



EXECUTIVE DECISION DOCUMENT

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|---|--|---|----------------------------------|---|
| GENERAL MANAGER APPROVAL: <div>DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...</div> | | GENERAL MANAGER ACTION REQ'D: Approve and Send to Board | | |
| DATE: 11/22/2024 11/26/2024 | | BOARD INITIATED ITEM: No | | |
| Originator/Prepared by: Avineet Garg Dept: PM/CM - Facilities <div>DocuSigned by: <i>Avineet Garg</i> 55A7EC60413A48C...</div> Signature/Date: 11/26/2024 | General Counsel <div>DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...</div> 11/26/2024 [] | Controller/Treasurer <div>DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD...</div> 11/26/2024 [] | District Secretary [] | BARC <div>DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...</div> 11/26/2024 [] |

Change Order to Contract No. 15EK-102, Transbay Corridor Core Capacity Project (TCCCP) New Traction Power Facilities, West Bay

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 76 Part 2 to Contract No. 15EK-102 for TCCCP New Traction Power Facilities, West Bay, in an amount not to exceed \$3,442,155.

DISCUSSION:

The award of Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay, to C3M, Clark, Cupertino A Joint Venture of San Francisco, CA was authorized by the Board on July 23, 2020, in the amount of \$54,959,114.

The Contract is for the procurement and installation of two new traction power substations ("TPSS") at Civic Center ("MCC") and Montgomery Street ("MMS") stations. The contract calls for the construction of the substation equipment, installation and testing of the equipment, and installation of associated equipment at adjacent facilities. The project is jointly funded by Transbay Corridor Core Capacity Project ("TCCCP") FTA funds and by Measure RR.

This change order will compensate the contractor for project delays. These project delays were caused for various reasons including asbestos abatement, differing site conditions and

coordination with third parties. The total estimated amount for this Change Order No. 76 which will compensate the Contractor for the delay on the project is \$4,106,819. Change Order No. 76 Part 1 was previously issued for an amount of \$664,664. The current request, Change Order No. 76 Part 2, will be issued for the amount not to exceed \$3,442,155.

| Summary | Amount | |
|----------------------------|---------------|------------------------------|
| Change Order No. 76 Part 1 | \$664,664 | Board Approved 11/16/2023 |
| Change Order No. 76 Part 2 | \$3,442,155 | Pending Board Approval |
| Total Commitment | \$4,106,819 | |

FISCAL IMPACT:

Funding in the amount of \$3,442,155 for the Change Order to Contract No. 15EK-102 is included in the total project budget for FMS# 15EK600 – Substation for Core Capacity West Bay.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

| Fund Group | Fund Description | Amount |
|-------------------|-------------------------|-------------------|
| FEDERAL | FTA TCCCP FFGA-CIG/ARP | 71,166,060 |
| BART | Measure RR GOB | 21,399,335 |
| BART | BART Capital Funds | 25,000 |
| | TOTAL | 92,590,395 |

As of November 21, 2024, \$92,590,395 is the total budget for this project. BART has expended \$81,897,356, committed \$6,175,899, and reserved \$0 to date. This action will commit \$3,442,155, leaving an available fund balance of \$1,074,985 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If the Change Order is not executed, the Contractor may pursue a claim against the District for the cost of the delays attributable to the District and would likely increase the final cost to the District.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

Authorize the General Manager to execute the Change Order No. 76 Part 2 identified above in an aggregate amount not to exceed \$3,442,155 to Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay.