

THIS PRINT COVERS CALENDAR ITEM NO. : 10.8

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to retroactively execute Contract Modification No. 1 to Contract No. 1280, Transit Operator Convenience Stations Project, with Fontenoy Engineering, to increase the contract amount from \$339,500 to \$418,035.44 and extend the contract term by 73 days, for a total term of 193 days.

SUMMARY:

- On January 31, 2014, the Director of Transportation authorized a bid call for Contract No. 1280, Transit Operator Convenience Stations Project to construct restrooms for transit operators and ancillary streetscape and utility improvements to areas where the restrooms were constructed.
- On May 9, 2014, the Director of Transportation awarded Contract No. 1280, Transit Operator Convenience Stations Project, to Fontenoy Engineering, in the amount of \$339,500, all work to be completed within 120 days of notice to proceed. Subsequently, the SFMTA issued notice to proceed to Fontenoy Engineering to perform the work on August 18, 2014, all work to be completed on or before December 15, 2014.
- This Contract Modification No. 1 increases the contract amount by \$78,535.44, for the final contract amount of \$418,035.44 and extends the Contract term by 73 days, to compensate for delays to the project caused by additional work, unforeseen site conditions, and permitting conflicts.

ENCLOSURES:

1. SFMTAB Resolution
2. Contract Modification No. 1

APPROVALS:

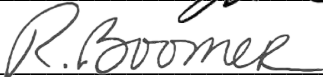
DATE

DIRECTOR



8/8/16

SECRETARY



8/8/16

ASSIGNED SFMTAB CALENDAR DATE: August 16, 2016

PAGE 2.

PURPOSE

Authorizing the Director of Transportation to retroactively execute Contract Modification No. 1 to Contract No. 1280, Transit Operator Convenience Stations Project, with Fontenoy Engineering, to increase the contract amount by \$78,535.44, for a total contract amount \$418,035.44, and to extend the contract term by 73 days, for a total term of 193 days, to compensate for delays to the project caused by additional work, unforeseen site conditions, and permitting conflicts.

GOAL

The Work to be performed under Contract No. 1280 will assist in the implementation of the Goal #4 in the SFMTA Strategic Plan:

Goal 4: Create a workplace that delivers outstanding service.

DESCRIPTION

Historically, SFMTA Transit Operators have used restroom facilities provided by gas stations and nearby businesses located throughout San Francisco. However, beginning in the 1970 – 80s, many gas stations closed and SFMTA had to pursue alternate strategies. To date, these alternate strategies have included:

- Identifying and locating free public restrooms that are easily accessible from the transit line terminals.
- Locating and negotiating license agreements with businesses and other public agencies to allow Transit Operators to use their facilities.
- Working with SF Planning and local redevelopment projects to include operator restrooms in their development plans.

A number of circumstances have made it difficult for transit operators to access free restrooms or restrooms available through license agreements at all transit terminals, including:

- Too great a travel distance between the restroom and the transit terminal
- Inappropriate business type for entry by transit staff
- Required hours of access extend beyond normal business hours
- Business owners' lack of interest in participating
- Inadequacy of available facilities
- Long wait times due to long lines at the restroom

As a result, SFMTA has, in some instances, designed and constructed its own operator restrooms.

The Transit Operator Convenience Station project has two main objectives: 1) improve workplace safety and security by providing staff with access to safe and clean restroom facilities, and 2) improve transit reliability by reducing disruption in service caused by lack of access to restroom facilities.

PAGE 3.

After reviewing terminals with restroom facility needs, the Transit Operator Restroom Facility Task Force identified three locations for new restroom facilities to be constructed. These locations were selected because they service multiple transit lines and lack accessibility to restroom facilities.

The SFMTA Operator Convenience Station Project includes the construction of three new restroom facilities at the following locations, using prefabricated restroom units:

1. 25th St. & Potrero Ave.
2. 3rd St. & Hudson Ave.
3. 3rd St. & Fitzgerald Ave.

On January 31, 2014, in accordance with SFMTA Board Resolution No. 09-191, delegation of authority over contracting, the Director of Transportation authorized a bid call for Contract No. 1280, Transit Operator Convenience Stations Project, to construct restrooms for transit operators and ancillary streetscape and utility improvements to areas where the restrooms were constructed. The work performed under the contract included adding new bulb-outs, installing landscaping, repaving and restoring roadway and sidewalk, excavating and installing new underground utilities such as water, sewer and electrical. The work also included providing traffic control, material testing and inspections.

On May 9, 2014, the Director of Transportation awarded Contract No. 1280, Transit Operator Convenience Stations Project, to Fontenoy Engineering, in the amount of \$339,500, all work to be completed within 120 days of notice to proceed. Subsequently, the SFMTA issued a notice to proceed to Fontenoy Engineering to perform the work on August 18, 2014, all work to be completed on or before December 15, 2014.

Contract Modification No. 1 is necessary to compensate the Contractor for additional work and delay costs arising from: (1) procurement of an excavation permit; 2) unexpected site conditions; 3) work required to accommodate PG&E power service point connections; and 4) work required to accommodate utility connections for water and sewer services. Contract Modification No. 1 is also necessary to adjust final quantities on contract bid items, provide non-compensable time extension of 73 days to the contract substantial completion date due to rain days, delays due to PG&E electrical inspection conflict and service connection by PG&E and the Water Department.

The total amount of Contract Modification No. 1 is \$78,535.44 for a final contract amount of \$418,035.44, and a contract time extension of 73 days for a contract term of 193 days.

Work performed under this contract was completed in February 2015. This is a request for retroactive approval of a contract modification. Staff delayed bringing this item to the SFMTA Board as they wanted to complete the construction of these restrooms as quickly as possible and then make sure that all change orders were completed according to the contract specifications.

STAKEHOLDER ENGAGEMENT

Project team provided updates to Transit Operator Union's representatives regarding the delay in the construction schedule.

PAGE 4.

ALTERNATIVES CONSIDERED

The alternative to not add the extra work would have resulted in improper installation of the restroom unit and prevent the unit being commissioned for service.

FUNDING IMPACT

This contract is funded by SFMTA Revenue Bonds and State Prop 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) bond funds. There is no funding impact because the cost increase is included in construction contingency budget of \$90,000.

ENVIRONMENTAL REVIEW

The Transit Operator Convenience Stations Project is subject to the California Environmental Quality Act (CEQA). CEQA provides a categorical exemption from environmental review for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure as defined in Title 14 of the California Code of Regulations Section 15303.

On October 4, 2012, the Planning Department determined (Case Number 2012.0631E) that the Transit Operator Convenience Stations Project is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15303. The Planning Department's determination (Case Number 2012.0631E) is on file with the Secretary to 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.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

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 of Directors authorize the Director of Transportation to retroactively execute Contract Modification No. 1 to Contract No. 1280, Transit Operator Convenience Stations Project, with Fontenoy Engineering, to increase the contract amount by \$78,535.44, for a total contract amount of \$418,035.44, and extend the contract term by 73 calendar days, for a total term of 193 days, all as a result of additional work, unforeseen site conditions and delays.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
RESOLUTION No. _____

WHEREAS, On January 31, 2014, in accordance with SFMTA Board Resolution No. 09-191, delegation of authority over contracting, the Director of Transportation authorized a bid call for Contract No. 1280, Transit Operator Convenience Stations Project to construct restrooms for transit operators and ancillary streetscape and utility improvements to areas where the restrooms were constructed; and,

WHEREAS, On May 9, 2014, the Director of Transportation awarded Contract No. 1280, Transit Operator Convenience Stations Project, to Fontenoy Engineering, in the amount of \$339,500, all work to be completed within 120 days of notice to proceed, and the SFMTA subsequently issued notice to proceed to Fontenoy Engineering to perform the work on August 18, 2014, all work to be completed on or before December 15, 2014; and,

WHEREAS, The work performed under this Contract primarily concerned the construction of restrooms for transit operators, which included ancillary work of new sidewalk bulb-outs, landscaping, street restoration and improvements, improvements to utilities such as water, sewer and electrical, traffic control, material testing and inspections; and,

WHEREAS, On October 4, 2012, the Planning Department determined (Case Number 2012.0631E) that the Transit Operator Convenience Stations Project is categorically exempt from CEQA as defined in Title 14 of the California Code of Regulations Section 15303; and,

WHEREAS, Contract Modification No. 1 is necessary to compensate Contractor for additional work and delay costs arising from: 1) procurement of an excavation permit; 2) unexpected site conditions; 3) work required to accommodate PG&E power service point connections; 4) work required to accommodate utility connections for water and sewer services; 5) adjust final quantities on contract bid items, and 6) provide non-compensable time extension of 73 days to the contract substantial completion date due to rain days, delay due to PG&E electrical inspection conflict and service connection by PG&E and the Water Department; now, therefore be it,

RESOLVED, That the SFMTA Board of Directors authorize the Director of Transportation to retroactively execute Contract Modification No. 1 to Contract No. 1280, Transit Operator Convenience Stations Project, with Fontenoy Engineering, to increase the contract amount by \$78,535.44, for a total contract amount of \$418,035.44, and extend the contract term by 73 days, for a total term of 193 days, all as a result of additional work, unforeseen site conditions and delays.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 16, 2016.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

CONTRACT MODIFICATION NO. 1

**San Francisco Municipal Transportation Agency Contract No. 1280
Transit Operator Convenience Stations**

Contractor: Fontenoy Engineering
3401 Cesar Chavez Street, Suite B
San Francisco CA 94110

Page 1 of 3

The Contract is modified as follows:

1. Adjust quantities and perform the following Additional Work for the compensated stated herein:

Item	Description
CM-1A	Adjustment to contract bid item final quantities. The estimated contract bid item quantities are adjusted to show with the actual quantities and amounts of Work provided and installed by the Contractor, as listed on the attached Engineer's Final Quantity Summary, decreasing the Contract amount by \$2,845.38.
CM-1B	Procure excavation permit from DPW-BSM, as directed by Engineer. The total added cost, including associated mark-up, is \$16,851.27.
CM-1C	Perform Extra Work in accordance with attached list of Task Orders to accommodate and overcome different site conditions, and as directed by Engineer. The total added cost is \$33,495.20.
CM-1D	Perform Extra Work in accordance with attached list of Task Orders to accommodate PG&E power service point connection, and as directed by Engineer. The total added cost is \$24,734.35.
CM-1E	Perform Extra Work in accordance with attached list of Task Orders to accommodate utility connections for SFWD and sewer, and as directed by Engineer. The total added cost is \$6,300.00.
CM-1F	Provide a Non-Compensable Time Extension of 73 Calendar Days to the contract Substantial Completion Date for Rain Days, PG&E Conflicts, Manufacturer Drop-off delays, Unforeseen PG&E Service Connection Delays, and Water Department Service Connection Delays.

2. Add the following new Item to the Schedule of Prices:

Item	Description	Unit	Cost or Days
CM-1A	Adjust estimated Contract Bid Item Quantities	Lump Sum Deduct	(\$2,845.38)
CM-1B	Excavation Permit	Lump Sum Add	\$16,851.27
CM-1C	Extra Work – Different Site Conditions	Lump Sum Add	\$33,495.20
CM-1D	Extra Work – PG&E	Lump Sum Add	\$24,734.35
CM-1E	Extra Work – SFWD & Sewer	Lump Sum Add	\$6,300.00
CM-1F	Non-Compensable Time Extension	Calendar Days	73
Total Amount of this Contract Modification:		Increase	\$78,535.44

Previous Total of Contract: \$339,500.00

New Revised Total of Contract: \$418,035.44

Total Contract Time added by this Contract Modification:	73 Days
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Previous Contract Substantial Completion Date: 12/15/14

Current Contract Substantial Completion Date: 2/26/15

- This Modification is made in accordance with Articles 6 and 7 of the Contract General Provisions.
- Except as provided herein all previous terms and conditions of the Contract remain unchanged.
- Contractor acknowledges and agrees that the compensation stated herein for the Additional Work described above shall be in full accord and satisfaction of all current and prospective 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. Contractor releases the City from all claims, for which full accord and satisfaction is hereby made, as set forth above. 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,

In Witness Whereof, the parties have executed this Modification in quadruplicate in San Francisco, California as of this _____ day of _____, 2016.

FONTENOY ENGINEERING

CITY AND COUNTY OF SAN FRANCISCO

Municipal Transportation Agency

By: _____

Aidan O’Sullivan
President

By: _____

Edward D. Reiskin
Director of Transportation

Authorized By:
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

Resolution No. _____

Adopted: _____

Attest:

By: _____
Secretary
SFMTA Board of Directors

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

By: _____

Robert K. Stone
Deputy City Attorney