



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		DocuSigned by:  <small>47000790F2D7463...</small>	<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 3/1/2024		3/6/2024	<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Cristiano Torresi <b>Dept:</b> Strategic Administrative Group DocuSigned by:  <small>15AD466D82FA476...</small> <b>Signature/Date:</b> 3/4/2024	<b>General Counsel</b> DocuSigned by:  <small>2528C067C44147D...</small> 3/4/2024 [ ]	<b>Controller/Treasurer</b> DocuSigned by:  <small>EE11C8CEEEA04FD...</small> 3/4/2024 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b> DocuSigned by:  <small>8128A2EB2F014F3...</small> 3/4/2024 [ ]	

### Award of IFB 9134 - Taylor-Dunn Bigfoot Carts

**PURPOSE:** To request that the Board rescind its prior action authorizing award of Invitation for Bid (IFB) No. 9134 to TMHNC and to request authorization for the General Manager to instead award IFB No. 9134 to RKU Distributing Inc, Redding, CA, in the amount of \$602,489.31 (including applicable sales tax), for ten (10) each of two (2) passenger Taylor-Dunn Bigfoot Carts and eleven (11) each of four (4) passenger Taylor-Dunn Bigfoot Carts.

**DISCUSSION:** A notice requesting bids for IFB No. 9134 for Taylor-Dunn Bigfoot Carts was issued on November 7, 2023 and provided for a 5% Small Business Prime Preference for Small Businesses certified by the California Department of General Services. Two bids were received on December 5, 2023 from Toyota Material Handling Northern California (TMHNC) and RKU Distributing Inc in the following amounts:

<b>Bidder</b>	<b>Total</b>	<b>Grand Total with Tax</b>
TMHNC	\$518,350.00	\$574,072.63
RKU Distributing Inc	\$544,008.41	\$602,489.31

After initial review of the bids the Office of Civil Rights determined that both TMHNC and RKU Distributing Inc were not Small Businesses certified by the California Department of General Services and therefore neither were eligible for the 5% Small Business Prime Preference.

On February 22, 2024, the Board authorized award of IFB No. 9134 for Taylor-Dunn Bigfoot Carts for an amount of \$574,072.63 (includes all taxes) to TMHNC.

Subsequently, the District's Office of Civil Rights re-examined the application of the 5%

Small Business Prime Preference and discovered a mistake in the original application. RKU Distributing Inc was in fact a Small Business certified by the California Department of General Services at the time bids were due and therefore was eligible for the 5% Small Business Prime Preference. Applying the 5% Small Business Prime Preference to RKU Distributing Inc’s bid resulted in RKU Distributing Inc becoming the lowest bidder:

<b>Bidder</b>	<b>Total</b>	<b>Grand Total with Tax</b>	<b>Grand Total with Tax Applying 5% Small Business Prime Preference*</b>
RKU	\$544,008.41	\$602,489.31	\$573,785.68
TMHNC	\$518,350.00	\$574,072.63	\$574,072.63

Independent cost estimate by BART staff is \$570,003.21 including taxes.

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 Bidder, RKU Distributing 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.

**FISCAL IMPACT:** Funding in the amount of \$602,489.31 for the procurement of Taylor-Dunn Bigfoot Carts is included in the total project budget for FMS No. 79NB001. 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 No.</b>	<b>Source</b>	<b>Fund Description</b>	<b>Amount</b>
8529/8530/8531/8532/8533/			
8534/8536/8537/8538	BART	Operating Capital Allocation	
			12,141,346.23
<b>Total:</b>			<b>12,141,346.23</b>

As of February 1, 2024, \$12,141,346.23 is the total budget for this project. BART has expended \$3,359,196.62, committed \$248,979.91, and reserved \$3,622,505.12 to date. This action will commit \$602,489.31, leaving an available fund balance of \$4,308,175.27 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 is to not rescind the original award, which could result in claims against the District.

**RECOMMENDATION:** It is recommended that the Board adopt the following motions.

**MOTIONS:** The Board rescinds its prior action authorizing award of IFB No. 9134 to TMHNC.

The General Manager is authorized to award IFB No. 9134 for Taylor-Dunn Bigfoot Carts to RKU Distributing Inc, Redding, CA, for an amount of \$602,489.31 (includes all taxes), pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.