



EXECUTIVE DECISION DOCUMENT

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| GENERAL MANAGER APPROVAL: | | DocuSigned by: <i>Michael Jones</i> 47000790F2D7463... | | GENERAL MANAGER ACTION REQ'D: | |
| DATE: 8/25/2023 | | 9/6/2023 | | BOARD INITIATED ITEM: No | |
| Originator/Prepared by: Mariana Parreiras Dept: Station Area Planning DocuSigned by: <i>Mariana Parreiras</i> 5CC5547E14FB49A... Signature/Date: 9/5/2023 | | General Counsel DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8... Signature/Date: 9/5/2023 [] | | Controller/Treasurer DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD... Signature/Date: 9/5/2023 [] | |
| | | District Secretary | | BARC DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... Signature/Date: 9/5/2023 [] | |

Procurement with W.W. Grainger Inc as the official National Association of State Procurement Officials (NASPO) Provider, for Light Fixtures for the North Berkeley Access Improvements Project, \$459K

PURPOSE: To request that the Board authorize the General Manager to enter into a contract with W.W. Grainger Inc (Grainger) for the procurement of pedestrian-scale and other light fixtures for installation as part of the North Berkeley Access Improvements (NBAI) Project.

DISCUSSION: Installation of pedestrian-scale lighting at North Berkeley BART Station is one of several scope items in the NBAI, which is intended to support safety and increase bicycle and pedestrian access trips, consistent with the goals of BART’s 2016 Station Access Policy. The NBAI project will also:

- Construct separated two-way cycle-tracks, raised crosswalks, a speed table, a bulbout, and a new ADA ramp to the platform elevator;
- Widen the Ohlone Greenway between Acton/Virginia and Virginia Gardens;
- Install additional secure bicycle parking, new wayfinding, landscaping, storm water management, and art.

This is a contract for the procurement of light fixtures (posts, luminaires, side arms and related accessories) required to complete the NBAI Project. Installation of pedestrian-scale lights is a specific commitment BART has made in a grant application under the Affordable Housing & Sustainable Communities (AHSC) Program.

This purchase is being made through the National Association of State Procurement

Officials (NASPO) ValuePoint which is a cooperative purchasing program aggregating the demand of all 50 states, the District of Columbia and the organized US territories, their political subdivisions and other eligible entities. Grainger is a NASPO approved vendor for these items as follows.

NASPO ValuePoint Master Agreement #: 8496

Description: Facilities Maintenance and Repair & Operations (MRO) and Industrial Supplies

Lead State: Oregon

Contractor (Vendor): W.W. GRAINGER, INC

California Participating Addendum (CA PA) #: 7-18-51-02

CA PA Amendment #: 4 (extending agreement term to June 30, 2024)

Product Category: Lamps, Lighting, Ballasts

The current Board authorization to utilize the NASPO procurement process applies to the procurement of computer supplies, computer software and related installation services. This request seeks additional authorization to utilize NASPO for the purchase of light fixtures.

Because the State of California participates in the NASPO program, its local agencies and districts, including BART, are authorized by California Public Contract Code section 10298 to purchase items from the suppliers awarded contracts by NASPO without further competitive bidding, pursuant to a Master Agreement, a California Participating Addendum, and compliance with BART requirements.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no Small Businesses (SB) certified by the California Department of General Services and there are no verified Local Small Businesses (LSB) capable of providing the goods and services in this scope of work. Therefore, the Small Business Program does not apply to this NASPO agreement.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Grainger 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.

CAPITAL FISCAL IMPACT: Funding of \$458,828 (which includes 10% contingency) for the procurement of pedestrian-scale and other light fixtures from Grainger is included in the

total Project Budget for FMS # 57RR204 – North Berkeley Station Access Improvement.

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 535V- Proposition 1B PTMISEA | \$91,892 |
| F/G 5912/5916 DHCD - Affordable Housing & Sustainable Communities | \$3,416,132 |
| F/G 802A/B/C/D - Measure RR GOB | \$8,168,153 |
| F/G 8528 - Operating to Capital Allocation | \$18,123 |
| TOTAL | \$11,694,300 |

As of 07/31/2023, \$11,694,300 is the total budget for this project. BART has expended \$4,511,232, committed \$1,974,018, and reserved \$5,516 to date. This action will commit \$458,828 leaving an available fund balance of \$4,744,706 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: Decline to authorize the Agreement through the NASPO program and seek alternative independent proposals by the District, which would delay procurement of necessary light fixtures and negatively impact the project. Staff does not expect alternative proposals to result in better pricing.

RECOMMENDATION: Staff recommends that the Board adopt the following motion.

MOTION: The General Manager is authorized to utilize the National Association of State Procurement Official's (NASPO) ValuePoint Cooperative Purchasing Organization to purchase light fixtures for the North Berkeley Access Improvements project from Grainger for an amount not to exceed \$458,828.