



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: Approve and Send to Board		
DATE: 10/14/2022 11/9/2022		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linda Lee Dept: Strategic Engineering <small>DocuSigned by:</small> <small>9FA454A5AF83469...</small> Signature/Date: <div style="text-align: right;">11/4/2022</div>	General Counsel <small>DocuSigned by:</small> <small>F8FD7B3A73E74E8...</small> <div style="text-align: right;">11/4/2022 []</div>	Controller/Treasurer <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> <div style="text-align: right;">11/5/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</small> <div style="text-align: right;">11/7/2022 []</div>

To Request for Board Authorization to Award IFB 9120A for Sewer/Vacuum Truck with Hi-Rail System

PURPOSE:

To obtain Board Authorization to Award Invitation For Bid (IFB) No. 9120A to Custom Truck One Source, Kansas City, MO in the amount of \$2,044,596.50 (includes all taxes) for the purchase of two (2) Sewer/Vacuum Trucks with Hi-Rail System.

DISCUSSION:

This Contract is for the procurement of two (2) new sewer/vacuum trucks with hi-rail system. These trucks will be used to facilitate maintenance work required to maintain the system in a State of Good Repair.

This is a Two (2) 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 the availability of funding.

A notice requesting Bids was published on July 20, 2022. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to five (5) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on August 23, 2022, and two (2) Bids were received.

Bidder	Bid Price	Grand Total Including 10.25% Sales Tax
Custom Truck One Source Kansas City, MO*	\$1,854,509.30	\$2,044,596.50
Golden Gate Truck Center Oakland, CA	\$1,623,389.64	\$1,789,787.08
Engineer's Estimate	\$1,640,000.00	\$1,808,100.00

*Note: Denotes Lowest 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 Golden Gate Truck Center committed to 0% DBE participation. 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 Golden Gate Truck Center did not demonstrate sufficient Good Faith Efforts to meet the DBE goal, rendering the Bid non-responsive. The Bidder Golden Gate Truck Center did not request a Good Faith Efforts hearing within the required five working days.

The lowest responsive Bidder, Custom Truck One Source, committed to subcontracting 3% to DBE firms. The Office of Civil Rights has determined that the Bidder Custom Truck One Source has met the DBE participation goal set for this Contract.

Staff has determined that the apparent low Bidder, Custom Truck One Source, has 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 vehicle's pricing. The District found that Bid prices submitted came in above the engineer's estimate due to recent supply chain issues that increased the cost of individual parts.

CAPITAL FISCAL IMPACT:

Funding of \$2,044,597 to award of Invitation for Bid No. 9120A to Custom Truck One Source is included in the total Project Budget for FMS #15TD002 – FY17 NRVE Procurement.

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 Group	Fund Description	Amount
FTA	F/G 3013- Federal Transit Administration	\$1,640,000
BART	F/G 8529/8530 - Capital Improvement Allocation	\$460,000
	TOTAL	\$2,100,000

As of 09/29/2022, \$2,100,000 is the total budget for this project. BART has expended, committed, and reserved \$0 to date. This action will commit \$2,044,597, leaving an available fund balance of \$55,403 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 Board may elect to reject the Bid and readvertise the work of this Contract. There is no assurance that readvertising will increase the number of Bidders or result in any lower Bid prices. Choosing not to proceed with the current award may result in construction delays as well as reduced and untimely maintenance, which may affect the reliability of the system and cause train delays impacting revenue service.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award IFB 9120A Sewer/Vacuum Trucks with Hi Rail System to Custom Truck One Source for the amount of \$2,044,596.50, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the

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District's Protest Procedure and the Federal Transit Administration's requirements related to protests.