



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 4/25/2022 5/4/2022		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linda Lee Dept: Strategic Engineering <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Linda Lee</i> <small>9FA454A5AF83469...</small> </div> Signature/Date: <div style="text-align: right;">4/29/2022</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> <div style="text-align: right;">5/1/2022 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">4/29/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">5/2/2022 []</div>

To Request for Board Authorization to Award Invitation For Bid (IFB) No. 9106, Aggregate Material

PURPOSE:

To obtain Board Authorization for the General Manager to Award IFB No. 9106 to Green Dream International LLC, Erie, Pennsylvania in the amount of \$1,876,714.13 (includes all taxes) for a period of five (5) years for the purchase of aggregate material.

DISCUSSION:

This Contract is to support the renewal of critical District infrastructure through the procurement of earthen materials. This procurement will supply ballast, aggregate base, drain rocks, and sand to support construction and maintenance of various track and cable replacement projects.

This is a five (5) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on January 21, 2022. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to seven (7) prospective bidders inviting them to view the solicitation on the Vendor Portal. A total of thirteen (13) prospective bidders downloaded the solicitation. Bids were opened on March 15, 2022, and two (2) bids were received.

Bidder	Unit Price	Grand Total Including 10.75% Sales Tax
Green Dream International*	\$1,694,550.00	\$1,876,714.13
Granite Rock	\$2,477,828.00	\$2,744,194.51
Engineer's Estimate	\$1,959,370.00	\$2,170,002.28

***Lowest Responsive Bidder**

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 Green Dream International (Green Dream) committed to 0% MBE and 0% WBE participation. The Bidder Green Dream did not meet either the MBE or WBE Availability Percentages; therefore, the Bidder Green Dream was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by the Bidder Green Dream the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The lowest responsive Bidder Green Dream is not a certified Local Small Business and, therefore, is not eligible for the 7% Small Business Prime Preference but is still the lowest responsive Bidder.

Staff has determined that the apparent low bidder, Green Dream submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on the Engineer's Estimate, which was based on historical pricing and market research of current aggregate pricing.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$1,876,714.13 for IFB 9106 to Green Dream will come from the following projects.

Project: 15CQ007 – Oakland Yard Tracks Project \$5,360

As of April 18, 2022, \$11,490,653 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$11,490,653
TOTAL	\$11,490,653

BART has expended \$7,467,823, committed \$3,090,539, and reserved \$163,391 to-date for other action. This action will commit \$5,360 leaving an available fund balance of \$763,540 in these fund sources for this project.

Project: 15CQ008 – K-Line Interlocks at K23, K25, K33, C15 \$309,801

As of April 18, 2022, \$128,875,087 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$128,875,087
TOTAL	\$128,875,087

BART has expended \$10,541,623, committed \$2,128,991, and reserved \$11,649,998 to-date for other action. This action will commit \$309,801 leaving an available fund balance of \$104,244,674 in these fund sources for this project.

Project: 15CQ012 – A77 Interlocking Replacement \$8,528

As of April 18, 2022, \$34,338,000 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$34,338,000
TOTAL	\$34,338,000

BART has expended \$9,697,815, committed \$6,213,191, and reserved \$898,651 to-date for other action. This action will commit \$8,528 leaving an available fund balance of \$17,519,815 in these fund sources for this project.

Project: 15CQ015 – A85 Interlocking replacement \$92,587

As of April 18, 2022, \$13,626,906 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$13,626,906
TOTAL	\$13,626,906

BART has expended \$258,013, committed \$742,189, and reserved \$91,774 to-date for other action. This action will commit \$92,587 leaving an available fund balance of \$12,442,343 in these fund sources for this project.

Project: 15CQ018 Rail Relay Project **\$1,213,377**

As of April 18, 2022, \$57,000,000 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$57,000,000
TOTAL	\$57,000,000

BART has expended \$42,406,154, committed \$4,547,718, and reserved \$1,392,392 to-date for other action. This action will commit \$1,213,377 leaving an available fund balance of \$7,440,359 in these fund sources for this project.

Project: 15CQ020 – Richmond Yard Track Rehabilitation **\$107,206**

As of April 18, 2022, \$44,513,864 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$44,513,864
TOTAL	\$44,513,864

BART has expended \$2,081,984, committed \$455,134 and reserved \$1,595,587 to-date for other action. This action will commit \$107,206 leaving an available fund balance of \$40,273,953 in these fund sources for this project.

Project: 15EJRRC – C-Line 34.5kV AC Cable Replace **\$139,855**

As of April 18, 2022, \$92,557,281 is available for this project from the following sources:

Fund Description	Amount
F/G 802A/B/C – Measure RR GOB	\$92,557,281
TOTAL	\$92,557,281

BART has expended \$17,714,729, committed \$2,793,775, and reserved \$935,084 to-date for other action. This action will commit \$139,855 leaving an available fund balance of \$70,973,838 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

ALTERNATIVE:

The Board may elect to reject the Bid and readvertise the work of this Contract. There is no assurance that re-bid would increase the number of bidders or result in any lower bids. Choosing not to proceed with the current award may result in construction delays for various projects.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award IFB No. 9106 to Green Dream International LLC in the amount of \$1,876,714.13, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.