



EXECUTIVE DECISION DOCUMENT

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|--|--|--|--|---|--|
| GENERAL MANAGER APPROVAL: | | DocuSigned by: <i>Michael Jones</i> 47000790F2D7463... | | GENERAL MANAGER ACTION REQ'D: Approve and Send to Board | |
| DATE: 11/28/2022 | | 1/18/2023 | | BOARD INITIATED ITEM: No | |
| Originator/Prepared by: Khush Cheema Dept: Strategic Engineering | | General Counsel | | Controller/Treasurer | |
| DocuSigned by: <i>Khush Cheema</i> 7FE5D71E3FD04CB... | | DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8... | | DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD... | |
| Signature/Date: 12/29/2022 | | 12/29/2022 [] | | 12/29/2022 [] | |
| | | | | District Secretary | |
| | | | | BARC | |
| | | | | DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... | |
| | | | | 1/3/2023 [] | |

Ultrasonic Rail Flaw Inspection Vehicle (IFB-9101A)

PURPOSE: To request Board authorization for the General Manager to award Invitation Bid ("IFB") 9101A, to DPR Ultrasonic Technologies of Danbury, CT, for the purchase of Ultrasonic Rail Flaw Inspection Vehicle. Total price including 10.25% sales tax is not to exceed \$439,531.47.

DISCUSSION:

Periodic ultrasonic testing on running rails is a mandatory California Public Utility Commission ("CPUC") requirement to reduce risk associated with internal rail defects, broken rails, and delay to revenue service. Internal defects inside of tracks can be detected by ultrasonic high frequency waves. In April 2019, the Board approved awarding Contract 6M3388A to Sperry Rail to perform ultrasonic testing service for 4 years for the amount of \$2,214,000. In November 2022, the Board approved a change order to exercise the Agreement's third option year in the amount of \$621,000 that will extend the contract to July, 2024. In 2019, District staff learned that the number of service providers that can perform ultrasonic testing has decreased which limited availability of services and increased the overall price of the service. Therefore, the District sought to purchase an ultrasonic rail flaw inspection vehicle to perform the required ultrasonic testing in-house.

A notice requesting bids was published on August 25, 2022. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to seven (7) prospective bidders inviting them to view the solicitation on the Vendor Portal. A total of seventeen (17) prospective bidders downloaded the solicitation. Three (3) bids were received that were opened on November 1, 2022. Tabulation of the bids, including the Engineer's Estimate is shown in the Table 1 below:

Table 1: IFB-9101A Ultrasonic Rail Flaw Inspection Vehicle

| BIDDER | LOCATION | Total Bid Price |
|-----------------------------|-----------------|------------------------|
| DPR Ultrasonic Technologies | Danbury, CT | \$398,668.00 |
| ENSCO Inc | Springfield, VA | \$994,700.00 |
| NORDCO | Shelton, CT | \$926,325.54 |
| ENGINEER'S ESTIMATE | | \$869,000.00 |

Staff has concluded that DPR Ultrasonic Technologies has submitted a responsive bid. Staff has determined that DPR Ultrasonic Technologies submitted a bid for a product that meets all the requirements listed in the Technical Specifications. Therefore, the Bid pricing is deemed fair and reasonable based on market surveys and bid competition.

This IFB was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were no DBE subcontracting opportunities; therefore, no DBE participation goal was set for this Contract.

FISCAL IMPACT:

Funding of \$439,532 to award of Invitation for Bid No. 9101A to DPR Ultrasonic Technologies, for the purchase of Ultrasonic Rail Flaw Inspection Vehicle is included in the total Project Budget for FMS #15TD004 – Procurement of Non-Revenue Vehicles FY19.

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 3017- Federal Transit Administration | \$2,680,000 |
| BART | F/G 8524/8533 - Capital Improvement Allocation | \$670,000 |
| | TOTAL | \$3,350,000 |

As of 12/19/2022, \$3,350,000 is the total budget for this project. BART has expended \$515,239, committed \$595,341, and reserved \$1,075,000 to date. This action will commit

\$439,532, leaving an available fund balance of \$724,888 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 the Bids and re-advertise the Contract. This however is not likely to result in increased competition or lower prices. Delaying award for procurement of the Ultrasonic Rail Flaw Inspection Vehicle will result in increased cost for the District to continue testing through a service contract with a limited number of providers.

RECOMMENDATION: On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

MOTION: The General Manager is authorized to award Invitation For Bid No. 9101A Ultrasonic Rail Flaw Inspection Vehicle, to DPR Ultrasonic Technologies of Danbury, Connecticut for the Bid Price of \$439,531.47 (including 10.25% sales tax), pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures and FTA procedures related to protests.