

THIS PRINT COVERS CALENDAR ITEM NO.: 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs and Construction

BRIEF DESCRIPTION:

Authorizing the Director of Transportation to execute Modification No. 1 to Contract No. 1305, UCSF Platform and Track Improvement Project, with Balfour Beatty Infrastructure, Inc., to retroactively extend the Contract Term by 120 non-compensable days to a new substantial completion date of August 6, 2019 at no additional cost to the SFMTA.

SUMMARY:

- On March 6, 2018, the SFMTA Board of Directors adopted Resolution No. 180306-039, which authorized the award of SFMTA Contract No. 1305, UCSF Platform and Track Improvement Project, with Balfour Beatty Infrastructure, Inc., in the amount of \$33,249,064.76, and for a term of 365 days to substantial completion.
- The SFMTA issued the Notice to Proceed with the work effective April 9, 2018, for a substantial completion date of April 8, 2019.
- This Contract Modification extends the Contract Term by 120 days (33%) for non-compensable delays resulting from change in requirements to the train detection infrastructure and control system and delays from platform and superstructure construction that required a new substantial completion date of August 6, 2019.

ENCLOSURES:

1. SFMTAB Resolution
2. Contract Modification No. 1
3. Project Budget and Finance Plan
4. Golden State Warriors Event Center EIR https://sfplanning.org/environmental-review-documents?title=Golden+State+Warriors+Event+Center+and+Mixed-Use+Development+at+Mission+Bay+Blocks+29-32&field_environmental_review_cateq_target_id=212&items_per_page=All
5. Golden State Warrior Even Center Resolutions and Mitigation Monitoring and Reporting Program <https://sfocii.org/warriors>
6. SFMTA Resolution No. 14-041 <http://www.sfmta.com/sites/default/files/agendaitems/3-28-14%20Item%206%20TEP%20CEQA%20approval%20resolution.pdf>
7. TEP FEIR <https://sfplanning.org/project/muni-forward-transit-effectiveness-project-tep-environmental-review-process#info>
8. Mitigation Monitoring and Reporting Program <https://www.sfmta.com/sites/default/files/agendaitems/3-28-14%20Item%207%20TEP%20Service%20Changes%20-%20MMRP.pdf>

APPROVALS:

DIRECTOR  _____

DATE
June 15, 2022

SECRETARY  _____

June 15, 2022

ASSIGNED SFMTAB CALENDAR DATE: June 21, 2022

PAGE 2.

PURPOSE

The purpose of this calendar item is to authorize the Director of Transportation to execute Modification No. 1 to Contract No. 1305, UCSF Platform and Track Improvement Project, with Balfour Beatty Infrastructure, Inc., to retroactively extend the Contract Term by 120 non-compensable days, which is an extension by 33% of the original contract term.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The work performed under Contract No. 1305 supported the following SFMTA Strategic Plan Goals:

- Goal 4: Make streets safer for everyone.
- Goal 5: Deliver reliable and equitable transportation services.
- Goal 6: Eliminate pollution and greenhouse gas emissions by increasing use of transit, walking and bicycling.
- Goal 8: Deliver projects on-time and on-budget.
- Goal 9: Fix things before they break, and modernize systems and infrastructure.

The work performed under Contract No. 1305 supported the following Transit First Policy 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.
8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.

DESCRIPTION

Background

On March 6, 2018, The SFMTA Board of Directors adopted Resolution No. 180306-039, awarding Contract No. 1305, UCSF Platform and Track Improvement Project, (Contract) to Balfour Beatty Infrastructure, Inc., in the amount of \$33,249,064.76, with a Contract term of 365 days from notice to proceed to substantial completion.

Work performed under the Contract included: selective demolition of existing transit platform and rail; construction of a new center boarding platform; reconfiguration of track alignment; installation and testing of the train detection infrastructure and control system; procurement and installation of new rail; installation of City-furnished special trackwork; utility work both above and below ground, including storm and sanitary sewers, water lines, electrical and communication work, ductbank maintenance hole, and utility boxes; installation of new trolley wires and two crossovers north and

PAGE 3.

south of the platform at 3rd Street and Campus Lane; and installation of new transit and traffic signals.

Current Status

The Contractor achieved substantial completion of all work on August 6, 2019. The Agency is preparing final closeout and acceptance of this project.

Current Modification

There were two concurrent delays to the original contract-required completion date: (1) delay caused by the SFMTA when it changed the requirements for the train detection infrastructure and control system m; and (2) delay caused by the Contractor in construction of the platform and superstructure.

The Contract Specification outlines the train detection infrastructure and control system requirements. After the Contractor submitted their submittal for the Train Control System, SFMTA Engineering and Maintenance teams reviewed the submittal extensively. Ease of maintenance, comparability of the unit with the existing system, and compatibility of stocked parts were all considered in review of this submittal. The SFMTA determined that the new and upgraded Alstom IVPI train microprocessor better met the requirement for compatibility with the current system. As a result, the SFMTA required the Alstom IVPI train detection infrastructure and control system to be installed instead of the GE ElectrologIXS VLC system specified in the contract. This SFMTA-required change delayed placing the order for the new microprocessor, which had a long lead time. The Alstom IVPI train detection infrastructure and control system was not delivered to the project site until July 2, 2019, and testing of the train detection infrastructure and control system and activation were not completed until August 6, 2019.

Concurrent to the train detection system delays, the Contractor caused delays in the construction of the platform and superstructure. Construction of the platform and superstructure started on January 22, 2019 and was scheduled to be completed by the original contract-required completion date of April 8, 2019. The Contractor’s internal issues with managing their workforce and subcontractors caused delays in the substantial completion of the platform and superstructure until August 6, 2019.

2018-04-20	Train Control System Work	2019-08-06
	2019-01-22 Platform & Structure Work	2019-08-06

Since the SFMTA-caused and Contractor-caused delays were concurrent, the parties agreed that they shared responsibility for the delay in achieving substantial completion. When the SFMTA and a Contractor share responsibility for a delay, the Contractor is entitled to a non-compensable time extension.

This Contract Modification retroactively extends the duration for the Contractor to achieve substantial completion by 120 days, establishing a new contract-required substantial completion date

PAGE 4.

of August 6, 2019.

CONTRACTOR SAFETY RECORD

There were no “serious” or “willful” California Division of Occupational Safety and Health (Cal/OSHA) recordable violations during the construction of this project.

TRANSIT IMPACT

There was no impact to transit service due to the schedule delay or other work covered in Contract Modification No. 1.

STAKEHOLDER ENGAGEMENT

Prior to the award of this Contract, local residents and businesses were contacted and have been kept informed about construction progress throughout the duration of the project.

ALTERNATIVES CONSIDERED

There were no alternatives available that would have shortened the time required to complete the work required by the Contract. Canceling the Contract and issuing a new contract for the remaining work would have added major costs and delayed completion even more.

FUNDING IMPACT

Contract Modification No. 1 is a non-compensable time extension and does not require additional funds.

ENVIRONMENTAL REVIEW

The track improvement and platform relocation project was included as part of the approved Golden State Warriors Event Center and Mixed Use Project at Mission Bay Blocks 29-32, Muni UCSF/Mission Bay Station Final EIR Variant, with the exception of the signalized midblock crosswalk. 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 Final Subsequent Environmental Impact Report for the Golden State Warriors Event Center and Mixed Use Project at Mission Bay Blocks 29-32 (Event Center Project FSEIR, Case No. 2014.1441E) and, by CCII Resolution No. 12 69-2015, certified the FSEIR to be in compliance with 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).

PAGE 5.

This Board adopted the Event Center Project's CEQA findings as applicable to the SFMTA on November 3, 2015 (Resolution No. 15-154). In Resolution No. 15-154, this Board approved various elements of the Transportation Service Plan for the Event Center Project, including razing the northbound passenger platform or a variant for a center platform (as determined by the Director of Transportation, in his or her discretion). The Director has selected the center platform variant to proceed into design.

By CCII Resolution No. 33-2015, the CCII provided for appeal to the Board of Supervisors of the CCII's certification of a final environmental impact report for "environmental leadership development projects" (see Public Resources Code Sections 21178, et seq.), including the Event Center Project. On December 8, 2015, in response to an appeal of the FSEIR from the Mission Bay Alliance, the Board of Supervisors approved Motion M15-178, affirming the CCII's certification of the FSEIR (Board of Supervisors File No. 150991).

All of the improvements in the Board item were analyzed in and covered fully within the scope of the Event Center Project FSEIR with the exception of the signalized midblock crossing. The impacts of the signalized midblock crossing for 3rd Street at Campus Lane were evaluated by the Transit Effectiveness (TEP) FEIR in its analysis of the TPS Toolkit for the Rapid Network (which includes the T-Third Line). The TEP FEIR (Case No. 2011.0558E) was certified by the San Francisco Planning Commission in Motion No. 19105 on March 27, 2014. Subsequently, on March 28, 2014 in Resolution No. 14-041, the SFMTA Board of Directors approved all of the TEP proposals including the TPS Toolkit for the Rapid Network. As part of Resolution No. 14-041, the SFMTA Board of Directors adopted findings under the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Chapter 31 of the Administrative Code (CEQA Findings) and a Mitigation Monitoring and Reporting Program (MMRP). The San Francisco Planning Department Environmental Planning Division reviewed the proposed modifications to the T-Third line described here and determined that the proposed modifications are within the scope of the TEP FEIR. No new significant effects have been identified, there is no substantial increase in significant effects already identified, and no new mitigation is required for the project.

The proposed Contract Modification No. 1 is within the scope of the environmental review described above (Event Center Project FSEIR and TEP FEIR), as the modification does not include an expansion of the Contract No. 1305 scope of work.

A copy of above CEQA determinations for both the Warriors Event Center and the TEP are on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at by Case Number at <https://sfplanninggis.org/pim> or 49 South Van Ness Avenue, Suite 1400 in San Francisco, and are incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office and the Contract Compliance Office has reviewed this report. No other approvals are required.

PAGE 6.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize the Director of Transportation to execute Modification No. 1 to Contract No. 1305, UCSF Platform and Track Improvement Project with Balfour Beatty Infrastructure, Inc., to retroactively extend the contract duration by 120 non-compensable days to a new substantial completion date of August 6, 2019.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, On March 6, 2018, the SFMTA Board of Directors adopted Resolution No. 180306-039, awarding Contract No. 1305, UCSF Platform and Track Improvement Project, to Balfour Beatty Infrastructure, Inc, (Contractor), in the amount of \$33,249,064.76 with a Contract term of 365 days from notice to proceed to substantial completion, to construct a new center boarding platform, reconfigure track alignment, install Overhead Catenary System (OCS) lines and two crossovers north and south of the platform at 3rd Street and Campus Lane, install new transit signals, and perform any relocations required; and,

WHEREAS, Substantial completion of the project occurred on August 6, 2019, which was 120 days after the contract's required completion date of April 8, 2019; and,

WHEREAS, There were concurrent delays to the project -- (1) delay caused by SFMTA when it changed the requirements to the train detection infrastructure and control system; and (2) delay caused by the Contractor in construction of the platform and superstructure – that were responsible for the 120-day delay; and,

WHEREAS, The parties have agreed that they share responsibility for the delay in achieving substantial completion; and,

WHEREAS, The SFMTA Contract Compliance office has affirmed the Contractor's compliance with LBE requirements; and,

WHEREAS, 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 Final Subsequent Environmental Impact Report for the Golden State Warriors Event Center and Mixed Use Project at Mission Bay Blocks 29-32 (Event Center Project FSEIR, Case No. 2014.1441E) and by CCII Resolution No. 12 69-2015 certified the FSEIR in compliance with CEQA, and 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); and,

WHEREAS, On December 8, 2015, in response to an appeal of the FSEIR from the Mission Bay Alliance, the Board of Supervisors approved Motion M15-178, affirming the CCII's certification of the FSEIR (Board of Supervisors File No. 150991); and,

WHEREAS, On November 3, 2015, the SFMTA Board of Director, in Resolution No. 15-154, adopted the Warriors Event Center CEQA findings, including a statement of overriding considerations and a mitigation monitoring and reporting program pursuant to CEQA, a copy of which is on file with the Secretary to the SFMTA Board of Directors and is incorporated into this Resolution by reference; and,

WHEREAS, The signalized crosswalk modifications to the T-Third line were addressed by the Transit Effectiveness Project Final Environmental Impact Report (TEP FEIR, Case No. 2011.0558E), which was certified by the San Francisco Planning Commission in Motion No. 19105 on March 27, 2014; subsequently, on March 28, 2014, in Resolution No. 14-041, the SFMTA Board of Directors approved all of the TEP proposals, including the TPS Toolkit for the Rapid Network; as part of Resolution No. 14-041, the SFMTA Board of Directors adopted findings under CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code (CEQA Findings), and a Mitigation Monitoring and Reporting Program (MMRP); any modifications to the program or projects as described in the TEP FEIR would require further CEQA review; and,

WHEREAS, The San Francisco Planning Department Environmental Planning Division reviewed the proposed modifications to the T-Third line as part of the UCSF Platform and Track Improvement Project and determined that they are within the scope of the TPS Toolkit analyzed in the TEP FEIR; no new significant effects were identified, there was no substantial increase in significant effects already identified, and no new mitigations were required; and,

WHEREAS, On March 6, 2018, the SFMTA Board of Directors adopted the Event Center Supplemental Final (SF)EIR CEQA Findings and the TEP FEIR CEQA findings as its own, and to the extent the above actions are associated with any mitigation measures, the SFMTA Board of Directors adopted those measures as conditions of this approval; and,

WHEREAS, On March 6, 2018, the SFMTA Board of Directors approved the installation of a traffic signal system for 3rd Street at Campus Lane, as included in the TEP Travel Time Reduction Proposals; and,

WHEREAS, The proposed Contract Modification No. 1 is within the scope of this environmental review; and,

WHEREAS, Copies of all CEQA documents and determinations are on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Planning Department at by Case Number at <https://sfplanninggis.org/pim> or 49 South Van Ness Avenue, Suite 1400 in San Francisco, and are incorporated herein by reference; now, therefore, be it

RESOLVED, That SFMTA Board of Directors authorizes the Director of Transportation to execute Modification No. 1 to Contract No. 1305, UCSF Platform and Track Improvement Project, with Balfour Beatty Infrastructure, Inc., to retroactively extend the Contract term by 120 days to a new substantial completion date of August 6, 2019, and at no additional cost to the City.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 21, 2022.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2

CONTRACT MODIFICATION NO. 1

San Francisco Municipal Transportation Agency
Contract No. 1305
UCSF Platform and Track Improvement Project

Contractor: Balfour Beatty Infrastructure, Inc.
999 Peachtree St. NE, Suite 900
Atlanta, Georgia 30309

Page 1 of 2

The Contract is modified as follows:

CM-1 Non-Compensable Delay for Train Control System & Platform and Superstructure Construction

The Contract Time to Substantial Completion is extended by 120 Days for the delay resulting from change in requirements to Train Control System and the delay in platform and superstructure construction. The 120 Days are agreed to be non-compensable.

Total Amount of this Contract Modification: \$0.00

Previous Total of Contract: \$33,249,064.76

Current Total of Contract: \$33,249,064.76

Total Contract Time (Days) Added by this Contract Modification:	120
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Contract Substantial Completion Date: 04/08/2019

Current Contract Substantial Completion Date: 08/06/2019

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

4. The compensation (in time and cost) set forth in this Modification comprises the total of all compensation due to Contractor, all Subcontractors and all Suppliers, as a result of: (a) the delay resulting from change in requirements to the Train Control System; and (b) the delay in platform and superstructure construction (the "Delays"). The compensation also covers any time impact on unchanged Work, including delays and inefficiencies. The execution of this Modification constitutes an accord and satisfaction of all claims for additional compensation or time related to the Delays. Contractor on behalf of itself and all Subcontractors and Suppliers, specifically

waives and releases any and all claims, rights, or interest, including but not limited to legal and equitable claims for direct, indirect, and overhead costs, delay, impact, disruption, loss of efficiency or other special, extraordinary or consequential costs arising from or related to the Delays, without exception or reservation of any kind.

5. Except as specifically stated herein, all other terms and conditions of the Contract remain unchanged. Any modification of the Contract must be express and in conformance with the General Provisions and Special Provisions.

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

**Balfour Beatty Infrastructure, Inc.
FRANCISCO**

CITY AND COUNTY OF SAN

**MUNICIPAL TRANSPORTATION
AGENCY**

By: _____

By: _____

Mark Konchar
Senior Vice President & Managing Director

Jeffrey P. Tumlin
Director of Transportation

Authorized By:

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY BOARD OF
DIRECTORS

Resolution No.: _____

Adopted: _____

Attest:

Secretary, SFMTA Board of Directors

APPROVED AS TO FORM:

David Chiu, City Attorney

By: _____

David F. Innis, Deputy City Attorney

ENCLOSURE 3
UCSF PLATFORM AND TRACK IMPROVEMENT PROJECT

San Francisco Municipal Railway Contract No. 1305

Project Budget and Financial Plan

Cost	Amount
Conceptual Engineering Phase Staff Support (SFMTA, DPW and Other Dept. Services)	\$556,158
Detail Design Phase Staff Support (SFMTA, DPW and Other Dept. Services)	\$2,735,250
Construction Phase Construction Contract, Construction mitigation, Contingency, and Staff Support	\$48,408,591
Total Cost	\$51,700,000

Funding	Amount
General Fund Obligations	\$5,307,000
SFMTA Revenue Bond	\$7,445,000
Transportation Improvement Fund	\$1,705,799
General Obligation Bond	\$6,358,388
Transportation Infrastructure Development Fund	\$20,283,213
SFMTA operating	\$10,600,000
Total Funding	\$51,700,000