

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 240917-105

WHEREAS, On April 17, 2018, the SFMTA Board of Directors adopted Resolution No. 180417-061, awarding Contract No. 1304, Muni Metro System King Substation Upgrade, 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 involved construction of a new King Substation to provide sufficient electrical power to meet increased demand from the Muni light rail vehicles serving Oracle Park, the Chase Center, and the Central Subway, and the installation of a temporary mobile substation to provide power while the new substation was constructed; and,

WHEREAS, During the construction of the new King Substation and other necessary infrastructure, several unforeseen conditions were encountered. These unexpected site conditions required additional work to ensure the project's successful completion and reliable operation of the infrastructure; and,

WHEREAS, Owner directed changes were required to mitigate the risk of potential system failures. Additions were made to improve resilience of the substation against potential hazards and to improve substation efficiency; and,

WHEREAS, Additional work was required to address design errors and omissions from the contract. It included items that were necessary to complete the work to an operational level and meet the codes and regulatory guidelines outlined in the specifications; and,

WHEREAS, On March 26, 2020, the Director of Transportation executed Contract Modification No. 1 to compensate the Contractor for specific costs incurred relating to the field work suspension and additional required work 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 April 20, 2021, the SFMTA Board of Directors adopted Resolution No. 210420-056 authorizing the Director of Transportation to execute Contract Modification No. 3, to compensate the Contractor for additional verified office overhead of \$363,829 resulting from suspension of contract field work due to the PG&E delay, for a total contract amount not to exceed \$12,822,966; and to extend the contract term by 360 days to a new substantial completion date of June 7, 2020; and,

WHEREAS, On December 13, 2022, the SFMTA Board of Directors adopted Resolution No. 210420-056 authorizing the Director of Transportation to execute Contract Modification No. 4, to compensate the Contractor for a global settlement of all of Contractor's claims arising before September 30, 2022, for \$2,550,000, with a time extension of 950 days to establish a new substantial completion date of January 12, 2023; and,

WHEREAS, Subsequent work on the King Substation project was delayed due to needed infrastructure from neighboring projects, PG&E energization delays, and final cutover activities: and,

WHEREAS, After analysis of the Contractor's change order and time extension requests to compensate for extended overhead and additional costs due to differing site conditions, substation improvements and resilience upgrades, design errors and omissions, and bid item quantity adjustments in the amount of \$1,140,311.35, increasing the total Contract amount to an amount not to exceed \$16,513,277.35; and to extend the contract term by 135 days, to a total of 1,810 days to substantial completion; and,

WHEREAS, The Golden State Warriors Event Center and Mixed-Use Project at Mission Bay Blocks 29-32, Muni UCSF/Mission Bay Station Variant, Final Subsequent Environmental Impacts Report (Warriors Event Center Project FSEIR) evaluated the environmental impacts of the King Substation Upgrade Project; 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 FSEIR for the Warriors Event Center Project and, by CCII Resolution No. 12 69-2015, certified the FSEIR in compliance with California Environmental Quality Act (CEQA); 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); on November 3, 2015, this Board adopted the Warriors Event Center Project's CEQA findings (Resolution No. 15-154); and,

WHEREAS, On November 3, 2015, this Board adopted the Warriors Event Center Project's CEQA findings (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, The contract modification described herein (Modification No. 5 to Contract No. 1304 for the Muni Metro System King Substation Upgrade) falls within the scope of the Warriors Event Center Project FSEIR; and,

WHEREAS, A copy of the Warriors 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 San Francisco Municipal Transportation Agency Board of Directors has reviewed and considered the Event Center Project FSEIR and record as a whole, and finds that the Event Center Project 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 California Environmental Quality Act findings by this reference as though set forth in this Resolution; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Modification No. 5 to Contract No. 1304, Muni Metro System King Substation Upgrade, with DMZ Builders to adjust the quantity to reflect the actual quantity performed and compensate the Contractor for extended overhead and additional costs due to differing site conditions, substation improvements and resilience upgrades, and design errors and omissions, in the amount of \$1,140,311, increasing the total Contract amount to \$16,513,277; and to extend the contract term by 135 days, to a total of 1,810 days to Substantial Completion to close out the Contract.

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