

THIS PRINT COVERS CALENDAR ITEM NO.: 13

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Streets

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Modification No. 1 to San Francisco Municipal Transportation Agency Contract No. 1311R, Job Order Contract for Federally Funded Projects, with Yerba Buena Engineering and Construction, Inc., to increase the contract amount by an additional \$2,500,000, for a new total Contract amount of \$7,500,000, to perform work related to additional infrastructure and facility enhancement and maintenance projects, with no increase to the duration of the Contract.



SUMMARY:

- The San Francisco Municipal Transportation Agency (SFMTA) has developed a Job Order Contracting (JOC) program to perform minor construction and maintenance projects in an efficient and expeditious manner by negotiating task orders for individual projects.
- On February 19, 2019, the Board of Directors adopted Resolution No. 190219-018, which authorized the award of Contract No. 1311R, Job Order Contract for Federally Funded Projects, to Yerba Buena Engineering & Construction Inc., for an amount not to exceed \$5,000,000, and for a term not to exceed five years.
- As authorized under Administrative Code Section 6.62(f), this Modification No. 1 will increase the contract amount to \$7,500,000 to perform work related to additional infrastructure and facility enhancement and maintenance projects.
- Federal, state and local sources will provide funding for the services on an “as-needed,” project-by-project basis.
- On June 24, 2022, the SFMTA, under authority delegated by the Planning Department, determined that Modification 1 to Job Order Contract No. 1311R is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

ENCLOSURES:

1. SFMTAB Resolution
2. Contract Modification No. 1

APPROVALS:

	DATE
DIRECTOR 	<u>July 27, 2022</u>
SECRETARY 	<u>July 27, 2022</u>

ASSIGNED SFMTAB CALENDAR DATE: August 2, 2022

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PURPOSE

Authorizing the Director of Transportation to execute Modification No. 1 to SFMTA Contract No. 1311R, Job Order Contract for Federally Funded Projects, with Yerba Buena Engineering and Construction, Inc., to increase the contract amount by an additional \$2,500,000, for a new total Contract amount of \$7,500,000, to perform additional work related to additional infrastructure and facility enhancement and maintenance projects, with no increase to the duration of the Contract.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

SFMTA Contract No. 1311R, Job Order Contract, would assist in the implementation of the following SFMTA Strategic Plan Goals:

Goal 4: Make streets safer for everyone.

Goal 5: Deliver reliable and equitable transportation services.

Goal 8: Deliver projects on-time and on-budget.

Transit First 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. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments
6. 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.
7. 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
8. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.

DESCRIPTION

Job Order Contracting

The San Francisco Municipal Transportation Agency (SFMTA) developed a Job Order Contracting (JOC) program to perform minor construction and maintenance projects in an efficient and expeditious manner.

The JOC contract is a unique, indefinite-quantity type of contract that enables the SFMTA to accomplish a large number of smaller repairs, maintenance and construction projects with a single contract. It eliminates the time and expense of completing the normal design-bid-construct cycle for each project, especially for small projects.

Job Order Contracting utilizes a Unit Price Book (Construction Task Catalog) containing at least 60,000 to 100,000 unit prices covering material, equipment and labor costs for various units of construction, adjusted to current conditions.

The contractor is asked to perform a series of projects on an as-needed basis. When a project is identified, a joint scoping meeting is held between SFMTA staff and the contractor to define the scope and calculate the quantities of work to be used. The price for each project is the quantity multiplied by the pre-set unit prices and multiplied by the competitively bid adjustment factor. A task order is then issued for each project.

Contract No. 1311R

On February 19, 2019, the SFMTA Board of Directors adopted Resolution No. 190219-018, which authorized the award of Contract No. 1311R, Job Order Contract for Federally Funded Projects, to Yerba Buena Engineering and Construction, Inc., at a cost not to exceed \$5,000,000, and for a term not to exceed five years.

Ever since Contract No. 1311R was awarded, the SFMTA has been able to make use of the Contract to expedite the upgrade and repair of various facilities in the City. The SFMTA has identified infrastructure/facility enhancement and maintenance needs that will exceed the current \$5,000,000 contract amount. Under Section 6.62(f) of the Administrative Code, a JOC contract may be modified up to 150% of the original amount of the contract, but its term may not exceed five years.

To date, SFMTA's contractor for Contract No. 1311R has performed the following tasks: switch repair at subway stations, axle counter relocation at West Portal Station, overhead contact system (OCS) pole replacements at different locations, abandoned gas line removal at 4th and Brannan, tunnel crack repairs, Customer First (Nextbus) real-time transit arrival time signs, and relocation of blue light phone infrastructure at Powell Station.

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The SFMTA has identified additional infrastructure and facility enhancement and maintenance projects that will exceed the current \$5,000,000 contract amount. Specifically, the SFMTA anticipates implementing the following improvements, including but not limited to, the following:

- Central Subway
 - Additional ADA-compliant benches
 - Fall protection at ledge near artwork at surface level
 - Measures to control public access to exposed beams at Concourse Level
 - Additional power outlets in Plenum
 - Zert fittings on the mechanical fans for damper controls
 - Signage
 - Skateboard proofing
- Pole installation at 4th and Folsom for OCS trolley wire
- Installation of new customer information signs for Central Subway station platforms and at some Muni Metro stations
- OCS switch relocation at Van Ness and Mission
- 7th Street bicycle signal upgrade

Currently there are two Job Order Contracts for Federally funded projects Contracts 1310R and 1311R. The SFMTA will distribute task orders for this work to its JOC contractors, including Yerba Buena Engineering and Construction.

This Modification No. 1 would increase Contract No. 1311R by an additional \$2,500,000 to accommodate the Agency's pressing needs.

Transit Impacts

At this time, staff does not anticipate any impact to transit operations due to work assigned with task orders under the Contract. If a future task order contains scope that may impact operations, staff will work with the SFMTA's Transit Division to mitigate those impacts and/or to schedule for them with least disturbance to the public.

STAKEHOLDER ENGAGEMENT

The SFMTA will perform internal and external stakeholder engagement as it issues additional task orders under the Contract. The level of stakeholder engagement will depend on and be commensurate with the scope of work for each task order.

ALTERNATIVES CONSIDERED

Two alternatives were considered. One was to let out a separate contract of \$2,500,000 to

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implement the additional work described above. The main disadvantage is the extra time involved to create a bid package and in going through a drawn-out bid and award process. Meanwhile the facilities requiring repair and maintenance would suffer further deterioration which in turn will affect operations. The other alternative considered was to perform the repair and maintenance work with in-house forces; with the current limited staff resources, however, this latter alternative is also infeasible.

For smaller projects, the administrative costs of preparing bid documents and conducting a procurement process is prohibitively expensive. The JOC method of contracting has proven to be an effective and efficient method of completing smaller construction projects. Given the tight time frame to implement projects, staff believes exercising the option of increasing the current JOC contract amount up to an additional \$2,500,000 is the best approach.

FUNDING IMPACT

This modification is funded by federal, state and local sources through existing projects on an as-needed basis. Federal and operations funds required are budgeted in the SFMTA's budget for the current and subsequent years. Each individual task order will identify the funding source for its respective project.

ENVIRONMENTAL REVIEW

On June 24, 2022, the SFMTA, under authority delegated by the Planning Department, determined that Modification 1 to Job Order Contract No. 1311R is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's office has reviewed this Calendar Item.

The Contract Compliance office has reviewed and approved this Calendar Item. A copy of the CCO determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

No other approvals are required for this Contract.

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RECOMMENDATION

Staff recommends that the Board of Directors authorizes the Director of Transportation to execute Modification No. 1 to SFMTA Contract No. 1311R, Job Order Contract for Federally Funded Projects, with Yerba Buena Engineering and Construction, Inc., to increase the contract amount by an additional \$2,500,000, for a new total Contract amount of \$7,500,000, to perform additional work related to additional infrastructure and facility enhancement and maintenance projects, with no increase to the duration of the Contract.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) has developed a Job Order Contracting (JOC) program to perform minor construction and maintenance projects in an efficient and expeditious manner; and

WHEREAS, The JOC contract is a unique, indefinite-quantity type of contract that enables the SFMTA to accomplish a large number of smaller repairs, maintenance and construction projects with a single contract. It eliminates the time and expense of completing the normal design-bid-construct cycle for each project, especially for small projects; and

WHEREAS, On February 19, 2019, the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors adopted Resolution No. 190219-018, which authorized the award of Contract No. 1311R, Job Order Contract for Federally Funded Contracts, to Yerba Buena Engineering & Construction Inc., at a cost not to exceed \$5,000,000, and for a term not to exceed five years; and

WHEREAS, Under Section 6.62(f) of the San Francisco Administrative Code, a JOC contract may be modified up to 150% of the original amount of the contract, but its term may not exceed five years; and

WHEREAS, On June 24, 2022, the SFMTA, under authority delegated by the Planning Department, determined that Modification 1 to Job Order Contract No. 1311R is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and,

WHEREAS, The SFMTA has identified urgent additional infrastructure and facility enhancement and maintenance projects that will exceed the current \$5,000,000 contract amount; and; now, therefore, be it,

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Modification No. 1 to SFMTA Contract No. 1311R, Job Order Contract for Federally Funded Projects, with Yerba Buena Engineering and Construction, Inc., to increase the contract amount by an additional \$2,500,000, for a new total Contract amount of \$7,500,000, to perform additional work related to infrastructure and facility enhancement and maintenance projects, with no increase to the duration of the Contract.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 2,2022.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

CONTRACT MODIFICATION NO. 1

San Francisco Municipal Transportation Agency Contract No. 1311R
Job Order Contract

Contractor: Yerba Buena Engineering and Construction, Inc.
 1340 Egbert Avenue
 San Francisco, CA 94124

The Contract is modified as follows:

1. Section 1A.03 of the General Provisions of the Contract is amended to read as follows:

 Unless the City elects to terminate this Agreement for any reason, the SFMTA intends that the Contractor receives the opportunity to perform Task Orders totaling at least the Minimum Contract Amount \$50,000 issued during the base period of the Contract. The City has no obligation to issue Task Orders in excess of Minimum Contract Amount.

 The Contractor may be issued Task Orders totaling up to the Contract Amount of Seven Million, Five Hundred Thousand Dollars (\$7,500,000) during the term of the Contract. The Contractor is not guaranteed to receive the entire Contract Amount.

	Total Amount of this Contract Modification	
\$2,500,000		
	Previous Total Contract Amount	\$5,000,000
	New Revised Contract Amount	\$7,500,000
	Total Contract Time Added by this Contract Modification	None
	Contract Term	5 years
	New Contract Term	Same

2. This Modification is made in accordance with Article 6 of the Contract General Provisions.
3. Except as provided herein all previous terms and conditions of the Contract remain unchanged.
4. Contractor acknowledges and agrees that the modification shall be in full accord and satisfaction of

all current and prospective costs incurred in connection with Contractor's performance of the work in this modification, without limitation. Contractor releases the City from all claims for which full accord and satisfaction is hereby made, as set forth above.

In Witness Whereof, the parties have executed this Modification in San Francisco, California, on the following date: _____.

Yerba Buena Engineering and Construction, Inc.

CITY & COUNTY OF SAN FRANCISCO

By: _____ Date
Miguel Galarza
President
Yerba Buena Engineering & Construction, Inc.

By: _____ Date
Jeffrey P. Tumlin
Director of Transportation
Municipal Transportation Agency

SFMTA Board of Directors

Resolution No. _____
Adopted: _____

Attest:

Secretary, SFMTA Board

APPROVED AS TO FORM:
David Chiu, City Attorney

By: _____
Isidro Jimenez
Deputy City Attorney