



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...	GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 2/6/2024		3/6/2024	BOARD INITIATED ITEM: No		
Originator/Prepared by: Girish Koli Dept: PM/CM - Facilities	General Counsel	Controller/Treasurer	District Secretary	BARC	
DocuSigned by: <i>Girish Koli</i> 09EA975662FE40A...	DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...	DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD...		DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...	
Signature/Date: 3/4/2024	3/4/2024 []	3/4/2024 []	[]	3/4/2024 []	

To request Board Authorization for the General Manager to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation

PURPOSE:

To request Board Authorization for the General Manager to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation to Tri Valley Excavating of Sunol, California for the Base Bid Price of \$819,251.00 and to exercise one option for a total of \$870,306.00.

DISCUSSION:

The parking lot asphalt surface of Bay Fair Station (A50) has experienced significant wear and tear over the years and is showing signs of pavement failure, leading to formation of cracks, potholes, and uneven surfaces. The deterioration of the parking lot surface has resulted in poor water drainage, leading to puddles and stagnant water during rainy periods. These issues not only pose a threat to the safety of vehicles but also increase maintenance cost, risk of accidents and damages.

This Contract, inclusive of one option, is for all labor, equipment, and materials for the grinding, repaving, and pothole repairs of the parking lot at Bay Fair Station in San Leandro. Two of the parking areas north of the station will receive pothole repairs, full grind, & repaving work. Areas with less severe pavement condition will have pothole repairs only.

Three (3) Bids were timely received and publicly opened on October 24th, 2023. Tabulation of the Bids, including the Engineer's Estimate, is indicated as follows:

BIDDER	LOCATION	TOTAL BASE BID	TOTAL BID PRICE (with Option)
Azul Works, Inc.	San Francisco, CA	\$ 770,614.80	\$ 849,354.20
Tri-Valley Excavation Co., Inc.*	Sunol, CA	\$ 819,251.00	\$ 870,306.00
MBS Engineering, Inc.	San Ramon, CA	\$ 846,890.30	\$ 929,353.80
Engineer's Estimate	Oakland, CA	\$ 820,215.76	\$ 906,391.56

*Lowest Responsive Bidder

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest apparent low Bidder, Azul Works, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low Bidder, Tri Valley Excavating, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Contract for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference, the Bid submitted by the apparent second low Bidder, Tri Valley Excavating, is now the lowest responsive Bidder.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.3% for Minority Business Enterprises ("MBEs") and 9.2% for Women Business Enterprises ("WBE"). The Bidder, Tri Valley Excavating, committed to 34.5% MBE and 6.2% WBE participation. The Bidder, Tri Valley Excavating, did not meet the WBE Availability Percentage; therefore, the Bidder, Tri Valley Excavating, was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by the Bidder, Tri Valley Excavating, the Office of Civil Rights found

no evidence of discrimination.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, and Section 15302, Replacement or Reconstruction, because it consists of repairs to and maintenance of existing pavement and involves no expansion of the existing use.

FISCAL IMPACT:

Funding in the amount of \$870,306 for award of Contract 15QL-111 is included in the total project budget for the A-Line Pavement Rehabilitation Project Number 15QL-001.

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:

Fund Group	Description	Amount
BART	F/G 8530,8534,8537 – Capital Improvement Allocation	1,445,876
	TOTAL	1,445,876

As of January 24, 2024, \$1,445,876 is the total budget for the A-Line Pavement Rehabilitation Project. BART has expended \$311,264 committed \$68,278 and reserved \$0 to date. This action will commit \$870,306 leaving an available fund balance of \$196,028 in this fund source.

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.

ALTERNATIVE:

The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that a re-bid would increase the number of Bidders or result in any lower bids. Choosing not to proceed with the current award could worsen pavement failure conditions, heightening safety concerns for both patrons and commuters.

RECOMMENDATIONS:

Adopt the motion before you.

MOTION:

The General Manager is authorized to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation to Tri-Valley Excavation Co. Inc. of Sunol, California for the Total Base Bid amount of \$819,251.00. Additionally, the General Manager is authorized to exercise the option, pending availability of funding and at the District's sole discretion, for an additional \$51,055.00, bringing the total authorization to \$870,306.00.