



EXECUTIVE DECISION DOCUMENT

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| GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div> | | GENERAL MANAGER ACTION REQ'D: | | |
| DATE: 4/14/2022 5/4/2022 | | BOARD INITIATED ITEM: No | | |
| Originator/Prepared by: Cristiano Torresi Dept: Strategic Administrative Group <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>C. Torresi</i> <small>15AD466D82FA476...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022</div> | General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div> | Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div> | District Secretary <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div> | BARC <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div> |

Single Source Contract with ABB for Spare Parts

PURPOSE: To request Board Authorization, in accordance with Public Contract Code Section 20227, to negotiate and execute a Single Source Contract with ABB Inc. ("ABB") for the supply of spare converters, power modules and maintenance training for the diesel multiple unit (DMU) vehicle propulsion system. Two thirds vote required.

DISCUSSION: The District operates 8 diesel powered DMU revenue vehicles, each with twelve (12) ABB electrical power system components. Each DMU (1) utilizes ABB's power converter, battery charger and power modules to manage the electrical system on the DMU. The District has a very limited number of spares to maintain service. The number of spares will not be enough to support the maintenance and overhaul of the ABB components in the DMUs. The spare parts are needed to create float stock for the overhaul campaign and unforeseen failures. The proposed new spare parts will, for example, allow vehicles to remain in service while power converters are overhauled in the shop. The spare parts are also needed for the safety and resiliency of the DMU fleet so that they may be available in the event an unforeseen failure damages a power converter component. Due to the aging of these electrical and electronic components District staff has begun to experience unforeseen failures. The training to be procured under this agreement will ensure that maintenance staff has the technical skills required to troubleshoot and repair the system. These purchases would allow us to mitigate the risk and restore the system to ensure the reliability of the DMU fleet to meet revenue service requirements.

The quantity of spare parts requested under this procurement will give the District thirty (30) percent spares as float in order to support DMU maintenance activities. The quantity of each is as follows:

Sole Source Contract with ABB for Spare Parts

Spare Parts:

| ABB Part Number | Description | Qty | PU | Total |
|-----------------|---|-----|-------------|--------------|
| 3BHE010657R0001 | Voltage tr. 1000V:50mA, VS 1000 B | 8 | \$299.81 | \$2,398.44 |
| 3BHE011047R0004 | CC750_DE_0016_ A01: WR-filter cpl. | 6 | \$8,779.73 | \$52,678.40 |
| 3BHE014658R0103 | XF D151 A: CAN CONV BRD 9-36V Coated | 6 | \$373.81 | \$2,242.85 |
| 3BHE019767R0001 | WW D681 A: depot feeder | 6 | \$4,221.94 | \$25,331.63 |
| 3BHE023799R0001 | WW D681 A: filter kpl | 6 | \$5,948.66 | \$35,691.98 |
| 3BHE035383R0001 | IC196 Power Supply 24..36..48/24Vdc 150W | 6 | \$474.19 | \$2,845.11 |
| 3BHE036208R0001 | PBW E06 A01: PEBB cpl. | 10 | \$16,234.82 | \$162,348.20 |
| 3BHE036209R0001 | PBW E07 A01: PEBB cpl. | 8 | \$16,102.74 | \$128,821.88 |
| 3BHE036461R0001 | PBW A01 A01: BL- PEBB 28V/280A cpl | 20 | \$18,677.09 | \$373,541.85 |
| 3BHE041576R3011 | PP D517 A3011: Converter Control cpl | 4 | \$10,656.36 | \$42,625.44 |
| 3BHE044686R0001 | Power Supply +-15V | 6 | \$550.28 | \$3,301.65 |
| 3BHE046536R0001 | CC750: Bordline fan module size 25M 60Hz | 20 | \$1,688.78 | \$33,775.50 |

Materials Total \$865,602.92

ABB Onsite Training Services Total: \$29,706.60

Materials and Training Total including tax: \$979,705.80

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment, or material without observance of competitive bidding upon a finding by

two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use. The District's DMU vehicles were designed and manufactured by Stadler. Stadler specified ABB electrical power system modules in its design for the DMU vehicles and no other vendor is specified as compatible with the DMU vehicles. Since ABB is the only authorized vendor and the proposed sole source contract is for the purpose of duplicating or replacing equipment currently in use, this Contract constitutes a sole source procurement under Public Contract Code Section 20227.

The District's Non-Federal Small Business Program does not apply on single-source contracts.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 2.2% for Minority Business Enterprises (MBEs) and 1.1% for Women Business Enterprises (WBEs). The Vendor ABB, Inc. will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Procurement Department will review the Contract to confirm compliance with the District's procurement standards. The Office of the General Counsel will approve the Contract as to form.

FISCAL IMPACT: Funding in the amount of \$979,706 for the procurement of vehicle spare parts is included in the total Project budget for FMS #04SO140 – eBART.

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 No. | Fund Description | Source | Amount |
|-----------------|--------------------------------------|---------------|---------------------|
| 8535 | FY21 Operating to Capital Allocation | BART | \$4,610,000 |
| 8536 | FY22 Operating to Capital Allocation | BART | \$7,150,000 |
| TOTAL | | | \$11,760,000 |

As of 04/14/2022, \$11,760,000 is the total budget for this project. BART has expended \$1,070, committed \$2,025,808, and reserved \$281,669 to date. This action will commit \$979,706, leaving an available fund balance of \$8,471,747 in the 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.

ALTERNATIVE: The alternative is not to authorize the procurement. However, there are no vendors that are approved by Stadler for use in the DMU. ABB is the only vendor that can provide the materials needed. Thus, procuring the services through a competitive bidding process would only result in a single Bid.

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

MOTION: The Board finds, pursuant to Public Contract Code Section 20227, that ABB is the single source supplier for ABB power converters, battery chargers and power modules. The General Manager is authorized to enter direct negotiations with ABB to execute an agreement for the supply of spare converters, power modules and maintenance training for the DMU vehicle propulsion system in an amount not-to-exceed \$979,705.80 including all taxes.

Two thirds vote required.