



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:		
DATE: 7/13/2022 7/21/2022		BOARD INITIATED ITEM: No		
Originator/Prepared by: Scott Van Dussen Dept: 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> Signature/Date: <div style="text-align: right;">7/20/2022</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> <div style="text-align: right;">7/20/2022 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">7/20/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">7/20/2022 []</div>

Change Order No. 52 to Contract No. 40FA-110 Procurement of Transit Vehicles - Revised Not-to- Exceed Expenditures Authorization

PURPOSE:

To authorize an increase in the not-to-exceed authorization of Change Order No. 052 for Contract No. 40FA-110, Design Engineering for Communications Based Train Control (CBTC) Revenue Vehicle Interface, by \$5,050,000, for a revised not-to-exceed amount of \$6,500,000.

DISCUSSION:

Alstom Group North America (Alstom) (previously Bombardier) is delivering 775 new Fleet of the Future (FOTF) revenue vehicles under Contract No. 40FA-110 (FOTF Contract). Contract No. 40FA-110 was awarded in 2012 for \$630,502,694, plus applicable tax and escalation for the Base Contract of 260 vehicles. Option 1 for \$265,832,100 for 150 vehicles, Option 2 for \$265,832,100 for 150 vehicles, Option 3 for \$203,804,610 for 115 vehicles, and Option 4 for \$169,346,620 for 100 vehicles were subsequently exercised.

On January 9, 2020, the BART Board authorized the General Manager to award Contract No. 49GH-110 to Hitachi Rail STS USA, Inc. (Hitachi) for the Design-Build of a Communications Based Train Control System (CBTC Contract) for the price of \$798,551,928, (including all taxes). This Contract was subsequently awarded on September 16, 2020 and executed on September 30, 2020. Notice to Proceed was issued on November 2, 2020.

Since Alstom is most familiar with the physical structure, subsystems and software of the FOTF revenue cars, and a number of on-board vehicle systems are proprietary to Alstom,

the District engaged Alstom to perform FOTF vehicle-CBTC interface design work under Change Order 52, which the Board authorized in March 2021 for a not-to-exceed amount of \$1,450,000. The CBTC vehicle interface design work was issued to Alstom to allow them to perform the Design Engineering for CBTC interface in the vehicle and its components under FOTF Contract. Design Engineering continues with Alstom to provide CBTC interface cooperability and function with VATC, Train Control Management System (TCMS), Doors, Propulsion, Brakes, Trainlines, Passenger Information System (PIS), and Cab Controls. This increase in price is a result of scope changes and increased time from 6 months to 15 months to perform the work.

Under Board Rule 5-2.3, any Change Order over \$500,000 requires prior Board approval. Staff is now requesting Board approval to increase the not-to-exceed expenditure authorization for Change Order No. 052 from \$1,450,000 to \$6,500,000, an increase of \$5,050,000, to complete the Design Engineering work. If the District does not provide Alstom with additional funds to perform the Change Order 52 scope of work, Alstom's work on CBTC interface will stop, resulting in schedule impacts to CBTC Contractor.

The Procurement Department will review this Change Order No. 052 prior to execution for compliance with procurement guidelines. The Office of General Counsel will approve the Change Order to form, prior to execution.

FISCAL IMPACT:

Funding for the additional not to exceed amount of \$5,050,000 for Change Order No. 052 to Contract No. 40FA-110 is included in the total project budget for FMS# 49GH004 – CBTC Hitachi D-E (49GH-110).

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:

Proposed Funding	
F/G 354S - FTA CA-2020-047 TBCCCP FFGA	\$352,570,802
F/G 354U - FTA CA-2021-223-00 ARP	\$18,873,393
F/G 546A/B - TIRCP TCCCP	\$318,600,000
F/G 802B/C - Measure RR GOB	\$324,587,313
F/G 8525/8531 - Operating to Capital Allocation	\$109,002
TOTAL	\$1,014,740,509

As of July 13, 2022, \$1,014,740,509 is the total budget for this project. BART has expended \$99,167,583, committed \$178,314,523, and reserved \$120,302 to date. This action will commit \$5,050,000, leaving an available fund balance of \$732,088,101 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:

Not authorizing the General Manager to execute Change Order No. 052 will result in delays to CBTC Contract.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The General Manager is authorized to execute a revised Change Order No. 52 for Design Engineering for CBTC Vehicle Interface for Contract No. 40FA-110 to Alstom Group North America for an amount not to exceed \$6,500,000, an increase of \$5,050,000 from the prior authorized amount.