



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:		
DATE: 4/20/2022 5/4/2022		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Cristiano Torresi Dept: Strategic Administrative Group <div style="text-align: right;"> <small>DocuSigned by:</small> <small>15AD466D82FA476...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022</div>	General Counsel <div style="text-align: right;"> <small>DocuSigned by:</small> <small>F8FD7B3A73E74E8...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div>	Controller/Treasurer <div style="text-align: right;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="text-align: right;"> <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</small> </div> Signature/Date: <div style="text-align: right;">5/3/2022 []</div>

Single Source Contract with RUF for Spare Parts

PURPOSE: To request Board Authorization, in accordance with Public Contract Code Section 20227, to negotiate and execute a Single Source Contract with Ruf Avatech AG ("Ruf Avatech") for the supply of spare parts for the Passenger Information System ("PIS") for the District's Diesel Multiple Unit ("DMU") revenue vehicles. Two thirds vote required.

DISCUSSION: BART operates 8 diesel powered DMU revenue vehicles that houses numerous Ruf Avatech equipment, including logics, cameras, speakers, passenger emergency intercoms, DVRs and multiple monitor displays per vehicle. These components insure that the PIS system operates as intended to provide the public with passenger safety information, destination information as well as video support during incidents. Both the visual and audio systems assist visual and hearing impaired patrons by ensuring that important information is relayed properly and in compliance with Americans with Disabilities Act ("ADA") regulations. This system also gives the train operator the ability to monitor and communicate with passengers on the revenue vehicles while in operation. BART has a limited number of revenue vehicles to maintain daily service operational requirements and a limited number of spare Ruf Avatech parts to support the maintenance of the PIS. These spare parts are needed to create a float stock of inventory for the revenue vehicle overhaul campaign and to address unforeseen failures due to the aging of the electronic system.

After purchasing the proposed PIS spare parts, eBART will have spares for the entire fleet. Twelve (12) PIS components are being requested, giving BART spares for all critical components in the PIS system.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment, or material without observance of competitive bidding upon a finding by

two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use. Here, Ruf Avatech is the only vendor capable of producing the spare parts necessary for the PIS system currently in use in the District's DMU vehicles and integrated with its on-board systems, which were designed and networked around Ruf Avatech's PIS system. Furthermore, these parts are proprietary to RUF, and RUF has designed the software that integrates all the components and safety features of the system which communicates with the Stadler-built DMU vehicles.

The District's Non-Federal Small Business Program does not apply on single-source contracts.

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 Vendor Ruf Avatech AG will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Procurement Department will review the Contract to confirm compliance with the District's procurement standards. The Office of the General Counsel will approve the Contract as to form.

FISCAL IMPACT: Funding in the amount of \$407,365 for the procurement of vehicle spare parts is included in the total Project budget for FMS #04SO140 – eBART.

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:

Fund No.	Fund Description	Source	Amount
8535	FY21 Operating to Capital Allocation	BART	\$4,610,000
8536	FY22 Operating to Capital Allocation	BART	\$7,150,000
		TOTAL:	\$11,760,000

As of 04/19/2022, \$11,760,000 is the total budget for this project. BART has expended

\$1,070, committed \$2,025,808, and reserved \$1,296,608 to date. This action will commit \$407,365, leaving an available fund balance of \$8,029,149 in the 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 alternative is not to authorize the single source procurement. Due to the proprietary nature of the spare parts being procured, competitive bidding will not result in additional bidders or lower prices for the District.

RECOMMENDATION: It is recommended that the Board adopt the following motion.

MOTION: The Board finds, pursuant to Public Contract Code Section 20227, that Ruf Avatech AG is the single source supplier for the procurement of spare parts for the District's DMU Passenger Information System ("PIS"). The General Manager is authorized to enter into direct negotiations with Ruf Avatech AG to execute an agreement for spare parts for an amount not-to-exceed \$407,365 including all taxes.

Two thirds vote required.