



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 10/20/2022      11/9/2022		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Cristiano Torresi <b>Dept:</b> Strategic Administrative Group <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>15AD466D82FA476...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">11/7/2022</div>	<b>General Counsel</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">11/7/2022 [ ]</div>	<b>Controller/Treasurer</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">11/7/2022 [ ]</div>	<b>District Secretary</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">11/7/2022 [ ]</div>	<b>BARC</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">11/7/2022 [ ]</div>

### AWARD OF SINGLE SOURCE CONTRACT WITH STADLER FOR E-LINE SPARE TRUCKS (BOGIES)

#### PURPOSE:

To request Board Authorization, in accordance with Public Contract Code Section 20227, to execute a Single Source Contract with Stadler Rail AG for spare Trucks (2 Trailer Trucks and 1 Motor Truck) for the District's Diesel Multiple Unit ("DMU") revenue vehicles. Two thirds vote required.

#### DISCUSSION:

The District has a limited quantity of spare trucks for its DMU vehicles operating exclusively on the E-Line. BART currently has one set of spare trucks which is insufficient to support the overhaul activities planned for the DMUs. DMUs are operated in 2 and 3 car sets to meet peak service demands. If there is an incident causing flats spots on wheels, DMUs must be taken out of service due to the limited number trucks. The District does not have a wheel truing machine on-site for DMU operations. Therefore, when trucks have wheels that need to be trued, they must be sent offsite for wheel truing. When this occurs, there are insufficient spares trucks for the fleet during service.

The District has purchased spare components to overhaul the trucks, however a limited number of spare trucks are available to perform the overhaul work and keep a complete set of spare trucks in the event of an unforeseen mechanical failure. This procurement will give the District twenty five (25) percent spares as float to support DMU maintenance activities.

Vehicle Systems Engineering has estimated the cost of the spare trucks to be approximately \$1.67M. District staff believes the Stadler quote of \$1.69M to be fair and reasonable.

**E-LINE SPARE TRUCKS (BOGIES)**

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, Stadler is the only vendor capable of manufacturing and duplicating a complete truck set for the District's DMU vehicles. Stadler is the car builder of the E-Line DMUs as well as the designer for the DMU trucks.

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). Stadler 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.

**CAPITAL FISCAL IMPACT:**

Funding in the amount of \$1,693,344 for the procurement of spare trucks for DMU revenue vehicles 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
	<b>TOTAL:</b>		<b>\$11,760,000</b>

As of 10/18/2022, \$11,760,000 is the total budget for this project. BART has expended \$450,310, committed \$3,329,783, and reserved \$1,749,513 to date. This action will commit \$1,693,344, leaving an available fund balance of \$4,537,051 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:**

E-LINE SPARE TRUCKS (BOGIES)

The alternative is not to authorize the single source procurement. Due to the proprietary nature of trucks 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 Stadler Rail AG is the Single Source supplier for spare Truck sets for the District's DMU vehicle fleet. The General Manager is authorized to execute a Single Source Contract with Stadler Rail AG for spare Trucks for an amount not to exceed \$1,693,343.73 including sales tax.

Two thirds vote required.