



## EXECUTIVE DECISION DOCUMENT

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|---|---|---|---|
| <b>GENERAL MANAGER APPROVAL:</b>                      |   | <b>GENERAL MANAGER ACTION REQ'D:</b>                  |   |
| DocuSigned by:<br><br>47000790F2D7463...              |   | Approve and Send to Board                             |   |
| <b>DATE:</b> 6/11/2025                                |   | 6/20/2025   |   |
| <b>ORIGINATOR/Prepared by:</b> David Greenaway        |   | <b>BOARD INITIATED ITEM:</b> No                       |   |
| <b>Dept:</b> PM/CM - Right of Way                     |   |   |   |
| <b>Signature/Date:</b>                                |   |   |   |
| DocuSigned by:<br><br>5E595C789A5A43A...<br>6/18/2025 | DocuSigned by:<br><br>2528C067C44147D...<br>6/18/2025 [ ] | Signed by:<br><br>7D9A7C6E7348456...<br>6/18/2025 [ ] | DocuSigned by:<br><br>AFF4529E1F0D45C...<br>6/20/2025 [ ] |
|   |   |   | DocuSigned by:<br><br>8128A2EB2F014F3...<br>6/19/2025 [ ] |

### Ultrasonic Rail Flaw Detection Testing Services

**PURPOSE:** To authorize the General Manager to award Agreement No. 6M3750 to Smith-Emery Laboratories, Inc., San Francisco, CA., to provide Ultrasonic Rail Flaw Detection Testing Services of the District's running rail for a base term of two (2) years, plus three (3) one (1)-year options for a total amount not to exceed \$1,199,700.00

**DISCUSSION:** Current California Public Utilities Commission (CPUC) requirements and District track safety standards requires the District test the running rail twice per year. The ultrasonic testing process can detect small cracks and internal rail defects. Periodic ultrasonic inspection of the rail identifies and locates defects at an early growth stage and allows appropriate action to be taken to enhance safety and minimize damage.

The Request for Proposal (RFP) No. 6M3750 was advertised on March 19, 2025, seeking a firm to conduct ultrasonic rail flaw detection of BART and EBART's running rail. The District provided Advance Notice to twelve (12) Prospective Proposers, including five (5) certified Small Businesses. The RFP was advertised in several Bay Area newspapers and publications and the RFP documents were posted on the District's Vendor Portal. Nine (9) Prospective Proposers downloaded the RFP. A Pre-Proposal Meeting was held on March 28, 2025, with attendance by BART staff and four (4) prospective proposers. Three (3) proposals were received on April 22, 2025 from the following firms:

1. Sperry Rail Services Inc., Shelton, CT

2. Smith – Emery Laboratories, Inc., San Francisco, CA
3. Pro – Traxx Inc., Litchfield, IL

The three (3) proposals were reviewed by the Source Selection Committee, chaired by Contract Administration and consisting of representatives from the Office of Infrastructure Delivery and the Office of Civil Rights. The Source Selection Committee reviewed the technical proposals for compliance with the eighteen (18) minimum technical requirements set forth in the RFP. The Committee determined clarifications were needed. Clarification requests were submitted to all proposers. The Committee received clarifications from all proposers which the Committee determined satisfied the eighteen (18) minimum technical requirements.

The Price Proposals for the three (3) proposers were opened and evaluated on May 12, 2025. In accordance with the RFP, the selection was based on the lowest priced technically acceptable proposal methodology. Price Proposals received are summarized as follows:

| <b>PROPOSER</b>  | <b>BASE (2)<br/>YEARS</b> | <b>OPTION<br/>YEARS</b> | <b>TOTAL</b>    |
|--|---------------------------|-------------------------|-----------------|
| 1. Sperry Rail Services Inc., Shelton, CT              | \$1,656,490.00            | \$973,906.20            | \$ 2,630,386.20 |
| 1. Smith – Emery Laboratories, Inc., San Francisco, Ca | \$767,808.00              | \$431,892.00            | \$ 1,199,700.00 |
| 1. Pro – Traxx Inc., Litchfield, IL                    | \$959,940.00              | \$539,966.27            | \$ 1,499,906.26 |

The Engineer's Estimate was \$2,304,000.00, calculated using the rate from the previous contract plus escalation. Smith – Emery Laboratories, Inc. of \$1,199,700.00 is the lowest priced technically acceptable proposal. The price is lower than the Engineers' Estimate due to additional proposers generating competitive bids and Smith – Emery being a local company, saving travel and lodging costs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified

by the California Department of General Services (DGS). It was determined that there were no certified Small Businesses certified by the DGS among the responsive Proposers and, therefore, the Small Business Prime Preference is not applicable.

The Source Selection Committee determined that the Price Proposal submitted by Smith – Emery Laboratories, Inc., was fair and reasonable and therefore recommends Smith – Emery Laboratories, Inc. for award.

**FISCAL IMPACT:** The subject EDD proposes a two-year term with a total cost from the operating fund not-to-exceed \$767,808.00 from the date of execution of the Agreement. This is a 5-year agreement (2 base years, 3 option years) for a total cost from the operating fund not-to-exceed \$1,199,700.00 from the date of execution of the Agreement. The Maintenance operating budget (Department 0802831-Tracks/Wayside/Grounds/Structures, Account 681301- Prof & Tech - Svc Agreements) will fund the Agreement including the following estimated expenditures by fiscal year:

**BART Maintenance Funding Source**

|                                     |    |              |
|-------------------------------------|----|--------------|
| FY26 (July 1, 2025 – June 30, 2026) | \$ | 359,910.00   |
| FY27 (July 1, 2026 – June 30, 2027) | \$ | 359,910.00   |
| FY28 (July 1, 2027 – June 30, 2028) | \$ | 359,910.00   |
| TOTAL                               | \$ | 1,079,730.00 |

**EBART Maintenance Funding Source**

|                                     |    |            |
|-------------------------------------|----|------------|
| FY26 (July 1, 2025 – June 30, 2026) | \$ | 23,994.00  |
| FY27 (July 1, 2026 – June 30, 2027) | \$ | 23,994.00  |
| FY28 (July 1, 2027 – June 30, 2028) | \$ | 23,994.00  |
| FY29 (July 1, 2028 – June 30, 2029) | \$ | 23,994.00  |
| FY30 (July 1, 2029 – June 30, 2030) | \$ | 23,994.00  |
| TOTAL                               | \$ | 119,970.00 |

Funding for the Agreement in Fiscal Year 2026 is available from the Department's existing operating budget from the adopted FY26 budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

**ALTERNATIVES:** The District could re-advertise the RFP. However, there is no assurance that new proposals would be lower than the amount of the current proposals received.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion.

**MOTION:** The General Manager is authorized to award Agreement No. 6M3750 to Smith-Emery Laboratories, Inc. for Ultrasonic Rail Flaw Detection Testing Services, for the base contract of two (2) years, plus three (3) options, for a total amount not to exceed \$1,199,700.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and funding requirements.