



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...				
<b>DATE:</b> 6/18/2025		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Scott Burke <b>Dept:</b> Core Capacity Project Delivery		<b>General Counsel</b>	<b>Chief Financial Officer</b>	<b>District Secretary</b>
Signature/Date: DocuSigned by: <i>Scott Burke</i> CABBE14B3E8E450 6/19/2025		DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... 6/19/2025 [ ]	Signed by: <i>Shirley Beach</i> 7D9A7C6E7348456... 6/19/2025 [ ]	DocuSigned by: <i>Robert Franklin</i> AFF4529E1F0D45C... 6/20/2025 [ ]
				<b>BARC</b> DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... 6/19/2025 [ ]

### Contract No. 6M8227: Sole Source Contract with Alstom for Support for Modifications to the Vehicles for Communications Based Train Control (CBTC)

#### PURPOSE:

To obtain Board authorization for the General Manager, in accordance with Public Contract Code Section 20227, to execute a sole source contract with Alstom Transit Inc. (Alstom) to provide Equipment, Material and Installation Support for the District's revenue vehicle fleet.

#### DISCUSSION:

The District's revenue vehicles (Vehicles) were delivered by Alstom (previously Bombardier) as part of the Fleet of the Future Project. The Vehicles were designed and delivered to operate on the District's legacy fixed block train control system.

District has an ongoing Design Build project for Communications Based Train Control (CBTC) System which involves the design and installation of a state-of-the-art moving block train control system for revenue operations. Such an installation will require software and equipment modifications to the revenue vehicle fleet in order to interoperate with the new CBTC system.

This Contract will allow Alstom to perform such CBTC modifications to the Vehicles—which consist of the supply and installation support of material and equipment for the Vehicles, as well as modifications to proprietary documentation related to design and software.

Pursuant to FTA Circular 4220.1G, when the District requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its

requirements, the District may make a sole source award based on Restricted Data Rights. Here, since the equipment and software systems on the Vehicles are proprietary to Alstom and no other vendor can perform such work, this award is a permissible single source agreement under FTA Circular 4220.1G due to Restricted Data Rights.

Pursuant to the District's Disadvantage Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this Sole Source procurement and determined that there were no DBE subcontracting opportunities; therefore, no DBE participation goal was set for this procurement.

### **CAPITAL FISCAL IMPACT:**

This EDD proposes a total not-to-exceed cost of \$53,400,000 for this Contract.

The not-to-exceed price for this work of \$53,400,000 is in alignment with the Engineer's Estimate.

Funding for all phases of projects 49GH004/49GH008 – CBTC Hitachi Contract and Deployment are broken down by the following sources:

<b>Fund Source</b>	<b>Secured/Allocated</b>	<b>Secured/Unallocated</b>	<b>Amount</b>
Federal	445,043,643	60,000,000	505,043,643
State	318,600,000	197,200,000	515,800,000
Local	32,229,983	125,797,160	158,027,143
BART	35,001,300	-	35,001,300
Measure RR Bond*	328,840,100	-	328,840,100
<b>Total Sources</b>	<b>1,159,715,026</b>	<b>382,997,160</b>	<b>1,542,712,186</b>

*\*While this project has Measure RR funding, this source will not be used for*

*Agreement 6M8227.*

As of June 18, 2025, the table below lists the current budget for the projects:

<b>Project</b>	<b>Budget</b>	<b>Expense</b>	<b>Encumbrance</b>	<b>Available Budget</b>
49GH004	951,892,899	332,529,409	335,850,919	283,512,571**
49GH008	207,822,126	22,880,424	17,555,471	167,386,231**
<b>Total Budget</b>	<b>1,159,715,025</b>	<b>355,409,833</b>	<b>353,406,390</b>	<b>450,898,802</b>

\*\*Including a Pre-Encumbrance of \$330,000,000 and \$10,977.

The Office of the Chief Financial Officer certifies that funds secured and allocated are currently available to meet this obligation.

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

**ALTERNATIVES:**

The Board may elect not to approve the procurement of the sole source agreement with Alstom. However, failure to execute said agreement is anticipated to cause material and adverse impacts to the critical path schedule of the CBTC project. Holding a competitive bidding process is unlikely to result in responsive vendors due to the proprietary nature of the equipment and software that will need to be replaced and modified.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION:**

Pursuant to California Public Contract Code Section 20227, the Board finds that Alstom is the single source of supply with regard to the software modifications and specialized equipment for the District's revenue vehicle fleet to accommodate CBTC operation. This purchase is for the sole purpose of replacing the onboard vehicle equipment in use throughout the District's fleet.

The General Manager is authorized to execute Contract No. 6M8227 with Alstom Transit Inc. to provide Equipment, Material, Installation and Modifications support to the District Revenue Vehicle Fleet for the Communications Based Train Control (CBTC) in an amount not-to-exceed \$53,400,000, including all applicable taxes, to provide equipment, material and software modifications for the District's revenue vehicle fleet.

Two thirds vote required.