



RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE UTILITY RELOCATION AGREEMENT, THE RIGHT OF WAY CERTIFICATION, AMENDMENTS TO THE MEMORANDUMS OF AGREEMENT WITH TREASURE ISLAND DEVELOPMENT AUTHORITY FOR BOTH RIGHT OF WAY AND CONSTRUCTION PHASES, AND ALL OTHER RELATED PROJECT AGREEMENTS FOR THE YERBA BUENA ISLAND WESTSIDE BRIDGES SEISMIC RETROFIT PROJECT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND MODIFY AGREEMENT PAYMENT TERMS AND NON-MATERIAL AGREEMENT TERMS AND CONDITIONS

WHEREAS, The Transportation Authority is working jointly with the Treasure Island Development Authority (TIDA) and the Office of Economic and Workforce Development on the development of the I-80/Yerba Buena Island (YBI) Interchange Improvement Project, including one of the elements of the overall project known as the YBI Westside Bridges Seismic Retrofit Project (Project); and

WHEREAS, The Project will demolish eight bridge structures; reconstruct a realigned roadway; construct six retaining walls and a new undercrossing structure; and seismically retrofit an additional bridge structure including relocation of a column; and

WHEREAS, The Project will be delivered using the Construction Manager/General Contractor Project Delivery Method, approved through Resolution 18-42; and

WHEREAS, The Transportation Authority must execute a number of agreements and documents to prepare the Project for construction; and

WHEREAS, The TIDA utility relocation agreement confirms TIDA's approval of the relocation of the TIDA waterline required for the Project and identifies estimated costs and associated cost liability for the waterline relocation; and



WHEREAS, The right-of-way certification confirms that the Transportation Authority has made all necessary arrangements to secure the right-of-way for construction of the Project; and

WHEREAS, The TIDA Memorandums of Agreement (MOAs) for right-of-way and construction phases were entered into in 2013 for the YBI Ramps Improvement Project and establish each party's role and responsibilities, as well as the terms and conditions of TIDA repayments to the Transportation Authority for all costs incurred on the YBI Ramps Improvement Project; and

WHEREAS, In 2019, through Resolution 19-49, TIDA and the Transportation Authority amended the MOAs for right-of-way and construction phases to add the YBI Southgate Road Realignment Improvements Project scope of work to the respective MOAs, and extended the terms for the right-of-way phase MOA to June 30, 2022 and the construction phase MOA to December 31, 2022; and

WHEREAS, The proposed amendments to the TIDA MOAs for right-of-way and construction phases would add the Project to the scope of the respective MOAs, and extend the term of both MOAs to December 31, 2024; and

WHEREAS, In order to prepare the Project for right-of-way and construction phases, the Transportation Authority may also need to enter into agreements with other agencies/entities, including but not limited to the California Highway Patrol, San Francisco Public Utilities Commission, San Francisco Municipal Transportation Agency, San Francisco Public Works, and Pacific Gas and Electric Company; and

WHEREAS, The total Project is estimated to cost approximately \$119.7 million for all phases, funded by federal Highway Bridge Program grant funds administered by Caltrans, with matching funds from state Proposition 1B's Local Bridge Seismic Retrofit Account and from TIDA, and construction activities are anticipated to be completed by December 2024; and



WHEREAS, The Transportation Authority will be advancing Prop K funds to pay for Project costs incurred in the right-of-way and construction phases, in amounts not to exceed \$799,444 and \$98.8 million, respectively, until the agency receives reimbursements from a combination of Federal Highway Bridge Program, state Proposition 1B, and TIDA funds; and

WHEREAS, TIDA is responsible for reimbursing the Transportation Authority for all Project costs and accrued interest, less state or federal reimbursements to the Transportation Authority; and

WHEREAS, This year's activities for the Project have either been included in the Transportation Authority's Fiscal Year 2020/21 budget or will be added into the mid-year budget amendment and sufficient funds will be included in future fiscal year budgets for the remaining activities; and

WHEREAS, At its September 23, 2020 meeting, the Citizens Advisory Committee was briefed on the subject request and unanimously adopted a motion of support for the staff recommendation; now therefore, be it

RESOLVED, That the Transportation Authority authorizes the Executive Director to execute the utility relocation agreement, the right of way certification, and amendments to the Memorandums of Agreement with Treasure Island Development Authority for both right of way and construction phases, and all other related project agreements for the Yerba Buena Island Westside Bridges Seismic Retrofit Project; and be it further

RESOLVED, That the Executive Director is hereby authorized to negotiate and modify agreement payment terms and non-material terms and conditions; and be it further

RESOLVED, That for the purposes of this resolution, "non-material" shall mean agreement terms and conditions other than provisions related to the overall



agreement amount, terms of payment, and general scope of services; and be it further

RESOLVED, That notwithstanding the foregoing and any rule or policy of the Transportation Authority to the contrary, the Executive Director is expressly authorized to execute agreements and amendments to agreements that do not cause the total agreement value, as approved herein, to be exceeded and that do not expand the general scope of services.



## Memorandum

### AGENDA ITEM 8

**DATE:** September 24, 2020

**TO:** Transportation Authority Board

**FROM:** Eric Cordoba - Deputy Director for Capital Projects

**SUBJECT:** 10/20/2020 Board Meeting: Authorize the Executive Director to Execute the Utility Relocation Agreement, the Right of Way Certification, Amendments to the Memorandums of Agreement (MOAs) with Treasure Island Development Authority (TIDA) for Both Right of Way and Construction Phases, and All Other Related Project Agreements for the Yerba Buena Island (YBI) Westside Bridges Seismic Retrofit Project

<p><b>RECOMMENDATION</b>    <input type="checkbox"/> Information    <input checked="" type="checkbox"/> Action</p> <ul style="list-style-type: none"> <li>• Authorize the Executive Director to execute the following agreements and documents to prepare the YBI Westside Bridges Seismic Retrofit Project for construction: <ul style="list-style-type: none"> <li>○ Utility relocation agreement for TIDA waterline</li> <li>○ Right of Way Certification</li> <li>○ Amendments to the Memorandums of Agreement (MOAs) with TIDA for both the Right-of-Way Phase and Construction Phase</li> <li>○ All other related project agreements</li> </ul> </li> <li>• Authorize the Executive Director to negotiate and modify agreement payment terms and non-material terms and conditions</li> </ul> <p><b>SUMMARY</b></p> <p>We are working jointly with TIDA and the Office of Economic and Workforce Development (OEWD) on the development of the I-80/YBI Interchange Improvement Project. One of the elements of the overall project is the YBI Westside Bridges Seismic Retrofit Project. In order to prepare this portion of the project for construction, the Transportation Authority must execute a series of agreements and documents as described in the recommendation action listed above.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Fund Allocation</li> <li><input type="checkbox"/> Fund Programming</li> <li><input type="checkbox"/> Policy/Legislation</li> <li><input type="checkbox"/> Plan/Study</li> <li><input checked="" type="checkbox"/> Capital Project Oversight/Delivery</li> <li><input type="checkbox"/> Budget/Finance</li> <li><input checked="" type="checkbox"/> Contract/Agreement</li> <li><input type="checkbox"/> Other: _____</li> </ul>
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## **BACKGROUND**

**Project Background/Status.** The I-80/YBI Interchange Improvement Project includes two major components: the I-80/YBI Ramps Improvement Project and the YBI Westside Bridges Seismic Retrofit Project. The subject of this request is the YBI Westside Bridges Seismic Retrofit Project.

The YBI Westside Bridges Seismic Retrofit Project will demolish eight bridge structures and reconstruct a realigned roadway, six retaining walls, and a new undercrossing structure. Additionally, one structure will be seismically retrofitted and requires a column relocation. This project will be challenging to implement, given its unique location along steep terrain on the western edge of Yerba Buena Island overlooking San Francisco Bay. In addition to the challenging location, the project presents numerous complex structural (bridge/retaining wall foundations) and geotechnical challenges (unstable soils), as well as difficult construction access (very steep terrain) and environmental constraints (construction adjacent to and above San Francisco Bay).

Construction of roadway projects on Yerba Buena Island is very complex, requiring significant coordination among a number of entities and projects. One complicating factor is that the United States Coast Guard (USCG) Station, which is part of the Department of Homeland Security, is located on YBI. In constructing and reconstructing roadways on YBI, the projects need to be well coordinated to ensure there are sufficient roadways available to provide adequate traffic circulation for the USCG, Caltrans, TIDA, Treasure Island Community Development (TICD), and the residents and businesses of Treasure Island.

The YBI Westside Bridges Seismic Retrofit Project is one of several roadway construction projects on Yerba Buena Island. The other major roadway construction projects include the Macalla Road Reconstruction Project, the Forest Road Detour Project and the I-80/YBI Ramps Improvement Project, Phase 1 (Westbound Ramps Project - Completed in October 2016 and opened to traffic) and Phase 2 (Southgate Road Realignment Project - Under Construction). TICD is the lead for the Macalla Road Reconstruction Project and the Forest Road Detour Project, while we are the lead for the Westbound Ramps Project and the Southgate Road Realignment Project. All four of these projects need to be essentially completed before construction of the Westside Bridges Seismic Retrofit Project can start (with a seven-month overlap of the Southgate Road Project).

In March 2018, through Resolution 18-42, the Board approved the Construction Manager/General Contractor (CM/GC) Project Delivery Method for this Project. In October 2018, through Resolution 19-17, the Board awarded a professional services contract to Golden State Bridge/Obayashi Joint Venture for CM/GC preconstruction services and a contract amendment to WMH Corporation to complete design services.



## **DISCUSSION**

There are various agreements, documents, and amendments that need to be executed in order to prepare the Westside Bridges Seismic Retrofit Project for construction. Each agreement is briefly discussed below.

Utility Relocation Agreement with TIDA: This utility relocation agreement confirms TIDA's approval of the relocation of the TIDA waterline required for the Westside Bridges Seismic Retrofit Project. This utility relocation agreement identifies estimated costs and associated cost liability for the waterline relocation, which will be included in the scope of the upcoming construction contract.

Right-of-Way Certification: This right-of-way certification confirms we have made all necessary arrangements to secure the right-of-way for construction of the Westside Bridges Seismic Retrofit Project. Note that the entire project will be constructed within TIDA-owned property, so there is no need for any right-of-way acquisition.

TIDA MOA Amendments for Right-of-Way and Construction Phases: In 2013, we entered into MOAs with TIDA for the right-of-way phase and for the construction phase the YBI Ramps Improvement Project. The MOAs establish each party's role and responsibilities as well as the terms and conditions of TIDA repayments to us for all costs we incurred on the YBI Ramps Improvement Project. In 2019, the parties amended the MOAs to add the Southgate Road Realignment Project to the scope of the MOAs and extended the terms to June 30, 2022 for the right-of-way phase and December 31, 2022 for the construction phase. The proposed amendments would add the YBI Westside Bridges Seismic Retrofit Project to the scope of the respective MOAs and extend the term of both MOAs to December 31, 2024.

Caltrans' certification of right-of-way is required prior to awarding the construction contract for the Project. TIDA has requested that we take certain actions necessary to satisfy right-of-way certification conditions prior to awarding the construction contract. We agreed to take such actions provided that TIDA agreed to reimburse us for, and indemnify and hold us harmless from, any and all costs and liabilities we incurred. TIDA also requests that we act on TIDA's behalf to complete the steps necessary to pursue construction of the project. We anticipate bringing a construction contract award to the Board for approval by January 2021.

Additional Project Agreements: In order to prepare the project for right-of-way and construction phases, we may need to enter into agreements with other agencies/entities, including but not limited to the California Highway Patrol, the San Francisco Public Utilities Commission, San Francisco Municipal Transportation Agency, San Francisco Public Works, and the Pacific Gas and Electric Company.

**Funding/Cost.** The project is funded with Federal Highway Bridge Program (HBP) funds, with matching funds provided from Proposition 1B's Local Bridge Seismic Retrofit Account (Prop 1B) and from TIDA. We are actively seeking to secure all required federal, state, and regional



funds for the project, which is estimated to cost approximately \$119.7 million for all phases. To date, Caltrans has approved programming of \$80.6 million of federal HBP and state Prop 1B funds in the Federal Transportation Improvement Program for federal Fiscal Year 2020/21 for the project. We anticipate additional grant funds will be programmed in October 2020. The overall project funding is shown in the table below.

<b>Project Funding/Cost</b>			
<b>Project Phase</b>	<b>Prop 1B/Local Match Funding (11.47%)</b>	<b>Federal Funding (HBP) (88.53%)</b>	<b>Total Funding/ Cost per Phase</b>
Preliminary Engineering	\$2,307,604	\$17,811,002	\$20,118,606
Right of Way	\$91,696	\$707,748	\$799,444
Construction Support	\$1,359,412	\$10,492,481	\$11,851,893
Construction	\$9,969,022	\$76,944,862	\$86,913,884
<b>Total</b>	<b>\$13,727,734</b>	<b>\$105,956,093</b>	<b>\$119,683,827</b>

Similar to the Westbound Ramps and the Southgate Road Realignment Projects, we will be advancing Prop K funds to pay for project costs incurred in the right-of-way and construction phases, in amounts not to exceed \$799,444 and \$98.8 million, respectively, until we receive reimbursements from a combination of federal HBP, State Prop 1B, and TIDA funds. TIDA is responsible for reimbursing us for all project costs and accrued interest, less state and federal reimbursements. Interest will accrue on all outstanding unreimbursed project costs until TIDA, state and federal agencies fully reimburses us for all costs related to the project. If the state or federal grant funds do not become available for some or all of the project costs, or if the state or federal agency disallows our reimbursement claims on some or all of the project costs, then TIDA bears the responsibility to repay us for all costs incurred on the project. Furthermore, TIDA shall indemnify us and assume all liabilities incurred from entering into the agreements executed as a result of this item.

**Schedule.** The planned project schedule is shown on the following page.





<b>Project Delivery Milestone</b>	<b>Completion Date</b>
100% PS&E Date (Design)	October 2020
Right of Way Certification	October 2020
Construction Request for Authorization (RFA) Date	October 2020
Award Construction Contract	January 2021
Start Construction	March 2021
End Construction Date	June 2024
Closeout Date	June 2025

## **FINANCIAL IMPACT**

A portion of this year's activities for the project is included in the Fiscal Year 2020/21 adopted budget. Upon approval of additional federal HBP and state Prop 1B funding from Caltrans, we will include additional funding and related costs in the mid-year budget amendment. Sufficient funds will be included in future fiscal year budgets for the remaining activities. All project costs will be funded with federal HBP, state Prop 1B, and TIDA funds specifically designated for the project.

## **CAC POSITION**

The CAC considered this item at its September 23, 2020 meeting and unanimously adopted a motion of support for adoption of the final report.

## **SUPPLEMENTAL MATERIALS**

None.