



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div>DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...</div>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 5/10/2023 5/31/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ryan Yamamoto Dept: Integration Engineering <div>DocuSigned by: <i>Ryan Yamamoto</i> 603DA1F9B4A94F9...</div> Signature/Date: 5/31/2023	General Counsel <div>DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8...</div> 5/31/2023 []	Controller/Treasurer <div>DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD...</div> 5/31/2023 []	District Secretary []	BARC <div>DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...</div> 5/31/2023 []

Authorize the Cooperative Agreement Between the San Francisco Bay Area Rapid Transit District and the City and County Of San Francisco to Replace the Fire Hydrant and Fire Line

PURPOSE:

To request Board authorization for the General Manager to execute a cooperative agreement (Agreement) between BART and the City and County Of San Francisco operating by and through the San Francisco Port Commission (Port) to facilitate necessary repairs and ongoing inspections related to fire protection at the Ferry Plaza in San Francisco.

DISCUSSION:

BART and the San Francisco Port Authority entered into an Agreement for Joint Exercise of Powers dated as of July 21, 1965. Since execution of that agreement, BART has been operating and maintaining its ventilation building at the Ferry Plaza. Port has discovered several cracks in a pipeline that feeds piping for a fire hydrant at the Ferry Plaza. In order to ensure the continued reliability of BART's fire water system, the Ferry Plaza fire hydrant pipeline needs to be repaired. As part of the repairs, a fire hydrant at the Ferry Plaza will be replaced.

BART previously advertised a contract book to solicit bids for the repair work. A notice requesting bids was published from April 14, 2022 until May 31, 2022. It was advertised in various construction and newspaper publications, and BART Procurement Portal. Two prospective Bidders were given advance notice. However, no bids were received.

Port and BART now propose to enter into a cooperative agreement pursuant to which Port will provide all labor and materials to perform, or cause to be performed, the repairs at

BART's sole cost and expense. The repairs will be done in accordance with a permit application previously submitted by BART to Port. The current estimate for the cost of the repairs is \$268,823.06, which includes a 10% administrative fee to Port. BART will be responsible for actual costs of repairs, plus a 10% administrative fee, even if the costs exceed this estimated amount. Staff, however, does not expect costs to exceed \$325,000. Under the terms of the agreement, Port must notify BART once the cost of the repairs has reached 75% of the estimated amount. In addition, prior to incurring costs exceeding the estimated amount, Port must confer with BART and obtain BART's written consent to incur costs in excess of such amount which consent shall not be unreasonably withheld, conditioned or delayed by BART. BART will assume responsibility for the operation and maintenance of the repairs as part of the fire protection system.

In addition to Port's one-time performance of repairs, the Agreement provides that Port will facilitate an initial, as well as annual, inspection(s), for a period of up to five years, of the repairs and relevant facilities. Port will provide boats or other equipment and allow BART personnel to be present on such boats subject to BART's agreement to Port's waiver and/or release of liability terms and BART's payment of costs of the inspections. For each annual inspection(s), Port will provide BART with an estimated cost and will not proceed without BART's written consent. Staff seeks authority to enter into the Agreement with Port for the initial repair work and inspection, as well as authority to consent to Port's facilitation of annual inspection(s).

The Office of General Counsel will approve the Agreement as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$325,000 for the payment to the San Francisco Port Commission for fire protection repairs detailed in the Port permit number B-2020-0178 and the Agreement is included in the total project budget for 15TK002 - M&E Cap Maintenance FY21.

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.	Source	Fund Description	Amount
8532/8533/8534/8535/8536	BART	Operating Capital Allocation	1,361,431
Total:			1,361,431

As of May 24, 2023, \$1,361,431 is the total budget for this project. BART has expended \$785,429, committed \$53,846, and reserved \$0 to date. This action will commit

\$325,000 leaving an available fund balance of \$197,156 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.

ALTERNATIVES:

The alternative would be to not to approve the Agreement and not have the work done. This would result in the fire line and hydrant not being available to the fire department responders to serve the Ferry Plaza, adjacent facilities, and ferry docks during a critical fire situation.

BART could also try to advertise and solicit bids for the work. However, since BART previously did not receive any bids in response to a solicitation, it is unlikely that BART would receive any bids and this will cause delay.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute a Cooperative Agreement Between the San Francisco Bay Area Rapid Transit District and The City And County Of San Francisco operating by and through the San Francisco Port Commission to facilitate necessary repairs and ongoing inspections related to fire protection at the Ferry Plaza in San Francisco.