

Explanation of Retroactivity



To: Budget & Finance Committee Chair Chan

Through: Jeff Tumlin, Director of Transportation

From: Tom Maguire, SFMTA Streets Division Director

A handwritten signature in blue ink, appearing to read 'Tom Maguire', written over the 'From' line.

Date: July 14, 2023

Subject: File 230775 and 230776 – Explanation of Retroactivity

The Agency sought to bring amendments to four Central Subway contracts (listed below) to the SFMTA Board to be heard together. Delays in completing negotiations with Tutor Perini to resolve all construction claims meant that staff missed the deadline for the SFMTA Board's meetings in May, so the SFMTA Board did not approve the amendments until June 6, 2023. Consequently, it was not then possible for the Board of Supervisors to consider the amendments to the Central Subway design contracts CS-155-2 and CS-155-3 before those contracts expired on June 30, 2023. The Board of Supervisors' approval of those amendments must therefore be retroactive to June 30, 2023

- CN-1300 Central Subway Stations, Surface, Track and Systems.
Contractor – Tutor Perini Corporation (TPC).
Modification does not need Civil Services Commission or Board of Supervisors approval.
- CS-149 Program Management and Construction Management Services for San Francisco Municipal Transportation Agency Central Subway Project
Contractor – Central Subway Partnership (CSP)
Amendment does not need Civil Services Commission or Board of Supervisors approval.
- CS-155-2 Final Design Package 2: Moscone, Union Square and Chinatown Stations
Contractor – Central Subway Design Group (CSDG)
Amendment needs Civil Services Commission and Board of Supervisors approval.
- CS-155-3 Final Design Package 3: Surface Segment, Trackways, Systems, Quality Control and Design Integration
Contractor – HNTB-TSE JV
Amendment needs Civil Services Commission and Board of Supervisors approval.

The two resolutions before you today require Board of Supervisors approval to be in compliance with Section 9.118 of the administrative code.