



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 6 June 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/1/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Extensions <i>[Signature]</i> Signature/Date: 05/29/18	General Counsel <i>[Signature]</i> 5/28/18 []	Controller/Treasurer <i>[Signature]</i> 5/30/18 []	District Secretary []	BARC <i>[Signature]</i> 6/1/2018 []

Contract No. 79HM-120 SFTS MB, Change Order No. 104 Part 1, Time Extension for Revised Cathodic Protection

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 104 Part 1, Time Extension for Revised Cathodic Protection to Contract No. 79HM-120, for construction of the SFTS Marine Barrier (MB), in an amount not to exceed \$400,000 and a time extension, increasing the Contract duration by 196 calendar days.

DISCUSSION:

On February 12, 2015, the Board authorized award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. Notice to Proceed was issued on May 19, 2015. Subsequent to the award of Contract No. 79HM-120, the District's electrical engineering staff reviewed the Contract's cathodic protection design and determined that it would not adequately protect the steel skin of the SFTS. A revised cathodic protection design was implemented through Change Order No. 31. This revised work requires a 196 day schedule extension in order for the work to be completed. Change Order No. 104 Part 1 will provide compensation to the Contractor in an amount not to exceed \$400,000 and add 196 days to the Contract completion date resulting from the delays arising from the revised cathodic protection work provided for in Change Order No. 31.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000, or Change Orders involving a substantial alteration or potential substantial alteration in the obligations of either the District or the Contractor, require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$400,000 for Contract No. 79HM-120 Change Order No. 104 Part 1 will come from project budget 79HM000 Transition Barriers. 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 below. As of May 8, 2018, \$108,821,735 is available for this project from the following sources:

Fund Group	Amount
FEDERAL	\$89,339,870
BART	\$190,421
REGIONAL	\$4,434,499
STATE	\$14,856,944
Total	\$108,821,734

BART has expended \$96,381,815 and committed \$10,210,997 to date for other actions. This action will commit an additional \$400,000 leaving an uncommitted balance of \$1,828,923 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If the Change Order is not executed, the Contractor may pursue a claim against the District for the cost of the additional cathodic protection work and delays attributable to the District. Such a claim and related litigation costs would likely increase the ultimate cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 104 Part 1, Time Extension for Revised Cathodic Protection, in an amount not to exceed \$400,000 and extend the Contract completion date by 196 calendar days for Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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5/4/2018

ATTACHMENT No 1
CONTRACT 79HM-120

CO No. 104

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 3/31/18	87.00%

COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	18.09%	\$ 8,986,808	
Other Than Board Authorized COs	8.35%	\$ 4,150,311	
This Change Order No. 104	0.81%	\$ 400,000	
Subtotal of all Change Orders	27.25%	\$ 13,537,119	
<u>Revised Contract Amount</u>			<u>\$ 63,223,119</u>

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date		
Time Extension Due to Approved Cos	392	days
Time Extension Due to this CO 104	196	days
Revised Contract Duration	1,318	days

DBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	13.76%
Projected DBE Participation excluding this Change Order	13.65%
This Change Order No. 104	19.65%
Contract 79HM-120 DBE Participation Commitment	1.95%