



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; text-align: right;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 10/26/2023 11/7/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Greenaway Dept: PM/CM - Right of Way <small>DocuSigned by:</small> <small>5E595C789A5A49A...</small> Signature/Date: <div style="text-align: right;">11/7/2023</div>	General Counsel <small>DocuSigned by:</small> <small>18E837040587403...</small> <div style="text-align: right;">11/7/2023 []</div>	Controller/Treasurer <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> <div style="text-align: right;">11/7/2023 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</small> <div style="text-align: right;">11/7/2023 []</div>

Change Orders to Contract No. 15EK-102, Transbay Corridor Core Capacity Project (TCCCP) New Traction Power Facilities, West Bay

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Orders to Contract No. 15EK-102 for TCCCP New Traction Power Facilities, West Bay, in an amount not to exceed \$4,383,369.00

DISCUSSION:

The award of Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay, to C3M, Clark, Cupertino, A Joint Venture of San Francisco, CA was authorized by the Board on July 23, 2020, in the amount of \$54,959,114.

The Contract is for the procurement and installation of two new traction power substations ("TPSS") at Civic Center ("MCC") and Montgomery Street (MMS) stations. The contract calls for the final design and building of the substation equipment, installation and testing of the equipment, and installation of associated equipment at adjacent facilities. The project is jointly funded by Transbay Corridor Core Capacity Project ("TCCCP") FTA funds and by Measure RR.

To date, District has issued Change Orders to this Contract in the total amount of \$399,166 which is 0.73% of the original Contract amount. The Change Orders requested for approval under this Executive Decision Document ("EDD") would resolve costs associated with

design modifications, construction delays, and would replenish allowance amounts for future work.

Project Staff has identified Change Orders in the not to exceed amount ("NTE") of approximately \$4,383,369. This includes the time delay to the critical path and substantial completion. Project Staff expects a future EDD to account for additional delays and Change Orders to the project.

Summary	Amount	Percentage of Base Bid
Total Base Bid Amount	\$54,959,114	
Agreed/Executed Change Orders	\$399,166	0.73%
Potential Change Orders	\$4,383,369	7.97%
Revised Contract Amount	\$59,741,649	

1. Change Order ("CO") 31 Abatement of Asbestos containing fire-proofing material inside the new TPSS at MMS (\$568,705): This change order is to abate unforeseen Asbestos at Montgomery Street Substation.
2. CO 75 Anticipated cost of future unplanned design modifications (\$1,000,000): Construction costs associated with any future unplanned design modifications.
3. CO 76 Delay to the Critical Path and Substantial Completion to Civic Center ("MCC") and Montgomery ("MMS") Stations (\$664,664): Delays incurred due to design review and BART approval, scheduling and coordination of work in the Right of Way.
4. CO 77 Replenish Allowance for District Caused Delays (\$1,000,000): Anticipated District Caused Delays include setbacks during testing, substation commissioning support, and lack of key personnel due to operational needs.
5. CO 78 Replenish Allowance for Differing Site Condition (\$1,000,000): Anticipated differing site conditions include additional design, material, equipment, and labor to complete the contract work. Other impacts are still to be evaluated.
6. CO 79 Replenish Allowance for Partnering (\$50,000): More partnering sessions will be needed until the end of the project.
7. CO 80 Replenish Allowance for Uniformed Off-Duty Police Officers (\$100,000): Cost already incurred for street closure during crane setup and equipment delivery at MMS in Aug 2023. No further cost is anticipated.

Total Change Orders Amount Needed: \$4,383,369

FISCAL IMPACT:

Funding in the amount of \$4,383,369 for Change Orders to Contract No. 15EK-102 is included in the total project budget for FMS# 15EK600 – Substation for Core Capacity.

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 source:

Fund Group	Fund Description	Amount
Federal	F/G 354S - FTA CA-2020-047 TBCCCP FFGA	48,087,947
Federal	F/G 354T - FTA CA-2020-047 SC90	12,300,300
Federal	F/G 354U - FTA CA-2021-223-00 ARP	7,457,572
Measure RR	F/G 802A/B/C/D - Measure RR GOB	18,154,181
	TOTAL	86,000,000

As of October 10, 2023, \$86,000,000 is the total budget for this project. BART has expended \$64,461,527, committed \$13,836,530, and reserved \$0 to date. This action will commit \$4,383,369, leaving an available fund balance of \$3,318,574 in these 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 pay only for the work performed so far (CO 31) and the construction delays (CO 76) and to not authorize any allowances until such Change Orders are needed.

This could cause further delays to the project.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute the Change Orders 31, 75, 76, 77, 78, 79, 80 identified above in an aggregate amount not to exceed \$4,383,369 to Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay.