

MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 230221-015

WHEREAS, San Francisco Municipal Transportation Agency (SFMTA) Contract No. 1323, Job Order Contract, is an indefinite quantity contract with a predefined set of bid items that are assigned on an as-needed, task order basis for the performance of public work maintenance, repair, and minor construction projects; and,

WHEREAS, On November 9, 2022, the Director of Transportation notified the SFMTA Board of Directors that he had authorized a bid call for Contract No. 1323 in accordance with Board Resolution No. 09-191, which delegates, among other things, the authority to issue bid calls to the Director of Transportation; and,

WHEREAS, On November 10, 2022, the SFMTA advertised the bid call for Contract No.1323; and,

WHEREAS, On December 15, 2022, the SFMTA received and publicly opened five bid proposals in response to its invitation for bids; and,

WHEREAS, After reviewing the bid proposals, the SFMTA determined NTK Construction, Inc (NTK) and Phoenix Electric Company (PEC) were the two eligible and responsible bidders that submitted the lowest responsive bids; with an award criteria figure of 1.2990 and,

WHEREAS, Since the SFMTA has two job order contracts for federally funded projects (i.e., Contract Nos. 1322 and 1323) for potential award, staff recommends awarding one contract each to NTK and PEC; and,

WHEREAS, The work under this job order contract will be performed under future task orders, which will identify the scope of work, cost, and duration of various discrete projects; and,

WHEREAS, On December 28, 2022, the SFMTA under authority delegated by the Planning Department, determined that Job Order Contract No. 1323 is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant 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; and,

WHEREAS, Any task orders/project delivered under Contract No. 1323 that would result in a direct or indirect physical change to the environment will undergo environmental review before approval; and,

WHEREAS, The SFMTA Contract Compliance Office reviewed the bid proposals and

confirmed that PEC is committed to meet the small business enterprise (SBE) participation goal of 15%, and the combined Black-Owned and/or Woman-Owned disadvantaged business enterprise (DBE) participation goal of 10% established for this Contract No. 1323; and is committed to meet the non-discrimination equal employment requirements of the contract; and,

WHEREAS, This Contract No. 1323 will be funded from federal sources for both operating and capital projects; each individual project will need to identify the funding in their respective budget for this work; now, therefore, and

WHEREAS, This Contract No. 1323 will assist the SFMTA in meeting the following objectives of Strategic Plan: Goal 4: Make streets safer for everyone; Goal 5: Deliver reliable and equitable transportation services; and Goal 8: Deliver projects on-time and on-budget; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute San Francisco Municipal Transportation Agency Contract No. 1323, Job Order Contract for Federally Funded Projects with Phoenix Electric Company, to perform minor construction and maintenance work for a contract amount of \$5,000,000, and contract term not to exceed five years.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 21, 2023.

  
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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency