



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 7/10/2023 9/21/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: Oscar Delgado Dept: Capital Program – HMC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Oscar Delgado</i> <small>036920F280F9416...</small> </div> Signature/Date: <div style="text-align: right;">9/20/2023</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> <div style="text-align: right;">9/20/2023 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">9/20/2023 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">9/20/2023 []</div>

Authorize General Manager to Execute Change Order No. 009 to Contract No. 01RQ-101, HMC2 Trackwork Procurement

PURPOSE: To authorize the General Manager to execute Change Order No. 009 to Contract No. 01RQ-101, Hayward Maintenance Complex (Phase2) Trackwork Procurement, in the amount not to exceed \$420,000.

DISCUSSION: On October 22, 2020, the Board of Directors authorized the General Manager to award Contract No. 01RQ-101, Hayward Maintenance Complex (Phase2) Trackwork Procurement, to voestalpine Railway Systems Nortrak LLC, of Cheyenne, Wyoming, in the amount of \$11,989,984. This contract is for the procurement of special trackwork, switch machines, concrete ties, bonded insulated rail joint plugs, and spare parts.

Pursuant to Board Rule 5-2.3, except for construction and procurement contracts greater than \$200 million, change orders involving expenditures greater than \$200,000 require Board approval. Project staff has identified one proposed change order totaling \$420,000. To date, eight change orders have been issued to this contract.

The scope of this proposed Change Order procures one modified No. 08 track crossover for a District Wheel Truing Project.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding in the amount of \$420,000 for award of Change Order No. 009 is included in the total project budget for Project Number 03QJ001.

The table below list 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:

Project 03QJ001:

Fund	Fund Description	Source	Amount
3012	FTA 5307/5337 CA-2018-036-00	FEDERAL	3,624,250
802A/802D	GOB Measure RR	INTERNAL	20,326,000
8524/8530	BART Operating Capital Allocation	INTERNAL	1,397,920
Total			\$25,348,170

As of August 8, 2023, \$25,348,170 is the total budget for this project. BART has expended \$4,418,393 committed \$85,642 and reserved \$1 to date. This action will commit \$420,000 leaving an available fund balance of \$20,424,134 in this fund source for this project.

The Office of the 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 could decline to proceed with the Change Order; however, this would lead to delays to Project 03QJ001 Wheel Truing Facility. Also, if the District were to procure this item separately it would lead to increased coordination needs, reduced efficiency and the risk of higher prices.

RECOMMENDATION:

It is recommended that the Board approve the Motion:

MOTION:

Authorize General Manager to Execute Change Order No. 009 to Contract No. 01RQ-101, HMC2 Trackwork Procurement

The General Manager is authorized to execute Change Order No. 009 to Contract No. 01RQ-101, Hayward Maintenance Complex (Phase 2) Trackwork Procurement, in the Amount not to exceed \$420,000.