

**THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 13
FOR THE MEETING OF: June 11, 2009**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Approve an Amendment to the Trolley Line Relocation and Street Modification Agreement (Agreement) between the Transbay Joint Powers Authority (TJPA) and the City and County of San Francisco, Municipal Transportation Agency (SFMTA) to provide traffic signal and overhead contact system (OCS) engineering, construction administration and coordination, and selective inspection services for the Temporary Terminal. The Amendment will extend the term of the Agreement by one year and increase the maximum compensation by \$300,000.

SUMMARY:

On July 19, 2007, the TJPA Board of Directors (Board) authorized the TJPA to enter into a Trolley Line Relocation and Street Modification Agreement with SFMTA to provide traffic signal, electrical and OCS engineering services; construction administration and coordination; and selective inspection services for a total of \$811,962, terminating on December 31, 2009. SFMTA has provided the traffic signal, electrical and OCS engineering and construction coordination services for the Temporary Terminal. SFMTA has requested, and the TJPA has approved, additional funds to cover final construction administration and inspection of the traffic signal and OCS installation work not originally budgeted in the Agreement. Staff recommends an increase of the maximum compensation by \$300,000 and an extension of the term by one year.

REPORT:

Traffic signal and OCS installation are critical to the timely completion of the Temporary Terminal Project. SFMTA has provided the following services for the Temporary Terminal Project under the current Agreement:

1. **TRAFFIC MODELING** – SFMTA reviewed the TJPA’s traffic modeling for completeness and accuracy. SFMTA used the traffic model to design roadway and traffic signal modifications for streets surrounding the Temporary Terminal.
2. **TRAFFIC SIGNAL AND ROADWAY DESIGN** – SFMTA developed new roadway configurations, parking, signage and striping plans for the streets surrounding the Temporary Terminal. In addition, SFMTA prepared new traffic signal designs to accommodate automobiles, pedestrians, bicycles, and transit vehicles.
3. **LEGISLATION AND PUBLIC OUTREACH** – SFMTA participated in public outreach and community meetings regarding the proposed traffic changes. SFMTA coordinated efforts to obtain legislative approval to implement these roadway and traffic signal changes.
4. **OVERHEAD CONTACT SYSTEM DESIGN** – SFMTA designed the new OCS for trolley buses serving the Temporary Terminal including new trolley wires, poles and foundations,

support spans, and bracket arms. SFMTA engineers also prepared demolition plans for the OCS that currently serves the Transbay Terminal.

The Amendment extends the term of the Agreement and increases the maximum compensation for the following Temporary Terminal construction administration and inspection work.

5. **COORDINATION AND INSPECTION OF TRAFFIC IMPROVEMENTS** – SFMTA will manage the implementation of traffic routing plans and inspect the installation of traffic signals, parking meters, signage, and striping.
6. **COORDINATION AND INSPECTION OF TROLLEY LINE IMPROVEMENTS** – SFMTA will inspect the installation and testing of the new OCS improvements.

Staff has negotiated an Amendment to the Agreement with SFMTA. The SFMTA Board of Directors approved the Amendment at its June 2, 2009 meeting.

RECOMMENDATION:

Staff recommends that the TJPA Board authorize the Executive Director to execute an amendment to the Trolley Line Relocation and Street Modification Agreement in the form attached to this report.

ATTACHMENTS:

1. Trolley Line Relocation and Street Modification Agreement First Amendment
2. Resolution

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, Construction of the Temporary Terminal requires the relocation of the existing overhead contact system (OCS); and

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) owns and operates the OCS in San Francisco; and

WHEREAS, Construction of the Temporary Terminal requires traffic planning, traffic signal changes, and lane reconfigurations in the surrounding streets; and

WHEREAS, The SFMTA has jurisdiction over the traffic signals and lane configurations in San Francisco; and

WHEREAS, SFMTA engineers are uniquely qualified to provide design, construction engineering, construction administration, and inspection needed for the construction of OCS and traffic improvements to facilitate construction and operation of the Temporary Terminal; and

WHEREAS, On August 21, 2007, the SFMTA entered into a Trolley Line Relocation and Street Modification Agreement (Agreement) with the Transbay Joint Powers Authority (TJPA) to provide traffic signal and OCS engineering, construction administration and coordination, and selective inspection services for the Temporary Terminal; and

WHEREAS, SFMTA has requested a one year extension of the Agreement and an additional \$300,000 to provide final construction administration and inspection of the traffic signal and OCS work not originally budgeted in the Agreement; and

WHEREAS, Staff has reviewed SFMTA's proposal and negotiated a First Amendment to the Agreement; and

WHEREAS, Staff recommends that the TJPA Board of Directors (Board) approve the First Amendment to the Agreement; now, therefore, be it

RESOLVED, That the TJPA Board authorizes the Executive Director to execute the First Amendment to the Trolley Line Relocation and Street Modification Agreement with the SFMTA to increase the Agreement amount from \$811,962 to \$1,111,962 and extend the termination date from December 31, 2009 to December 31, 2010.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of June 11, 2009.

Secretary, Transbay Joint Powers Authority

TROLLEY LINE RELOCATION AND STREET MODIFICATION AGREEMENT

FIRST AMENDMENT

This Amendment is entered into as of the _____ of June, 2009, by and between the Transbay Joint Powers Authority ("TJPA"), a joint powers authority, and the City and County of San Francisco, a municipal corporation ("City"), acting by and through its San Francisco Municipal Transportation Agency ("SFMTA") (each individually a "Party" and, collectively, the "Parties").

RECITALS

THIS Amendment is entered into with reference to the following facts and circumstances:

- A. The Parties previously entered into that certain Trolley Line Relocation and Street Modification Agreement on the 21st day of August, 2007. The Trolley Line Relocation and Street Modification Agreement established the terms and conditions by which the SFMTA would provide certain design, planning and construction engineering services to the TJPA.
- B. Section IV of the Trolley Line Relocation and Street Modification Agreement provides that the Parties may extend the term of the Agreement by written instrument.
- C. Section VIII, subsection C, of the Trolley Line Relocation and Street Modification Agreement provides that the Parties may modify the terms of the Agreement by written instrument.
- D. The Parties desire to amend the Trolley Line Relocation and Street Modification Agreement to extend the term of the Agreement by one (1) year from the termination date of the Agreement, until December 31, 2010, and to increase the budget of the Agreement by \$300,000, for a total of \$1,111,962.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. All capitalized terms set forth herein shall have the meaning as set forth in the Trolley Line Relocation and Street Modification Agreement, except for those terms that are expressly defined herein.

2. Estimated Contract Amount. Section III, subsection B of the Trolley Line Relocation and Street Modification Agreement is amended to read in its entirety as follows:

B. Estimated Contract Amount. In no event shall the total compensation under this Agreement exceed \$1,111,962, without amendment to this

Agreement. The parties agree to amend this Agreement to increase the Contract Amount if the actual costs for the work exceed the Estimated Contract Amount.

1. OCS Work. The estimated budget for OCS work is \$800,000, as set forth in Exhibit B.1, incorporated by reference as though fully set forth herein.

2. Traffic Engineering Work. The estimated budget for Traffic Engineering Work is \$311,962, as set forth in Exhibit B.2, incorporated by reference as though fully set forth herein.

3. Term. Section IV, subsection A of the Trolley Line Relocation and Street Modification Agreement is amended to read in its entirety as follows:

A. Term. This Agreement will commence on the Effective Date and terminate on December 31, 2010, unless extended by the parties or earlier terminated.

4. No Other Modifications. Except for the amendment set forth in this Amendment, all other provisions of the Trolley Line Relocation and Street Modification Agreement remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Agreement to be executed on the date(s) indicated by their respective officers duly authorized on their behalf.

TRANSBAY JOINT POWERS AUTHORITY

DATED: _____, 2009 By: _____
Maria Ayerdi-Kaplan, Executive Director

Resolution No. _____ By: _____
Adopted: _____
Attested by: Nila Gonzales, Secretary

MUNICIPAL TRANSPORTATION AGENCY

DATED: _____, 2009 By: _____
Nathaniel P. Ford, Sr., Executive Director/CEO

Resolution No. _____ By: _____
Adopted: _____
Attested by: Roberta Boomer, Secretary

APPROVED AS TO FORM FOR TJPA

DATED: _____, 2009 By: _____
Sheryl Bregman, Deputy City Attorney

APPROVED AS TO FORM FOR SFMTA

DATED: _____, 2009 BY: _____
John I. Kennedy
Deputy City Attorney

Exhibit B-1
Cost of OCS Work

Acct Code	Month	Workdays/month												Days	Rate	Total
		1	2	3	4	5	6	7	8	9	10	11	12			
2111	Project Management														\$ 115,921	
	P 5502 Dan Pulon	5	5	5	5	4	4	4	4	4	4	4	0	48	x \$ 1,479	= \$70,991
	P 5290 Transit Planner	3	3	3	3	3	3	3	3	3	3	3	0	33	x \$ 1,362	= \$44,930
3121	Engineering Support														\$ 433,545	
	Q 5211 Jane Wang	2	2	2	2	2	2	2	2	2	2	2	0	22	\$ 1,696	= \$37,303
	Q 5211 Clifton Wong	1		1		1		1		1		1	0	6	\$ 1,696	= \$10,174
	G 5241 Tee Phang	10	10	10	10	10	10	10	10	12	12	12	0	116	\$ 1,538	= \$178,388
	G 5203 Chris David	15	16	16	16	16	16	16	16	18	18	18	0	181	\$ 1,088	= \$196,892
	N 5203 Meghan Green		1		1		1		1		1	1	0	6	\$ 1,088	= \$6,527
	T 5364 Technical			1		1		1		1		1	0	5	\$ 852	= \$4,261
3121	Final Review-Production														\$ 250,549	
	Q 5211 Victor Yuen									1	1	1	0	3	\$ 1,696	= \$5,087
	C 6318 Inspector 1									10	15	15	0	55	\$ 1,098	= \$60,407
	C 6318 Inspector 2									9	8	8	0	33	\$ 1,098	= \$36,244
	C 5207 Associate Engineer 4		8	8	8	8	16	17	17	10	10	10	0	112	\$ 1,329	= \$148,811
	Total Man days	36	45	46	45	45	52	54	72	75	74	76	0	620		
																= 684093
	Engineering + CM + PM MUNI TOTAL															= \$800,015
	DPT TOTAL															= \$311,962
															SFMTA TOTAL	= \$1,111,962