



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Send to Board		
<b>DATE:</b> 5/12/2023                      5/31/2023		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Linda Lee <b>Dept:</b> Strategic Engineering <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>9FA454A5AF83469...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">5/30/2023</div>	<b>General Counsel</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">5/30/2023 [ ]</div>	<b>Controller/Treasurer</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">5/30/2023 [ ]</div>	<b>District Secretary</b>  <div style="text-align: right;">[ ]</div>	<b>BARC</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">5/30/2023 [ ]</div>

### Authorize the General Manager to Execute Change Order to Contract No. 15TC-123 Richmond Yard Fence Rehabilitation

#### PURPOSE:

To authorize the General Manager to execute Change Order No. 20 to Contract 15TC-123 for Richmond Yard Fence Rehabilitation Project, in an amount not to exceed \$700,000 and which includes a 130 compensable calendar day extension of the contract duration.

#### DISCUSSION:

On July 13th, 2020, the Board of Directors authorized the General Manager to award Contract No. 15TC-123 Richmond Yard Fence Rehabilitation Project to Perimeter Security Group LLC of Coeur d'Alene, ID in the amount of \$3,419,104.10. This Contract is for the removal and replacement of existing right-of-way fences and gates at Richmond Yard to ensure safety and reduce risk to BART operations. Fence intrusions have resulted in train delays, vandalism, and theft.

Change Order No. 20 is a full and final settlement to cover design changes and delays associated with the foundations for the concrete masonry unit (CMU) wall construction in the amount of \$700,000.

All Change Orders will be approved as to form by the Office of General Council prior to execution.



### **CAPITAL FISCAL IMPACT:**

Funding of \$700,000 for Change Order No. 20 to Contract 15TC-123 included in the total Project Budget for FMS #15TC023 – Fences Systemwide.

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:

<b>Fund Group</b>	<b>Fund Description</b>	<b>Amount</b>
BART	F/G 802A/B/C/D - Measure RR GOB	\$11,765,693
	TOTAL	\$11,765,693

As of 04/26/2023, \$11,765,693 is the total budget for this project. BART has expended \$8,500,598, committed \$875,445, and reserved \$0 to date. This action will commit \$700,000, leaving an available fund balance of \$1,689,650 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 to decline to proceed with the Change Order for full and final settlement.

This will result in a claim for District-caused delays, with the potential for litigation increasing the final cost to the District.

### **RECOMMENDATIONS:**

Adopt the following motion.

### **MOTION:**

The General Manager is authorized to execute Change Order No. 20 in an amount not to exceed \$700,000, for full and final settlement of Contract No. 15TC-123 Richmond Yard Fence Rehabilitation Project to Perimeter Security Group LLC of Coeur d'Alene, ID.

Authorize the General Manager to Execute Change Order to Contract No. 15TC-123 Richmond Yard Fence Rehabilitation