



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. M. P.</i> 6 June 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the June 14, 2018 Board Meeting		
DATE: 5/22/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 6/1/18	General Counsel <i>[Signature]</i> 6/1/18 []	Controller/Treasurer <i>[Signature]</i> 6/1/18 []	District Secretary []	BARC <i>[Signature]</i> for 6/4/2018 []

Contract No. 09AF-111A TBT Cross Passage Doors Replacement

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, to DMZ Builders of Concord CA. for the Base Bid Price of \$6,388,000 and to authorize the General Manager to exercise Option A for the Bid Price of \$300,000 and Option B for the Bid Price of \$200,000.

DISCUSSION: The Work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing all the emergency egress doors in the Trans-Bay Tube (TBT) lower gallery and the two transition structures with new doors, frames and hardware. The Contract has two alternative Options for upgrades to the door monitoring system. The existing doors are nearing the end of their useful life. The new doors will meet BART and the National Fire Protection Association (NFPA) criteria. Door replacement is endorsed by BART's Chief Safety Officer and has been recommended by the San Francisco Fire Department during multiple inspections for Fire/Life Safety Compliance.

This is a Security Sensitive Information Contract. On November 1, 2017, the Invitation to Bid was emailed to 48 prospective Bidders. The Contract was advertised on November 3, 2017 in local publications. A total of 9 firms received security clearance and a total of 4 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on January 30, 2018 with 4 prospective Bidders attending. This Contract has five Addenda and two Options. Two Bids were received and publicly opened on May 1, 2018 as follows:

Bidder	Location	Base Bid	Option A	Option B	Total Bid
DMZ Builders	Concord, CA	\$6,388,000.00	\$300,000.00	\$200,000.00	\$6,888,000.00
SilMan	San Leandro, CA	\$7,401,840.89	\$727,475.36	\$306,689.97	\$8,436,006.22
Engineer's Estimate		\$5,538,946.00	\$415, 520.00	\$200,000.00	\$6,154,466.00

After review by District staff, DMZ Builders' (DMZ) Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of DMZ' license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's total Bid of \$6,888,000.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). DMZ Builders did not include any MBE or WBE participation, therefore, it did not meet either the MBE or WBE Availability Percentages. Accordingly, DMZ Builders was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by the DMZ Builders, the Office of Civil Rights found no evidence of discrimination.

The construction cost of this Contract is funded with Measure RR bond funds. Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 14% Local Small Business (LSB) Participation Goal for this Contract. Bidders who meet the LSB Participation Goal are eligible for a Local Small Business Preference of 5% of the lowest responsive Bidder's Bid. The Office of Civil Rights determined that the apparent low bidder, DMZ Builders, committed to subcontracting 18.3% to LSBs. DMZ Builders met the LSB Participation Goal and, therefore, is eligible for the Local Small Business Preference and remains the lowest responsive Bidder.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

FISCAL IMPACT:

Funding of \$6,888,000 for Contract No. 09AF-111A will come from project budget 09AF002, TBT Cross Passage Doors Replacement. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts

funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of May 22, 2018, \$10,953,758 is available for this project from the following fund sources:

Fund	Description	Amount
802A	2017 Measure RR GOB	\$10,949,858
Total		\$10,949,858

BART has expended \$78,910 and committed \$77,139 to date for other actions. This action will commit an additional \$6,888,000 leaving an uncommitted balance of \$3,905,810 in this project.

There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES: The Board may elect to reject all Bids and authorize Staff to re-advertise the Contract. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay this safety sensitive project.

RECOMMENDATION: Adoption of the following motion

MOTION: The General Manager is authorized to award Contract No. 09AF-111A, TBT Cross Passage Doors Replacement for the Base Bid Price of \$6,388,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise either Option A for the Bid Price of \$300,000.00 or Option B for the Bid Price of \$200,000.00 for upgrades to the door monitoring system.