

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 240220-015

WHEREAS, On October 5, 2021, the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors adopted Resolution No. 211005-115, which authorized the award of SFMTA Contract No. 1318, Wood Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., in the amount of \$4,856,227, and for a term of 270 days from Notice to Proceed to Substantial Completion; and,

WHEREAS, During performance of the Contract, the Contractor added small business enterprise subcontractors to perform unanticipated work, and under the California State Subletting and Subcontracting Fair Practices Act (the Subcontracting Act), Public Contract Code Sections 4100-4114, the Contractor is required to identify in the Contract each subcontractor that performs work in an amount more than 0.5% of the Contract Amount, and five of those subcontractors performed work for which they were paid more than 0.5% of the original Contract Amount: (1) FREAS Plastering Company Inc.; (2) KBI Painting; (3) Red Dipper, Inc.; (4) Tera-Lite, Inc.; and (5) Watertight Restoration; and,

WHEREAS, Most of the subcontracted work was new work that was not required under the original contract scope, and the subcontracted work that was required by the original contract's scope amounted to less than the 0.5% of the original total contract price; and,

WHEREAS, During performance of the Contract, the Contractor incurred additional costs in the amount of \$172,310.77 to replace the existing 12-inch PVC underground chase due to differing site conditions; and,

WHEREAS, Contractor required an additional 307 days to complete construction due to various delays, which the Contractor acknowledges are non-compensable; and,

WHEREAS, After the contractor completed its work, the SFMTA adjusted and finalized bid item quantities based on actual performance and determined that the reduced quantities reduced the overall Contract Amount by \$230,568.63; and,

WHEREAS, On December 30, 2020, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Woods Facility Rehabilitation – Bus Wash Systems Replacement is not a “project” under CEQA pursuant to CEQA Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct or a reasonably foreseeable indirect physical change to the environment; and,

WHEREAS, The proposed Contract Modification No. 1 to Contract No. 1318 is within the scope of the Woods Facility Rehabilitation – Bus Wash Systems Replacement not a “project” determination issued in 2020; 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

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Modification No. 1 to Contract No. 1318, Woods Facility Rehabilitation – Bus Wash Systems Replacement Project, with Air & Lube Systems, Inc., to: (1) add five small business enterprise subcontractors to the Contract; (2) replace an existing 12-inch underground chase determined to be a differing site condition; (3) extend the Contract term for non-compensable delays by 307 days; and (4) adjust and finalize bid item quantities. Overall, the modification will close out the contract with a decrease of \$58,257.86 to the Contract Amount and an increase of 307 days to the Substantial Completion Date.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 20, 2024.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency