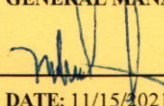
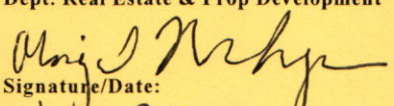
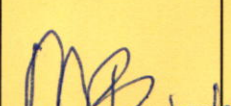
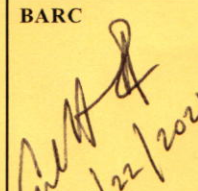




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/23/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/15/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Real Estate & Prop Development  Signature/Date: Nov. 22, 2021	General Counsel  11/23/21	Controller/Treasurer Chui Gan 11/23/2021 []	District Secretary []	BARC  11/22/2021 []

BART Headquarters: Authorization of Change Orders for Moving Services

PURPOSE:

To request that the Board authorize the General Manager or his designee to compensate five moving companies for the relocation from and decommissioning of 300 Lakeside Drive (former BART Headquarters).

DISCUSSION:

The District's headquarters relocation from 300 Lakeside Drive to 2150 Webster Street in 2021 required extensive support from external moving companies, both for relocation of furniture and equipment for reuse, and dismantling, recycling and proper disposal of old cubicles, furniture and other waste. BART staff initiated 5 small contracts under \$100,000 each, totaling \$293,262, as well as using the prior small contract with Nor-Cal Moving Services - for relocations within 300 Lakeside Drive - to initiate work on the headquarters relocation in Fall 2020. These contracts were with the following firms, and to encourage small business participation, were divided into the various phases of the move process, for the amounts shown in Table 1:

- Phase 1: NCS Move Management*
- Phase 2: Crown Moving Services
- Phase 3: GDS Moving*
- Phase 4: GDS Moving*
- Phase 5: Graebel Moving

(*Small Businesses Certified by the California Department of General Services)

The terms of BART's lease of 15 floors at 300 Lakeside Drive ended on July 17, 2021. Staff negotiated a lease amendment to extend the time to vacate to July 31, 2021. The penalty for not relocating by this date was 150% of BART's monthly rent, or 150% of fair market value rent, whichever was higher. This penalty would have been at least \$2.2 million for the month of August 2021.

Vacating and decommissioning 300 Lakeside Drive was much more time and labor intensive than originally anticipated. BART had to deal with several unexpected bottlenecks including sharing the building's single freight elevator with non-BART construction crews, limited truck and loading dock availability to remove items, and COVID-19 related labor shortages. In May 2021, it was also determined that the job would require dismantling large areas with cubicles on 5 floors which added additional unexpected cost and time. The impending deadline to vacate the building, coupled with these conditions, required extra moving crews to be available on weekends, evenings, and holidays throughout the months of June and July, 2021. Management at 300 Lakeside worked with BART to accommodate this additional need by allowing BART to remain on one floor of the building for a longer duration.

To avoid the \$2.2 million lease penalty, staff made the decision to direct moving crews to continue this work prior to completing additional contracts to expand the scope of the move. BART has since received a full tally of expenses incurred by the moving companies, which exceed the compensation limits for five of the contracts, as shown in Table 1. In total, 47% of these costs were incurred with certified small businesses.

TABLE 1: Moving Contract Amounts and Expenses for BART HQ Relocation

Contract	Move Phase and Contractor	Contract Amount for LKS-BHQ Move	Total Cost	Over/Under Original Contract
6M4743	Phase - 1 NCS Move Management	\$65,749	\$241,061	(\$175,312)
6M4746	Phase - 2 Crown Moving Services	\$64,675	\$64,675	\$0
6M4749	Phase - 3 GDS Moving	\$40,666	\$74,297	(\$33,631)
6M4750	Phase - 4 GDS Moving	\$33,980	\$80,535	(\$46,555)
6M4751	Phase - 5 Graebel Moving	\$88,192	\$164,000	(\$75,808)
6M4269A	General moving needs at 300 LKS Nor-Cal Moving services	\$0	\$241,000	(\$241,000)
	Grand Total	\$293,262	\$865,566	(\$572,304)

(Numbers have been rounded to nearest dollar)

Staff are seeking authorization from the Board to compensate NCS Move Management, GDS Moving, Graebel Moving and Nor-Cal Moving Services for amounts not to exceed the additional expenses shown in the table above.

FISCAL IMPACT:

Funding in the amount totaling \$572,304 for award of Change Orders (see above) is included in the total project budget for the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000.

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:

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
				227,755,000

As of November 19, 2021, \$227,755,000 is the total budget for this project. BART has expended \$219,922,974, committed \$4,972,966 and reserved \$26,195 to date. This action will commit \$572,304 leaving an available fund balance of \$2,260,561 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:

Do not authorize this expense. The aforementioned companies would be negatively impacted, resulting in potential legal and reputational consequences to the District as well as negatively impacting these small businesses.

RECOMMENDATION:

Approve the following motion.

MOTION:

The Board hereby authorizes the General Manager or his designee to execute change orders to the following agreements to allow for additional expenses with each contractor not to exceed the totals shown, for work completed through August 31, 2021:

- 6M4743 (NCS Move Management): \$175,312
- 6M4749 (GDS Moving): \$33,631
- 6M4750 (GDS Moving): \$46,555
- 6M4751 (Graebel Moving): \$75,808
- 6M4269A (Nor-Cal Moving Services): \$241,000