

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION NO. 210105-006

WHEREAS, The SFMTA contracted with Tutor Perini Corporation (Tutor) to construct the Central Subway Stations, Surface, Track and Systems under Contract No. 1300. Hayward Baker/Bencor (HBB), formerly known as Layne Christensen is a subcontractor to Tutor that performed slurry wall construction and compensation grouting at Chinatown Station, compensation and jet grouting at Union Square Market Street Station, and slurry wall construction at Yerba Buena Moscone Station; and,

WHEREAS, HBB submitted 16 certified claims that it valued at \$20,891,371 for labor costs, delays, equipment (both rented and owned), freight, materials, subcontractors, field office, lost efficiency factor, and home office overhead arising from delays and additional work HBB performed due to differing site conditions and related design changes; and,

WHEREAS, The City Attorney engaged a forensic accountant to audit Contractor's and HBB's records to confirm claimed costs and expenditures, and the SFMTA engaged Edgar Lopez, former City Architect for S.F. Public Works, as a consultant to negotiate the Claims, and the SFMTA also independently estimated the fair and reasonable costs of the additional work and effort, which informed the SFMTA's negotiations; and,

WHEREAS, The negotiated total value of this Contract Modification is \$13,000,000, of which \$9,950,000 will compensate HBB for the Claims, and \$3,050,000 will compensate Tutor's support of that Additional Work and financing costs; 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 California Environmental Quality Act (CEQA) Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan; and,

WHEREAS, Modification No. 135 to Contract 1300 described herein comes 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 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; now therefore, be it

RESOLVED, That the SFMTA Board has reviewed and considered the Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (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 California Environmental Quality Act findings by this reference as though set forth in this Resolution; and be it further

RESOLVED, That the SFMTA Board of Directors approves Contract Modification No. 135 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems with Tutor Perini Corporation, to resolve claims from subcontractor Hayward Baker/Bencor for costs of additional work for the slurry wall construction and compensation grouting at the Chinatown Station, compensation and jet grouting at Union Square Market Street Station, and slurry wall construction at Yerba Buena Moscone Station in the amount of \$13,000,000, for a modified contract amount of \$989,721,753.32.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 5, 2021.

Caroline Celaya

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency