

**PUBLIC WORKS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 2023-0136

WHEREAS, The work performed under the Fulton and Grove Street Pavement Renovation and Sewer Replacement contract contributed to the Public Works Street Resurfacing Program’s overall goal of maintaining or improving the overall average condition of San Francisco streets and roadways maintained by Public Works; and

WHEREAS, The contract scope included pavement resurfacing, curb ramp upgrades, traffic control improvements, sewer replacement, and other associated infrastructure work on specified streets in the City and County of San Francisco; and

WHEREAS, On July 28, 2010, the Planning Department prepared and published for public review the Draft Mitigated Negative Declaration for the San Francisco Better Streets Plan (Case No. 2007.1238E or “BSP”), which included adoption of a set of citywide streetscape and pedestrian goals, objectives, policies, and design guidelines, as well as future strategies to improve the San Francisco pedestrian realm including sidewalks, crosswalks, and portions of the roadway and the Draft Mitigated Negative Declaration for the BSP was available for public comment; and

WHEREAS, On September 17, 2010, the Planning Department adopted the Final Mitigated Negative Declaration (“FMND”) pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”) and determined the BSP would not have a significant effect on the environment based on the criteria of and Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration) of the CEQA Guidelines (14 California Code of Regulations Sections 1500 et seq.) and the reasons documented in the FMND; and

WHEREAS, On October 28, 2010, the Planning Commission, in Resolution No. 18211 (“Planning Commission Resolution”), adopted findings under CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code (“CEQA Findings”), and adopted a Mitigation Monitoring and Reporting Program (“MMRP”) associated with the Better Streets Plan; and

WHEREAS, On May 18, 2022, the Planning Department issued a determination (“CEQA Determination”) concluding that the pavement resurfacing, curb ramp upgrades, traffic control improvements, and other associated infrastructure work performed under this contract is within the scope of the FMND and would not require the preparation of a subsequent negative declaration under CEQA Guidelines Sections 15162 and 15168, provided that the applicable mitigation measures contained in the MMRP are implemented; and

WHEREAS, On December 19, 2022, the Planning Department issued a determination (“CEQA Determination”) concluding that the pavement resurfacing, curb ramp upgrades, traffic

control improvements, and other associated infrastructure work performed under this contract is within the scope of the FMND and would not require the preparation of a subsequent negative declaration under CEQA Guidelines Sections 15162 and 15168, provided that the applicable mitigation measures contained in the MMRP are implemented; and

WHEREAS, on July 29, 2021, Public Works awarded JDB & Sons Construction, Inc. a construction contract for Fulton and Grove Street Pavement Renovation and Sewer Replacement work in the amount of \$5,853,445 with contract duration of 400 calendar days to substantial completion with a Notice to Proceed on October 12, 2021; and

WHEREAS, an original contingency duration amounted to 40 calendar days; and

WHEREAS, an increase of 40 calendar days to the substantial completion contract duration is requested due to delays in coordination support work with the San Francisco Municipal Transportation Agency (SFMTA) to provide de-energization support for overhead contact system (OCS) wires; and

WHEREAS, unprecedented rains and low temperature during the months of December 2022 and January 2023 also contributed to the unforeseen delays; and

WHEREAS, a decrease of \$655,549.49 to the original contract cost is requested due to scope change discovered during construction by the City construction management team and the contractor determining the concrete roadway structure beneath the pavement at certain locations was in better condition than anticipated which caused a reduction of work scope in the contract; and

WHEREAS, coordination of five intersections of paving work were removed from the contract to upcoming SFMTA and SFPUC contracts in order to avoid paving these locations twice and to minimize disruption to the area and neighborhood; and now, therefore, be it

RESOLVED, The Commission hereby approves the increase to the construction contract duration by 40 consecutive calendar days and decrease the contract cost by \$655,549.49 to contract #1000017005 with JDB & Sons Construction, Inc. for a total not to exceed 480 calendar days to substantial completion and a total contract amount of \$5,197,895.51.

I hereby certify that the foregoing resolution was adopted by the Public Works Commission at its meeting of December 15, 2023,



Commission Affairs Manager
Public Works Commission