

THIS PRINT COVERS CALENDAR ITEM NO. : 10.6

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Contract Modification No. 1 to San Francisco Municipal Transportation Agency Contract No. 1268, Bluelight Emergency Telephone Replacement Project, with Shimmick Construction Company, Inc., to perform additional work due to unforeseen site conditions and compensate the Contractor for delays and inefficiencies, increasing the contract amount by \$5,642,714, and retroactively extending the term of the contract by 480 calendar days.

SUMMARY:

- On November 19, 2013, the SFMTA Board of Directors authorized the Director to execute Contract No. 1268, Bluelight Emergency Telephone Replacement Project, at a cost not to exceed \$9,175,000, and for a term of 585 calendar days.
- The scope of work under this project includes replacing and installing the subway's bluelight emergency telephone system.
- To minimize service disruptions, SFMTA directed the Contractor to coordinate the work under this contract with the Radio System Replacement Project with Harris Corporation.
- Federal and local sources are providing funds for this contract.
- The SFMTA has determined that the proposed Bluelight Emergency Telephone Replacement Project is categorically exempt from the California Environmental Quality Act.
- The proposed action is the Approval Action as defined by the S.F. Administrative Code Chapter 31.
- This modification is necessary to compensate the contractor and provide extra time for inefficiencies resulting from loss of access and extended time to meet SFMTA requirements, as well as performing other miscellaneous additional work.

ENCLOSURES:

1. SFMTAB Resolution
2. Project Budget and Financial Plan
3. Contract Modification No. 1

APPROVALS:

DATE

DIRECTOR _____

10/11/16

SECRETARY _____

10/11/16

ASSIGNED SFMTAB CALENDAR DATE: October 18, 2016

PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Contract Modification No. 1 to SFMTA Contract No. 1268, Bluelight Emergency Telephone Replacement Project, with Shimmick Construction Company, Inc., to perform additional work due to unforeseen site conditions and compensate the Contractor for delays and inefficiencies increasing the contract amount by \$5,642,714, and retroactively extending the term of the contract by 480 calendar days.

GOAL

Contract No. 1268 will assist in the implementation of the following goals, objectives and initiatives in the SFMTA Strategic Plan:

Goal 1: Create a safer transportation experience for everyone.

Objective 1.1 Improve security for transportation system users.

Objective 1.3 Improve the safety of the transportation system.

DESCRIPTION

Background

The Bluelight Emergency Telephone Replacement (BETR) project is a component of the larger Central Control and Communications (C3) Program which includes the construction of SFMTA's new Transportation Management Center. The C3 Program will expand and modernize SFMTA's transportation central control facilities and systems to facilitate meeting SFMTA's strategic objectives of improving transit reliability, accommodating current operational needs as well as future needs of the Central Subway. The BETR project will provide an emergency telecommunication platform for the existing SFMTA central control functions to seamlessly migrate from their existing locations to the new TMC and enable the future Central Subway communication systems to plug-in as one unified and integrated telecommunication system platform.

The previous subway emergency telephone system, which had been in service since 1970, was well past its useful life. The procurement of replacement parts for the previous system was very challenging, as parts were no longer manufactured for the obsolete system and required custom part fabrication in many cases. The previous system also lacked the capability to support many new telecommunication features, which are available in current technology products and are essential to providing dependable emergency telecommunication in the subway to better serve SFMTA patrons.

This project will improve system safety, reliability, maintainability and expandability of the subway emergency telephone system by replacing/installing the following components:

- Subway emergency telephone stations, communication wiring infrastructure, and emergency telephone switchers.
- Emergency power supplies for all emergency telephone stations.
- Bluelight stations above all telephone stations.
- Operator telephones at the Central Control sites.

To minimize service disruptions, SFMTA directed the Contractor to coordinate the work under this contract with work being performed under SFMTA Contract No. 1240, Design Build Services for the Radio System Replacement with Harris Corporation. The original contract had contractor access structured around work occurring in the tunnel with Contract No. 1282R Twin Peaks Tunnel Trackway Improvement Project. Since the project was not ready at the time, it was determined that the service disruptions could be shared with Contract 1240 to help minimize the impact to the ridership.

On November 19, 2013, the SFMTA Board of Directors adopted Resolution No. 13-246 authorizing the Director of Transportation to execute Contract No. 1268, Bluelight Emergency Telephone Replacement Project with Shimmick Construction Company, at a cost not to exceed \$9,175,000, and for a term of 585 calendar days. Notice to proceed was issued on February 3, 2014.

Contract Modification No. 1 is necessary for unforeseen additional work and services due to the following:

- Compensating the contractor for additional costs incurred as a result of modifying the mounting height and bracket structural details in the Eureka Portal, Metro Tunnel, Twin Peaks Tunnel, and MMT Tunnel to accommodate the differing site conditions and unforeseen conflicts with existing utilities. This change impacted the placement and configuration of 5,160 brackets, 91,601 linear feet of cabling, and 85 terminal boxes. The modified work resulted in an increased contract amount of \$661,504.
- Compensating the contractor for additional costs incurred as a result of installing 25 Electrical Terminal Boxes (ETBs) throughout the tunnel to accommodate the changes necessary to allow the power cable to transition from armored cable to conduit for the Electrical Terminal Box for End-Of-Line Blue Light Stations. Each additional ETB required mounting, new GRS conduit, pulling new conductors, termination, labeling, and testing. The modified work resulted in an increased contract amount of \$207,448.
- Compensating the contractor for installing the correct bracket detail based on differing site conditions and for installing the appropriate brackets in the transition areas between the steel tunnel and the station platforms at Van Ness, Civic Center, Powell, Montgomery, and Embarcadero Stations and at the Justin Herman Vent Structure. The modified work resulted in an increased contract amount of \$231,171.
- Compensating the Contractor for additional costs related to lost production time, additional hiring costs, additional mobilization/demobilization, and standby time due to:
 - Reduced tunnel access time when the subway was closed early at 10:00 pm (the early subway shutdown period) primarily due to internal conformance with safety protocols related to work near SFMTA's Overhead Contact System. This reduction in access time to the tunnel was determined to be the equivalent of 29 lost tunnel shifts (out of 150 total shifts per Contract) and increased the contract amount by \$755,286.
 - Impact of resequencing work so that all tunnel work during the early subway shutdown period between the Ferry Portal and Montgomery was performed during the periods of 11/6/15 – 11/14/15 and 1/2/16 – 1/16/16 to minimize impact to key revenue service. This work was originally supposed to be completed with the overall Market Street tunnel work without this restriction. This resequencing increased the contract amount by \$62,570.

- Impact of resequencing work so that all Sunset tunnel work to be performed during the early subway shutdown period was instead performed on the first and third weekends of March 2016 to minimize impact to key revenue service. This work was originally supposed to be completed during the weekday and on the weekends via an early tunnel shutdown just like the Market Street tunnel work. This resequencing increased the contract amount by \$120,771.
- Standby time due to planned but cancelled tunnel work due to issues like work cancellation due to higher priority/urgent tunnel work, and feeder issues. These cancellations increased the contract amount by \$63,964.
- Compensating the Contractor for direct and indirect costs caused by SFMTA-caused delays categorized as follows:
 - 256 days of compensable days related to the start of the early subway shutdown period, which was planned to begin by October 21, 2014 instead of July 31, 2015.
 - 204 days of compensable days related to the impacts to the project critical path for all of the work detailed in this Contract Modification after July 31, 2015.
 - 20 days of non-compensable days related to coordinating available weekends with other projects to complete demolition of the legacy bluelight system
- The compensable delays described above resulted in an increased contract amount of \$3,540,000.

Staff recently negotiated equitable compensation for the issues above, and requests authorization to amend the contract amount from \$9,175,000 to \$14,817,714 and extend the contract substantial completion date from June 11, 2015 to October 3, 2016. Accordingly, the final completion date will be extended from September 10, 2015 to January 3, 2017.

Federal and local sources are providing funds for this contract.

STAKEHOLDER ENGAGEMENT

One of the primary challenges of this project was working with the community on providing the necessary time in the subway tunnel that would least impact revenue service. Based on community input and the work of staff, the early 10:00 pm shutdown of the Market Street subway from July 31, 2015 thru January 22, 2016 was implemented. The early shutdown was originally supposed to occur for 150 days between October 21, 2014 and June 13, 2015. This work was also coordinated with the Radio Replacement and others projects/SFMTA divisions so that key work could be completed during this period. Also, work in the Sunset Tunnel was resequenced to two weekends in March 2016 to minimize service disruptions. This work in the Sunset Tunnel was originally supposed to be completed during the weekday and on the weekends via an early tunnel shutdown just like the Market Street tunnel work.

ALTERNATIVES CONSIDERED

Due to the increasing difficulty of continuing to use and maintain the previous system which was well past its useful life, no alternative to replacing the previous system was considered.

FUNDING IMPACT

The total cost of this project is \$25.5 million including the \$5.64 million increase. This project is funded with Federal Transit Administration Formula funds, SFMTA Series 2013 and Series 2014 revenue bonds, regional bridge toll funds, and California Transit Security Grant Program funds.

Funding for this contract modification has been secured through the use of additional California Transit Security Grant Program funds.

The budget and financial plan for this project is presented in Enclosure 2.

ENVIRONMENTAL REVIEW

The proposed Contract Modification No. 1 to the Bluelight Emergency Telephone Replacement Project contract is subject to the California Environmental Quality Act (CEQA). CEQA provides a categorical exemption from environmental review for operation, repair, replacement, or minor alteration of existing facilities involving negligible or no expansion of use beyond what currently exists pursuant to Title 14 of the California Code of Regulations Section 15301.

On February 6, 2012, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Bluelight Emergency Telephone Replacement Project is categorically exempt from environmental review under Section 15301 of the CEQA Guidelines. The SFMTA's determination is on file with the Secretary to the SFMTA Board of Directors.

The proposed action is consistent with the Categorical Exemption issued in 2012 and is the Approval Action as defined by the S. F. Administrative Code Chapter 31.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney Office has reviewed this calendar item.

No other approvals are required.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorizes the Director of Transportation to execute Contract Modification No. 1 to SFMTA Contract No. 1268, Bluelight Emergency Telephone Replacement Project, with Shimmick Construction Company, Inc., to perform additional work due to unforeseen site conditions and compensate the contractor for delays and inefficiencies, increasing the contract amount by \$5,642,714, and retroactively extending the term of the contract by 480 calendar days.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1268, Bluelight Emergency Telephone Replacement Project, is identified in the latest San Francisco Municipal Railway Short Range Transit Plan under the Infrastructure Program, which consists of capital projects to rehabilitate and maintain fixed guideways and make infrastructure repairs and improvements within the Central Control and Communications Program; and,

WHEREAS, The work to be performed under this project includes replacing and installing the subway's bluelight emergency telephone system; and,

WHEREAS, On November 19, 2013, the SFMTA Board of Directors adopted Resolution No. 13-26 authorizing the Director of Transportation to execute Contract No. 1268, Bluelight Emergency Telephone Replacement Project, at a cost not to exceed \$9,175,000, and for a term of 585 calendar days; and,

WHEREAS, The proposed contract modification is subject to the California Environmental Quality Act (CEQA); the CEQA Guidelines provide an exemption from environmental review for operation, repair, replacement, or minor alteration of existing facilities involving negligible or no expansion of use beyond what currently exists (Cal. Code Regs., tit. 14, § 15301.); and,

WHEREAS, On February 6, 2012, the Municipal Transportation Agency, under authority delegated by the Planning Department, determined that the proposed Bluelight Emergency Telephone Replacement Project is categorically exempt from environmental review under Section 15301 of the CEQA Guidelines; the proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31; and

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and are incorporated herein by reference; and

WHEREAS, On February 3, 2014, the SFMTA issued a written notice to proceed for the work; and

WHEREAS, Contract Modification No. 1 is necessary to compensate the contractor for performing additional work, resolving differing site conditions, and the direct and indirect costs associated with delays, this contract Modification will increase the contract amount by \$5,642,714 and retroactively extend the contract by 480 calendar days; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Contract Modification No. 1 to San Francisco Municipal Transportation Agency Contract No. 1268, Bluelight Emergency Telephone Replacement Project, with Shimmick Construction Company, Inc., to perform additional work due to unforeseen site conditions and compensate the contractor for delays and inefficiencies, increasing the contract amount by \$5,642,714, for a total contract amount of \$14,817,714, and retroactively extending the term of the contract by 480 calendar days, for a total term of 1,065 days.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 18, 2016.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

Contract No. 1268
 Bluelight Emergency Telephone Replacement Project
 Budget and Financial Plan

PROJECT BUDGET

Category	Budget
Conceptual Engineering Phase Staff Support (SFMTA, Consultant, and Other Department Services). Conceptual design was completed as a part of another project, Integrated Systems Replacement Project.	\$0
Detailed Design Phase Staff Support (SFMTA, Consultant, and Other Department Services)	\$1,320,154
Construction Phase Construction Contract, Bus Substitution Services, Contingency, and Staff Support (SFMTA, Consultant, and Other Department Services)	\$24,179,846
Total Cost	\$25,500,000

FINANCIAL PLAN

Project Funding Sources	Amount
Federal Transit Administration Formula Funds	\$9,200,000
State and Local Grants	
California Transit Security Grant Program	\$6,500,000
AB664 Bridge Toll Funds	\$300,000
SFMTA Series 2013 Revenue Bond	\$6,000,000
SFMTA Series 2014 Revenue Bond	\$3,500,000
Total	\$25,500,000



CONTRACT MODIFICATION NO. 01

**San Francisco Municipal Transportation Agency Contract No. 1268
Subway Blue Light Emergency Telephone Replacement**

**Contractor: Shimmick Construction
8201 Edgewater Drive, Suite 202
Oakland, CA 94621**

Page 1 of 5

The Contract is modified as follows:

1. Scope of Work:

CM-1A	<p>As described in the documents referenced in this section, the Contractor shall provide as Additional Work all labor, equipment, and materials to modify the mounting height and bracket structural details in the Eureka Portal, Metro Tunnel, Twin Peaks Tunnel, and MMT Tunnel to accommodate the differing site and unforeseen conflicts with existing utilities as described in response to submittal 048, in PCC No. 8 under SFMTA Letter No. 21, and Shimmick COR Letter No. 137.</p> <p>Contractor shall modify the mounting height and bracket structural details of 5,160 brackets and the installation configurations of 24,250 linear feet of armored power cable, 67,351, LF of armored communication cable, and 85 ETB/CTB locations, as described in Attachment 1 of Shimmick COR Letter No. 137, AutoCAD details and existing condition photographs for the tunnel segments affected by the change that is captured in PCC No. 8.1.</p> <p>Attachment CM-1A to this Contract Modification, which is incorporated by reference here, describes the Additional Work, set out by tunnel segments with site specific required changes in each tunnel segment, and Additional Work made necessary by those changes. The attachment also states the quantities and costs for the Additional Work by tunnel segment.</p>
-------	---

CM-1B	<p>As described in the documents referenced in this section, the Contractor shall provide as Additional Work all labor, equipment, and materials to install 25 Electrical Terminal Boxes throughout the tunnel to accommodate the changes necessary to allow the power cable to transition from armored cable to conduit for the Electrical Terminal Box for End-Of-Line Blue Light Stations. Each additional Electrical Terminal Box requires mounting, new GRS conduit, pulling new conductors, termination, labeling, and testing as described in response to RFI No. 76, in PCC No. 13 under SFMTA Letter no. 34 and Shimmick COR Letter No. 133.</p> <p>The details of this Additional Work are described in PCC No 13 and Shimmick COR Letter Letter No. 133, which are incorporated by reference here.</p>
CM-1C	<p>As described in the documents referenced in this section, the Contractor shall provide as Additional Work all labor, equipment, and materials to install brackets per detail 3 on drawing ST-602 for concrete lining in lieu of the as called j-hook brackets depicted in detail 6 on drawing ST-603 for steel lining in the areas of the Contract Documents where concrete lining (instead of steel lining) was encountered as a differing site condition, and where the Contract Documents did not describe the brackets to be installed in the transition portion between the steel tunnel and the station platform, as described in Shimmick Letters No. 82 and 100. The locations where the lining differences were encountered include Van Ness Station, Civic Center Station, Powell Station, Montgomery Station, Embarcadero Station, and Justin Herman Vent Structure.</p> <p>Shimmick COR Letter No. 100, incorporated by reference here, describes the Additional Work and includes marked up photographs showing the routing of the bracket installation within each of the areas in which the concrete tunnel lining was discovered. Said letter also describes the details of the custom made brackets used in each location.</p>
CM-1D	<p>This Contract Modification No. 1 compensates Contractor for all costs and impacts arising from the unforeseen scheduling conflicts, described below, which caused Contract to incur additional costs related to lost production time, additional hiring costs, additional mobilization/demobilization, and standby time:</p> <p>SFMTA reduced the duration of the contract Early Shutdown (ESD) Period work windows between 7/31/15 and 01/22/16 to account for increased time required for SFMTA to de-energize and re-energize the OCS. The total lost time incurred resulted in a reduction of 29 ESD shifts. Reference Shimmick COR Letter 88 and Attachment CM-1D for a scope and cost summary. Total Lump Sum: \$755,286.00</p> <p>SFMTA imposed work access restrictions not provided in the Contract</p>

	<p>documents within the MMT tunnel between Ferry Portal and Montgomery. The work access restrictions were due to SFMTA closing construction access in the area throughout the ESD period. Construction access was only permitted during the periods of 11/6/15 – 11/14/15 and 1/2/16 – 1/16/16. Reference Shimmick COR Letter 106 and Attachment CM-1D for a scope and cost summary. Total Lump Sum: \$62,570.00</p> <p>SFMTA imposed work access restrictions not provided in the Contract documents within the Sunset Tunnel throughout the ESD period due to other on-going SFMTA construction projects being performed in the Sunset Tunnel. SFMTA provided construction access to perform the Work in the Sunset Tunnel only for two weekend shutdowns taking place on (1) 3/4/16-3/6/16 and (2) 3/18/16-3/20/16. The detail cost summary of these work restrictions are described in Shimmick COR Letter 114 and Attachment CM-1D, incorporated by reference here. Total Lump Sum: \$120,771.00</p> <p>Standby Time for last minute unforeseen clearance cancellations by SFMTA for the following dates and time periods and as described under Shimmick Letter Nos. 122, 123,127, 129, 131 (COR Nos. 32, 33, 35, 36, 37) and Attachment CM-1D.</p> <ul style="list-style-type: none"> a) Standby Time for Clearance Cancellations by SFMTA for three shifts on 4/12/16 to 4/14/16 due to ATCS Testing preventing Shimmick from doing their planned work. b) Standby Time for Clearance Cancellation by SFMTA due to a feeder issue on 4/20/16 preventing Shimmick from doing their planned work. c) Standby Time for Clearance Cancellation by SFMTA due to ATCS Testing preventing Shimmick from doing work for five shifts from 4/25/16 to 4/29/16. d) Standby Time for Clearance Cancellations by SFMTA on 5/9/16 due to SFMTA Maintenance work. e) Standby Time for Clearance Cancellations by SFMTA on 5/20/16 due to ATCS Testing preventing Shimmick from doing the work. <p>Total Lump Sum: \$63,964.00</p>
<p>CM-1E</p>	<p>This Contract Modification No. 1 provides a time extension of 480 calendar days (compensable delay of 460 days and non-compensable delay of 20 days) and compensates Contractor by lump sum its direct and indirect costs arising from or related to owner caused delays, as follows:</p> <p>Delay 1 – Provide a 256 days compensable time extension for owner caused delay to the specified contractual early shutdown work days and no-access at tunnels work areas.</p>

	<p>Delay 2 – Provide 204 day compensable time extension for impacts to the critical path for the work described in CM-1A through 1D for various PCC’s, work access restriction, loss of early shutdown days, and differing site conditions.</p> <p>Delay 3 - 20 days non-compensable time extension in order to coordinate available weekend windows to complete remaining telephone demolition work.</p> <p>Total Lump Sum: \$3,540,000.00</p>
--	--

2. The following Pay Items are added to the Contract:

	Scope of Work Summary	Payment Type	Amount
CM-1A	Modify the mounting height and bracket structural contract details ST-601 and ST-602 throughout the tunnel.	Lump Sum	\$661,504.00
CM-1B	Install and mount 25 Electrical Terminal Boxes in the tunnel with new conduit, conductors, terminations, labeling, and testing, as indicated on the EE-001 to EE-026	Lump Sum	\$207,448.00
CM-1C	Install alternate brackets in lieu of as planned brackets in areas where concrete lining was encountered in lieu of steel lining. Install custom made brackets in the transition portion between steel and concrete, as indicated on ST-001 to ST-604	Lump Sum	\$231,171.00
CM-1D	Additional Direct Costs due to unforeseen Scheduling Conflicts	Lumps Sum	\$1,002,591.00
CM-1E	460 Day Compensable Time Extension	Lump Sum	\$3,540,000.00
	Total Amount of this Contract Modification:	Increase	\$5,642,714.00
		Previous Total of	\$9,175,000.00
		New Revised Total of	<u>\$14,817,714.00</u>
Total Contract Time added by this Contract Modification:			480 Days

Previous Contract Substantial Completion Date: 6/11/15

Current Contract Substantial Completion Date: 10/03/16

3. This Modification is made in accordance with Article 6 and 7 of the Contract General Provisions.

4. Except as provided herein all previous terms and conditions of the Contract remain unchanged.
5. Contractor acknowledges and agrees that the compensation stated herein for the Additional Work described above shall be full accord and satisfaction of all current and prospective costs incurred in connection with Contractor's performance of the Additional Work under this Contract Modification, without limitation, including any and all markups and overhead. Contractor releases the City from all claims, for which full accord and satisfaction is hereby made, as set forth above. Contractor further releases the City from all claims and costs associated with such extension of time. Such costs may include, but are not limited to, direct and indirect costs for labor, materials, equipment, disruption, lost productivity, loss of efficiency, lost profits, opportunity costs, escalation, delay, extended overhead, administration and extended performance time.

In Witness Whereof, the parties have executed this Modification in quadruplicate in San Francisco, California as of this _____ day of _____, 2016.

Shimmick Construction

By: _____
Fernando DeLeon,
NW Area Manager
Project Sponsor

CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY

By: _____
Edward D. Reiskin
Director of Transportation

San Francisco Municipal Transportation Agency
Board of Directors
Resolution No. _____
Adopted: _____
Attest:

Secretary, SFMTA Board of Directors

APPROVED AS TO FORM:
Dennis J. Herrera, City Attorney

By: _____
Robert K. Stone



Deputy City Attorney

