



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/9/2022 8/31/2022		BOARD INITIATED ITEM: No		
Originator/Prepared by: R. Elliott Vantrease Dept: Strategic Engineering <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>R. Elliott Vantrease</i> <small>B0EBC6071DF7485...</small> </div> Signature/Date: 8/29/2022	General Counsel <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> Signature/Date: 8/29/2022 <div style="text-align: right;">[]</div>	Controller/Treasurer <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: 8/29/2022 <div style="text-align: right;">[]</div>	District Secretary <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: 8/29/2022 <div style="text-align: right;">[]</div>	BARC <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: 8/29/2022 <div style="text-align: right;">[]</div>

Award of Contract No. 15IJ-130, Fire Alarm System Replacement Phase 3

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15IJ-130 for Fire Alarm System Replacement, Phase 3 to Patriot Contracting Inc., of Union City, California for the amount \$10,144,589.

DISCUSSION:

The existing Fire Alarm Systems (FAS) serving Lake Merritt, Coliseum, San Leandro, Walnut Creek, Montgomery, and Downtown Berkeley stations are well beyond their useful life. Furthermore, replacement parts and equipment for the fire alarm systems are no longer available, and as a result, service and maintenance of the existing Fire Alarm Systems have become extremely challenging.

The replacement FAS under this Contract will allow for remote monitoring by the Maintenance and Engineering (M&E) department. Each new FAS will consist of a new Fire Alarm Control Unit (FACU) utilizing addressable technology for alarm initiating devices which will provide voice evacuation messages to station patrons and temporal audible evacuation signals to staff within the outdoor substations. The FACU will supervise and monitor alarm signals from various initiating devices (e.g., smoke and heat detectors, pull stations, sprinkler water flow, and valve position switches) covering specified areas as required by the NFPA72 – National Fire Alarm and Signaling Code. The FACU will also supervise and control the visual and audible occupant notification appliances within the

station areas. In addition, the control panel will be programmed to provide interfaces to specified station equipment, such as fare barriers, escalators, and elevators.

This Contract was publicly advertised on March 22, 2022 to replace Fire Alarm Systems at Lake Merritt, Coliseum, San Leandro, Walnut Creek, Montgomery, and Downtown Berkeley stations. Advance Notice to Bidders of this Contract was emailed to over three hundred (300) prospective Bidders with Contractor classification “A”, “B” or “C10”. A Pre-Bid meeting was conducted on April 6, 2022, with eight (8) prospective Bidders in attendance, and a site tour was conducted on April 13, 2022, with four prospective Bidders in attendance.

Two Bids were received and publicly opened on May 23, 2022. Tabulation of the Bids, including the Engineer’s Estimate, is indicated as follows:

Item	Name	Total Bid Price
1	Patriot Contracting, Inc., Union City, CA	\$ 10,144,589
2	Reliable Monitoring Services, Signal Hill, CA	\$ 11,075,098
3	Engineer’s Estimate	\$ 13,647,921

Patriot Contracting, Inc., Union City, California was the apparent low Bidder.

District staff has determined that Patriot Contracting, Inc.’s Bid is responsive to the solicitation. Further review of Patriot Contracting, Inc.’s license, business experience, and financial capabilities has resulted in a determination that Patriot Contracting, Inc., is a responsible Bidder.

The total Bid Price of \$10,144,589 is 25.7% below the Engineer’s Estimate of \$13,647,921. Staff determined that the Bid is reasonable and found the difference to be attributable to the labor cost. The Engineer’s Estimate had assumed more work to be performed during graveyard shifts and at higher rates.

Pursuant to the District’s Non-Federal Small Business Program, the Office of Civil Rights set a 14% Local Small Business (LSB) Subcontractor Participation Goal for this Contract. Bidders who meet the LSB Subcontractor Participation Goal are eligible for an LSB Preference of 7% of the lowest responsive Bidder’s Bid, up to a cap of \$150,000. The Office of Civil Rights determined that Patriot Contracting, Inc. committed to subcontracting 0% to LSBs. The apparent low Bidder Patriot Contracting, Inc. did not meet the LSB Subcontractor Participation Goal and, therefore, is not eligible for the Bid Preference, but is still the apparent low Bidder.

Pursuant to the District’s Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises (“MBEs”) and

9.3% for Women Business Enterprises (“WBEs”). Patriot Contracting, Inc. committed to 5.9% MBE and 4.2%WBE participation. Patriot Contracting, Inc. did not meet either the MBE or WBE Availability Percentages; therefore, Patriot Contracting, Inc. 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 Patriot Contracting, Inc., the Office of Civil Rights found no evidence of discrimination.

CAPITAL FISCAL IMPACT:

Funding of \$10,144,589 for the award of contract 15IJ-130 for the Fire Alarm System Replacement Phase 3 is included in the total Project Budget for FMS # 15IJRR2 – Fire Alarm Replacement Ph 3.

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 Description	Amount
F/G 802A/802B/802C - Measure RR	\$24,600,000
TOTAL	\$24,600,000

As of 07/06/2022, \$24,600,000 is the total budget for this project. BART has expended \$1,386,188, committed \$154,259, and reserved \$0 to date. This action will commit \$10,144,589 leaving an available fund balance of \$12,914,964 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.

ALTERNATIVES:

Reject all Bids and re-advertise the Contract, resulting in additional costs and time delay for re-advertisement, and longer repair and maintenance times. Given that this contract is already below Engineer’s Estimate, it is highly unlikely that re-advertisement will result in lower Bid prices.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15IJ-130 for Fire Alarm System Replacement, Phase 3 to Patriot Contracting, Inc., Union City, California for the total Bid price of \$10,144,589 pursuant to a notification to be issued by the General Manager and subject to compliance with the District's protest procedures.