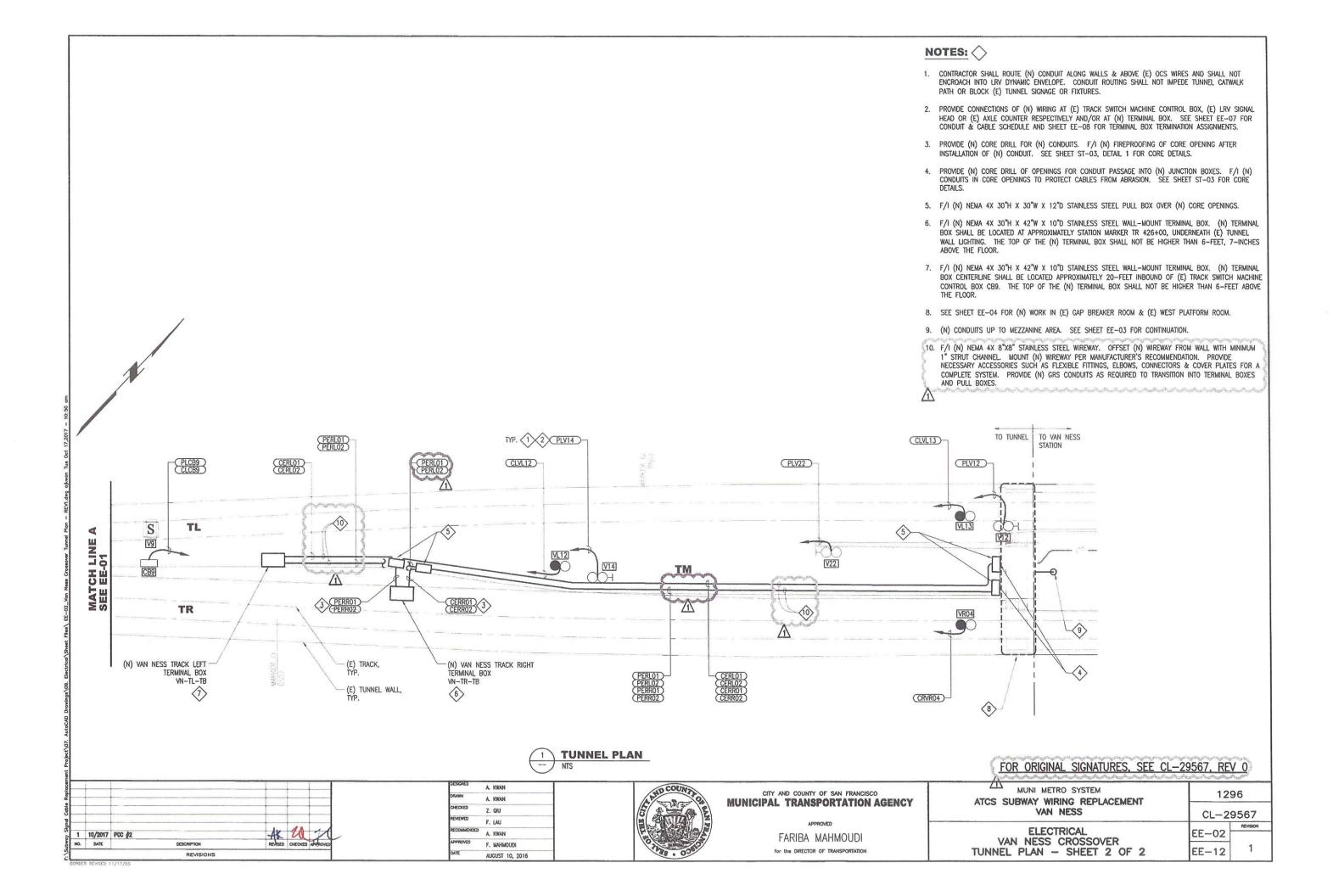
Current Contract Substantial Completion Date: 02/27/2019

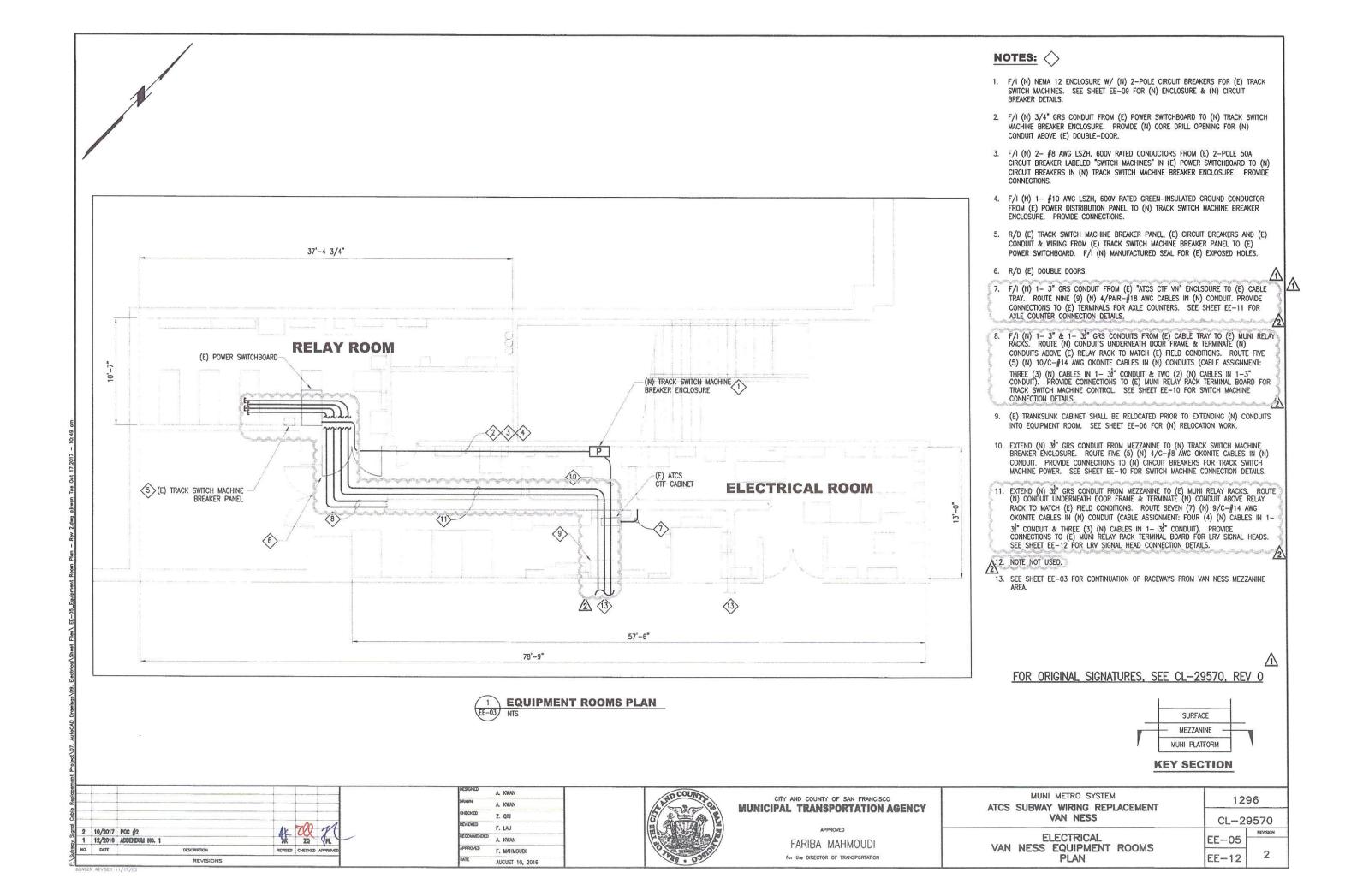
- 3. This Modification is made in accordance with Article 6 and 7 of the General Provisions of the Contract.
- 4. Except as provided herein all previous terms and conditions of the Contract remain unchanged.
- 5. The compensation (time and cost) set forth in this Modification comprises the total of all compensation due to Contractor, all Subcontractors and all Suppliers, as a result of the events giving rise to the Modification and for the Additional Work described in this Modification, including any time impact on unchanged Work, including delays and inefficiencies. The execution of this Modification constitutes an accord and satisfaction of any claim for additional compensation or time for the Additional Work effected by this Modification, and Contractor on behalf of itself, and all Subcontractors and Suppliers, specifically waives and releases any and all claims rights or interest, including but not limited to legal and equitable claims for direct, indirect, and overhead costs, delay, impact, disruption, loss of efficiency or other special, extraordinary or consequential costs arising from or related to the Work described in the Modification, without exception or reservation of any kind.

Attachments:

- A. Revised Contract Drawings: EE-02 Rev. 1, EE-05 Rev. 2
- B. Final Quantity Summary

PHOENIX ELECTRIC COMPANY	CITY AND COUNTY OF SAN FRANC MUNICIPAL TRANSPORTATION AG
	By:
David Lau	Jeffrey P. Tumlin
President	Director of Transportation
	Authorized By:
	San Francisco Municipal
	Transportation Agency
	Board of Directors
	Resolution No.
	Adopted:
	Attest:
	Christine Silva, Secretary
	SFMTA Board of Directors
	SI WITH Bound of Directors
	APPROVED AS TO FORM:
	David Chiu, City Attorney
	_
	By: David F. Innis
	Deputy City Attorney





Final Quantity Adjustment

San Francisco Municipal Transportation Agency Contract No. 1296 MUNI METRO SYSTEM ATCS SUBWAY WIRING REPLACEMENT VAN NESS



ITEM	:м		UNIT	CONTRACT		FINAL AMOUNT		0 41:114
NO.	DESCRIPTION	UNIT	PRICE	QUANTITY	AMOUNT	QUANTITY	AMOUNT	Adjustment
G-01	Mobilization and Demobilization (See bid item description under Section 01220 for bid item instructions)	LS	\$70,000.00	1	\$70,000.00	100.00%	\$70,000.00	\$0.00
G-02	Allowance for Differing Site Conditions	AL	\$110,000.00	1	\$110,000.00	0.00%	\$99,730.16	(\$10,269.84)
G-03	Allowance for Reimbursable Expenses	AL	\$65,000.00	1	\$65,000.00	23.54%	\$25,299.07	(\$39,700.93)
G-04	Operation and Maintenance Manuals (See Section 01220 for bid item instructions)	LS	\$48,000.00	Î	\$48,000.00	0.00%	\$48,000.00	\$0.00
G-05	Contract Record Documents (See Section 01220 for bid item instructions)	LS	\$65,000.00	1	\$65,000.00	0.00%	\$65,000.00	\$0.00
G-06	Allowance for Agency's Share of Partnering Cost	LS	\$10,000.00	1	\$10,000.00	0.00%	\$0.00	(\$10,000.00)
EE-01	Track Switch Machine and LRV Signal Power Wiring	LS	\$628,000.00	1	\$628,000.00	100.00%	\$628,000.00	\$0.00
EE-02	Track Switch Machine and Axle Counter Communication Wiring	LS	\$628,000.00	1	\$628,000.00	100.00%	\$628,000.00	\$0.00
EE-03	Terminal Enclosure with Terminal Posts	EA	\$30,000.00	2	\$60,000.00	1.00	\$60,000.00	\$0.00
EE-04	Track Swith Machine Power Enclosure with Circuit Breakers	EA	\$50,000.00	1	\$50,000.00	1.00	\$50,000.00	\$0.00
EE-05	Start-Up and Operational Testing	LS	\$100,000.00	1	\$100,000.00	1,00	\$100,000.00	\$0.00
ST-01	Structural and Related Work at Van Ness Station and Tunnel	LS	\$50,000.00	Î	\$50,000.00	1.00	\$50,000.00	\$0.00
	TOTAL BASE CONTRACT:				\$1,884,000.00	96.82%	\$1,824,029.23	(\$59,970.77)
CM	CONTRACT MODIFICATIONS							
CM-1	Bid Item Final Quantity Adjustments	LS	(\$59,970.77)	19—01	(\$59,970.77)	0%	\$0.00	\$59,970.77
	TOTAL CONTRACT MODIFICATIONS:				(\$59,970.77)	0.00%	\$0.00	\$59,970.77
	TOTAL:				\$1,824,029.23	100.00%	\$1,824,029.23	\$0.00

Concurred By: _	Wilson Lew	Approved By:	- 10
	WILSON LEW, PROJECT MANAGER,	PETER CHIN, RESIDENT ENGINEER	
	PHOENIX ELECTRIC COMPANY	SFMTA CONSTRUCTION MANAGEMENT	

ENCLOSURE 3

Muni Metro System ATCS Subway Wiring Replacement Van Ness San Francisco Municipal Transportation Agency, Contract No. 1296R,

Project Budget and Financial Plan

Cost	Amount
Conceptual Engineering Phase Staff Support (SFMTA and Other Dept. Services)	NA
Detail Design Phase Staff Support (SFMTA and Other Dept. Services)	\$418,152.00
Construction Phase Construction Contract, Contingency, and Staff Support	\$3,129,209.00
Total Cost	\$3,547,361.00

Funding	Amount	
AB664 Regional Bridge Toll Funds	\$248,442.00	
Federal Transit Administration Formula Funds	\$2,664,319.00	
San Francisco County Transportation Authority Proposition K Sales Tax	\$634,600.00	
Total Funding	\$3,547,361.00	