

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 210420-056

WHEREAS, On April 17, 2018, the SFMTA Board of Directors adopted Resolution No. 180417-061, awarding Contract No. 1304, Muni Metro System King Street Substation Upgrade Project, to DMZ Builders, in the amount of \$11,398,450, and for a term of 365 days to substantial completion; and,

WHEREAS, The work under the Contract involves construction of a new King Street Substation to provide sufficient electrical power for the Muni light rail vehicles serving Oracle Park, the Chase Center, and the Central Subway; the SFMTA will install a temporary mobile substation to provide power while the new substation is constructed; and,

WHEREAS, In order to connect the new and temporary substations to PG&E's distribution facilities, the SFMTA installed a new underground conduit across King Street; the SFMTA had to construct a bore under the light rail tracks to install the conduit; and,

WHEREAS, Under normal practice, the SFMTA would drill a bore and deed it over to PG&E for installation of PG&E facilities; however, PG&E would only accept ownership of the bore and the conduit and pull its electrical cables through the conduit, provided that the SFMTA conduct a post-boring video under PG&E's inspection and indemnify PG&E for any damage resulting from the boring; and,

WHEREAS, After reviewing the post-boring video of the culvert and the video of the conduit, PG&E agreed to accept the bore and pull its cable through the conduit to the temporary mobile substation and new King Substation; and,

WHEREAS, On September 27, 2019, the Director of Transportation executed an indemnity agreement with PG&E, after receiving authorization from the SFMTA Board (Resolution No. 190618-071); and,

WHEREAS, On March 26, 2020, the Director of Transportation executed Contract Modification No. 1 to compensate the Contractor for costs relating to a field work suspension in the amount of \$942,687, for a total Contract amount not to exceed \$12,341,137, with no extension of time; and,

WHEREAS, On July 12, 2020, the Director of Transportation executed Contract Modification No. 2, to provide an allowance for COVID-19 safety costs, increasing the Contract amount by \$118,000, for a total Contract amount not to exceed \$12,459,137, with no extension of time; and,

WHEREAS, On May 8, 2020, the Contractor submitted a certified claim under the Contract for \$419,098.89 for additional office overhead costs related to 360 days of suspension (\$405,000) and additional storage costs from February 29, 2020 through May 8, 2020 (\$14,098.89); and,

WHEREAS, On February 23, 2021, the Contractor filed a California Government Code Claim with the Clerk of the Board of Supervisors for \$419,098.89 for the 360 days of the field suspension and additional storage costs; and,

WHEREAS, After negotiations with the Contractor, an agreement was reached to resolve the above-mentioned claims for \$363,829, with a time extension of 360 days to substantial completion; the additional storage costs will be processed through regular monthly contract progress payments; and,

WHEREAS, The King Street Substation Upgrade Project was included as part of the approved Golden State Warriors Event Center and Mixed Use Project at Mission Bay Blocks 29-32, Muni UCSF/Mission Bay Station Final EIR project refinement; on November 3, 2015, the San Francisco Commission on Community Investment and Infrastructure (CCII), the successor agency to the former Redevelopment Agency, reviewed and considered the Final Subsequent Environmental Impact Report for the Golden State Warriors Event Center and Mixed Use Project at Mission Bay Blocks 29-32 (Event Center Project Final Subsequent Environmental Impact Report [FSEIR]) and, by CCII Resolution No. 12 69-2015, certified the FSEIR in compliance with California Environmental Quality Act; the CCII also approved the Event Center Project by the adoption of Resolutions No. 70-2015 (adopting CEQA Findings), No.71- 2015 (approving amendments to the Mission Bay South Design for Development), and No.72- 2015 (conditionally approving the Major Phase and Basic Concept/Schematic Design applications for the Project); and,

WHEREAS, As mentioned above, this Board adopted the Event Center Project's CEQA findings as applicable to the SFMTA on November 3, 2015 (Resolution No. 15-154); in Resolution No. 15-154, this Board approved various elements of the Transportation Service Plan and capital improvements for the Event Center Project, including augmenting the power supply; and,

WHEREAS, Modification No. 3 to Contract No. 1304, Muni Metro System Kings Street Substation Upgrade, falls within the scope of the Event Center Project FSEIR; and,

WHEREAS, A copy of the Event Center Project FSEIR is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and is incorporated herein by reference; and,

RESOLVED, That the SFMTA Board of Directors adopts the Event Center Final Subsequent Environmental Impact Report California Environmental Quality Act Findings as its own, and to the extent the above actions are associated with any mitigation measures, the SFMTA Board of Directors adopts those measures as conditions of this approval; a copy of the Planning Commission Resolutions, the CEQA findings, and the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors and may be found in the records of the Planning Department at <https://sfplanning.org/> and 49 South Van Ness Avenue, Suite 1400 in San Francisco, and are incorporated herein by reference; and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Modification No. 3 to Contract No. 1304, Muni Metro System King Street Substation Upgrade, with DMZ Builders, to compensate the Contract for additional verified office overhead of \$363,829 resulting from suspension of the contract field work due to PG&E delay, for a total contract amount not to exceed \$12,822,966; and to extend the contract term by 360 days, for a total of 725 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 April 20, 2021.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency