



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		Approve and Send to Board		
DATE: 3/3/2023		3/15/2023		
<b>BOARD INITIATED ITEM:</b> No				
<b>Originator/Prepared by:</b> Linda Lee <b>Dept:</b> Strategic Engineering	<b>General Counsel</b>	<b>Controller/Treasurer</b>	<b>District Secretary</b>	<b>BARC</b>
DocuSigned by: <i>Linda Lee</i> 9FA454A5AF83469...	DocuSigned by: <i>Jeana Belan</i> F8FD7B3A73E74E8...	DocuSigned by: <i>Todd Morgan</i> 701F6C4C0ABE4A8...		DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...
<b>Signature/Date:</b> 3/13/2023	3/13/2023 [ ]	3/13/2023 [ ]	[ ]	3/13/2023 [ ]

### Authorize the General Manager to Award Invitation for Bid No. 9116 for Contact Rail Assembly Parts

#### PURPOSE:

To request Board Authorization to Award Invitation for Bid (IFB) No. 9116 to Conductix, Inc., of Omaha, Nebraska, in the amount of \$1,800,033 (includes all applicable taxes) for the purchase of contact rail assembly parts.

#### DISCUSSION:

This Contract is for the procurement of contact rail assembly parts to be installed as part of the K Line Interlocking Replacement Project (Project). The Project will remove and replace the existing contact rail assembly parts that were installed as part of the initial BART system construction in the 1960s and 1970s. The existing infrastructure is showing signs of significant wear and needs replacement. This work will help ensure the long-term safety and reliability of the system and support increasing ridership.

A notice requesting Bids was published on September 15, 2022. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to six (6) prospective bidders inviting them to view the solicitation on the Vendor Portal. A total of twelve (12) prospective Bidders downloaded the solicitation. Bids were opened on January 31, 2023, and two (2) Bids were received.

<b>BIDDER</b>	<b>Unit Price</b>	<b>GRAND TOTAL</b> <b>(Includes all applicable taxes)</b>
Conductix, Inc.	\$1,632,683	\$1,800,033
LB Foster	\$3,104,672	\$3,422,901
Engineer's Estimate	\$1,877.390	\$2,069,822

After review by District staff, the lowest Bid submitted by Conductix, Inc., was deemed responsive to the solicitation. Furthermore, a review of Conductix, Inc.'s license, business experience, and financial capabilities has resulted in a determination that Conductix, Inc. is a responsible Bidder. Staff has also determined that Conductix, Inc.'s total Bid price of \$1,800,033 is fair and reasonable based on the Engineer's Estimate.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services (DGS) and verified as Local (i.e., located in Alameda, Contra Costa, or San Francisco counties) by the District. It was determined that there were no certified Local Small Businesses certified by the DGS among the responsive Bidders and, therefore, the Local Small Business Prime Preference is not applicable.

#### **CAPITAL FISCAL IMPACT:**

Funding in the amount of \$1,800,033 for IFB No. 9116 is included in the total project budget for 15CQ008 – K Line Interlocking Replacement Project.

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:

<b>Proposed Funding</b>	
F/G 802A - 2017 Measure RR GOB	\$536,640
F/G 802B - 2019 Measure RR GOB	6,004,901
F/G 802C - 2020 Measure RR GOB	4,801,510
F/G 802D - 2020 Measure RR GOB	120,832,036
<b>TOTAL</b>	<b>\$132,175,087</b>

As of February 24, 2023, \$132,175,087 is the total budget for this project. BART has expended \$13,053,278, committed \$3,245,664, and reserved \$9,135,071 to date. This action will commit \$1,800,033, leaving an available fund balance of \$104,941,041 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.

**ALTERNATIVE:**

The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that re-advertising will increase the number of bidders or result in any lower Bids. Failure to proceed with the Contract would delay the interlocking replacement, which may affect the reliability of the system and cause train delays.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award IFB No. 9116 for the procurement of contact rail assembly parts to Conductix, Inc., of Omaha, Nebraska for the amount of \$1,800,033 (includes all applicable taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.