



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small>  <i>Michael Jones</i>  <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 4/14/2022      4/21/2022		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Scott Van Dussen <b>Dept:</b> Core Capacity Project Delivery <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small>  <i>Scott Van Dussen</i>  <small>B96DFC5A3C1443A...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">4/19/2022</div>	<b>General Counsel</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small>  <i>Jana Belan</i>  <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">4/19/2022 [ ]</div>	<b>Controller/Treasurer</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small>  <i>Chris Gan</i>  <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">4/19/2022 [ ]</div>	<b>District Secretary</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small>  <i>Shane Edwards</i>  <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">4/19/2022 [ ]</div>	<b>BARC</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small>  <i>Shane Edwards</i>  <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">4/19/2022 [ ]</div>

### To Request for Board Authorization to Award Invitation for Bid (IFB) # 9118 Hi-Rail Flat Bed with Crane

#### PURPOSE:

To obtain Board Authorization to Award Invitation For Bid (IFB) No. 9118 to Custom Truck One Source, Kansas City, MO in the not-to-exceed (NTE) amount of \$589,037.42 (includes all taxes) for the purchase of two (2) Hi- Rail Flat Bed with Cranes.

#### DISCUSSION:

This Contract is for the procurement of two (2) Hi- Rail Flat Beds with Crane. These two trucks will be used to support construction crews on the Switch Machine Cabling project during installation and for material transport for the Communications Based Train Control (CBTC) Enabling Works.

A notice requesting bids was published on February 21, 2022. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to four (4) prospective bidders inviting them to view the solicitation on the Vendor Portal. Nine (9) vendors downloaded the bid documents. Bids were opened on March 15, 2022, and Two (2) bids were received.

Bidder	Lot Price	Grand Total Including 10.25% Sales Tax
*Custom Truck One Source	*\$534,274.30	*\$589,037.42

Kansas City, MO		
Doc Bailey Construction Equipment Inc San Lorenzo, CA	\$497,589.28	\$548,592.18
Engineer's Estimate	\$550,000	\$606,375.00

### **Responsive Bidder**

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this IFB and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 3% was set. The apparent low Bidder Doc Bailey Construction Equipment (Doc Bailey) committed to 0% DBE participation, which is below the required DBE participation goal. However, the Bidder Doc Bailey Construction Equipment did not meet the DBE goal; therefore, it was required to submit Good Faith Efforts documentation to the Office of Civil Rights demonstrating that, given all relevant circumstances, the Bidder took all necessary and reasonable steps to actively and aggressively meet the DBE participation requirements. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that the Bidder Doc Bailey Construction Equipment did not demonstrate sufficient Good Faith Efforts to meet the DBE goal, rendering the Bid non-responsive. At the Bidder Doc Bailey Construction Equipment's request, a Good Faith Efforts hearing was held on March 31, 2022, before an independent hearing officer. The hearing officer upheld the findings of the Office of Civil Rights that the Bidder Doc Bailey Construction Equipment neither met the DBE goal nor demonstrated sufficient Good Faith Efforts to do so - thereby upholding the determination that the Bidder Doc Bailey Construction Equipment's Bid was non-responsive.

Pursuant to the District's DBE Program, the second lowest responsive Bidder Custom Truck One Source (Custom Truck) committed to 2.9% DBE participation, short of the required 3% DBE participation goal for this IFB. However, the Bidder Custom Truck One Source did not meet the DBE goal; therefore, it was required to submit Good Faith Efforts documentation to the Office of Civil Rights demonstrating that, given all relevant circumstances, the Bidder took all necessary and reasonable steps to actively and aggressively meet the DBE participation requirements. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that Custom Truck demonstrated sufficient Good Faith Efforts to meet the DBE goal, rendering Custom Truck's Bid the lowest responsible Bid submitted.

### **FISCAL IMPACT:**

Funding in the amount not to exceed \$589,037.42 for IFB 9118 to Custom Truck One Source will come from the total project budget for FMS# 49GH006 – CBTC Enabling Works (49GH-130).

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 Description</b>	<b>Amount</b>
F/G 354S – FTA CA-2020-047 TBCCCP FFGA	\$23,210,010
F/G 543D – CTC SCCP Res#SCCP-P-2021-04B	\$45,150,000
F/G 802C – Measure RR GOB*	\$33,572,550
F/G 8531 – Capital Improvement Allocation	\$57,440
<b>TOTAL</b>	<b>\$101,990,000</b>

*\*While this project is funded through Measure RR, this source will not be used for this contract.*

As of March 23, 2022, \$101,990,000 is the total budget for this project. BART has expended \$1,991,545, committed \$2,874,653, and reserved \$3,170,019 to date. This action will commit \$589,037 leaving an available fund balance of \$93,364,746 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 Board may elect to reject the Bid and readvertise the work of this Contract. There is no assurance that readvertising this IFB will result in an increased number of bids submitted or result in any lower bid prices. Choosing not to proceed with the current award will likely lead to construction delays to the CBTC Enabling Works Program.

## **RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award IFB No. 9118 Hi-Rail Flat Bed with Crane to Custom Truck One Source for an amount not-to-exceed \$589,037.42 (includes all taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and the Federal Transit Administration's requirements related to protests.