

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 130913-033

WHEREAS, On April 17, 2012, the SFMTA Board of Directors approved SFMTA Contract No. 1240, Design Build Services for the Radio System Replacement Project with Harris Corporation for a Contract term of 1200 calendar days and in a Contract Amount not to exceed \$86,648,058 for base services and \$22,572,461 for optional services; and

WHEREAS, The Contract has been previously amended 13 times, which increased the Contract Amount by \$5,156,078.49 to an amount not to exceed \$91,804,136.49 and extended the Contract Term 538 for a modified term of 1738 calendar days until March 23, 2017; and

WHEREAS, The Contract work was allowed to continue beyond its official completion date of March 23, 2017 as the Agency and Contractor staff continued to analyze the highly complex schedule of many different activities leading to the delay by both parties; and

WHEREAS, This Contract 1240 is a public works contract, the expiration of which does not render the Contract invalid or excuse the parties' obligations under that Contract; and

WHEREAS, Staff has analyzed the parties' respective responsibility for delays to the Project; staff has determined that Harris and the SFMTA's delays were concurrent, and therefore recommend that neither party should be compensated for delay caused by the other party; and

WHEREAS, The Radio System must be extended into the Central Subway Project to integrate the Central Subway radio system with Metro subway operations; and

WHEREAS, The Radio System uses equipment and software that are proprietary to Harris Corporation (Harris) and is not available from other vendors, and the design work necessary to expand the Radio System into the Central Subway is therefore necessarily a sole source procurement; and

WHEREAS, The proposed Amendment extends the Contract Term retroactively from March 24, 2017 to December 31, 2019 (a total of 1013 days), to cover the period of delay and provide Harris time to perform the design work to extend the Radio System into the Central Subway and complete other remaining Project work; and

WHEREAS, Central Subway design work will be paid under Contract 1240 using approved funds from the Central Subway Project; and

WHEREAS, Fiber optic cables Harris installed in the Twin Peaks Tunnel were subsequently damaged by Shimmick Con-Quest JV, the contractor that performed the Twin Peaks Trackway Replacement Project, and to maintain warranty coverage on the cables, the repair work must be performed by Harris, the cost of which the SFMTA will recover from Shimmick Con-Quest JV; and

WHEREAS, Harris has completed all construction work for the Project, and that work conforms to Contract specifications and requirements; and

WHEREAS, The SFMTA has been using the replacement radio system in trolley busses and diesel buses for 18 months, and in historic vehicles for 8 months, and Harris will complete cutover to light rail vehicles prior to March 30, 2019; and

WHEREAS, At completion of light rail vehicle cutover, the SFMTA will have beneficial use of the new Radio System, at which point it is equitable that the System Warranty Period commence; and

WHEREAS, When the SFMTA has beneficial use of the new Radio System, risks of contractor nonperformance are greatly reduced, and would be reasonable at that time to modify bond and retention requirements to reflect that reduced risk; and


WHEREAS, Following the SFMTA obtaining beneficial use of the new Radio System, the remaining Project Work is limited to punchlist work, providing additional software functions, and completing the Central Subway radio system designs; and

WHEREAS, On January 25, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the proposed contract modification is not defined as 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; now therefore be it

RESOLVED, That the SFMTA Board of Directors approves Contract Modification No. 14 to SFMTA Contract No. 1240, Design Build Services for the Radio System Replacement Project, with Harris Corporation, to add to the Contract the design work necessary to extend the Muni radio system into the Central Subway, to add the repair of fiber optic cables in the Twin Peaks Tunnel, clarify the work to be completed for substantial completion and start of warranty, extend time for remaining work, resolve potential delay claims, clarify work remaining for substantial completion and start of system warranty, modify bond requirements, increase the Contract Amount by \$837,271.71 for a total amount not to exceed \$92,641,408.20, and retroactively extend the Contract Term by 1013 days to December 31, 2019.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 19, 2019.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency