

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION NO. 180821-114

WHEREAS, Design and construction of the 1.75-mile Central Subway (Central Subway Project) is Phase 2 of the Third Street Light Rail Transit Project; and,

WHEREAS, On May 21, 2013, the SFMTA Board of Directors adopted Resolution No. 13-061 which awarded Contract No. 1300 (Contract) to Tutor Perini Corporation (Contractor) to construct one street-level and three subway stations, trackways, and systems for the Central Subway Project, in an amount not to exceed \$839,676,400, and for a term of 1700 days to substantial completion; and,

WHEREAS, TPC provides construction services to construct the work described in four separate design packages, for the construction of the stations, trackway and control systems of the Central Subway; and,

WHEREAS, On May 21, 2013, the SFMTA Board of Directors approved Resolution No. 13-061, which established the cumulative authority of the Director of Transportation to approve contract modifications under the Contract up to an aggregate of \$20 million, but established a \$5 million limit for each of the four design packages that comprise the Contract; and,

WHEREAS, Modification No. 63 to the Contract previously extended the contract duration 18 calendar days for new contract duration of 1718 calendar days; and,

WHEREAS, Construction of the Central Subway Project has been delayed 100 calendar days beyond the revised substantial completion date, and Modification No. 87 extends the contract time for an additional 100 calendar days; and,

WHEREAS, Modification No. 87 reimburses TPC's excess costs associated with Additional Work and compensable Unavoidable Delay associated with unexpected site conditions that increased the cost of the base contract work by \$3,596,000; and,

WHEREAS, The SFMTA issues Modification No. 87 unilaterally to compensate the Contractor amounts that the SFMTA has determined are reasonably owed to the Contractor, which amounts the Contractor disputes; and,

WHEREAS, Contract Modification Nos. 1 through 86 increased the contract amount by \$8,991,244, with \$2,964,460 of that amount being incurred for work associated with the construction of the Chinatown Station, and Modification No. 87 in the amount of \$3,596,000 will increase the aggregate value of CTS contract modifications to \$6,560,460 which exceeds the authority delegated to the Director to authorize modifications related to a Design Package; and,

WHEREAS, SFMTA's Contract Compliance Office has determined that the Contractor is in compliance with Small Business Enterprise requirements of the Contract: and,

WHEREAS, The Central Subway Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (Central Subway SEIS/SEIR) evaluated the environmental impacts of the Central Subway Project, including construction of the subway stations; on August 7, 2008, the San Francisco Planning Commission certified the Final SEIR (Case No. 1996.281E); on August 19, 2008, the SFMTA Board of Directors approved Resolution 08-150 adopting Central Subway Project Alternative 3B as the Locally Preferred Alternative, the CEQA Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, The contract modification described in this calendar item falls within the scope of the Central Subway SEIS/SEIR; and,


WHEREAS, The Central Subway SEIS/SEIR is on file with the SFMTA Board of Directors, may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; therefore, be it

RESOLVED, That the SFMTA Board has reviewed and considered the Central Subway SEIS/SEIR and record as a whole, and finds that the Central Subway SEIS/SEIR 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

RESOLVED, The SFMTA Board of Directors approves Modification No. 87 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems, to compensate Tutor Perini Corporation for direct and indirect costs resulting from: (1) delays, inefficiencies and additional work due to differing site conditions; and, (2) time impact costs related to the delays and additional work, which increases the Contract amount by \$3,596,000 for a total amount not to exceed \$852,263,645, and extends the Contract term by 100 calendar days to a total term not to exceed 1818 days to substantial completion; and, be it

FURTHER RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to approve further amendments to Contract No. 1300 up to a cumulative total of \$30,000,000 but does not allocate the additional \$10 million to any specific design package, without further approval by the SFMTA Board of Directors provided that staff shall immediately provide written notice to the Board of such amendments.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 21, 2018.

  
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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency