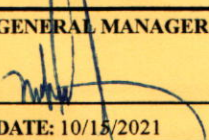
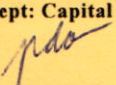

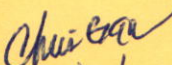
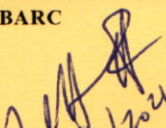




## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  11/23/21		<b>GENERAL MANAGER ACTION REQ'D:</b> Execute		
<b>DATE:</b> 10/15/2021		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Phuong-Uyen Do <b>Dept:</b> Capital Program / HMC  <b>Signature/Date:</b> 11/9/2021	<b>General Counsel</b>  11/9/2021 [ ]	<b>Controller/Treasurer</b>  11/9/2021 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  11/9/2021 [ ]

### Contract No. 6M4706, Change Order No. 514, Differing Site Conditions and Operational Functionality Modifications at 2150 Webster BART Headquarters

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 514, Differing Site Conditions and Operational Functionality Modification, in an amount not to exceed \$500,000.00 to Contract No. 6M4706 for the construction of the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000.

#### DISCUSSION:

On April 14, 2020, the Board awarded Contract No. 6M4706 to Turner Construction for the design and construction of the BHQ. On January 28, 2021, the Board approved Change Order No. 502, Code Deficiencies and Unforeseen Conditions. Change Order No. 502 helped avoid construction delay and allowed this project to meet the aggressive move-in schedule. On August 26, 2021, the project time extension was approved to ensure the completion of the construction for the roof access and the fire pump replacement after move-in ("The additional work"). During the initial punchlist phase and the construction of the additional work, more differing site conditions were found that were not previously identified. The Contractor provided a report and the District's engineers have determined that the differing site conditions presented by the Contractor are valid.

The Differing Site Conditions are: 1) Exhaust Fan's Existing Duct Obstruction. 2) Missing neutral wire at the existing main bus riser connection. 3) Additional structural support for the rooftop windscreen and rooftop trellis.



As BART began moving in to the BHQ on June 5, 2021, some operational functionalities were found not as intended due to noise concern. Thus, more changes are required to meet the departmental needs for their operational functionalities.

The Operational Functionality Modifications are: 1) New door on Level 1 at back of Board room area. 2) New wall and door on Level 10. 3) Power and data distribution on Levels 4, 9, and 10

A Change Order in an amount not to exceed \$500,000 is required, in order to complete the construction for this work.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

#### **FISCAL IMPACT:**

Funding in the amount of \$500,000 for award of Change Order 502, Contract No. 6M4706 is included in the total project budget for the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000.

The table below list 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:

Project 17HN000:

Project	Fund	Fund Description	Source	Amount
17HN000	8211	2019A Sales Tax Rev Bonds	BART	227,000,000
	8535	FY 2021 Operating to Cap Allocation	BART	600,000
	8536	FY 2022 Operating to Cap Allocation	BART	155,000
				<b>227,755,000</b>

As of October 29, 2021, \$227,755,000 is the total budget for this project. BART has expended \$218,705,590 committed \$5,688,451 and reserved \$408,963 to date. This action will commit \$500,000 leaving an available fund balance of \$2,451,996 in this fund source for this project.

The Office of the 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 Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will delay completion of the Contract and will increase the Contract costs.

**RECOMMENDATION:**

Recommend that the Board approve the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 514, Differing Site Conditions and Operational Functionality Modification, in an amount not to exceed \$500,000.00 to Contract No. 6M4706 for construction of the BHQ, with Turner Construction Company.