



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Penner</i> 5 Sept 2018		GENERAL MANAGER ACTION REQ'D: Approve and forward to the E & O Committee Meeting		
DATE: 8/17/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Vanessa Graham Dept: Maintenance and Engineering <i>Vanessa Graham</i> FOR Signature/Date: 9/4/18	General Counsel <i>[Signature]</i> 9/4/18 []	Controller/Treasurer <i>[Signature]</i> 9/4/18 []	District Secretary []	BARC <i>[Signature]</i> 9.4.2018 []

Award Contract No. 54RR-410 for Coverboard Enhancement, C-line w/ A,C & M segments @ the Oakland Wye

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 54RR-410, Coverboard Enhancement, C-line with A, C and M lines at the Oakland Wye to furnish all labor, equipment and materials required for the reinforcement of contact rail coverboard to LC General Engineering and Construction, Inc. San, Francisco, CA.

DISCUSSION:

BART Contact Rail Coverboards are required by the California Public Utilities Commission for consumer protection. Aerodynamic impacts from moving trains compromise the integrity of the pins holding the coverboard in place. Broken pins cause the coverboards to fall into the track zone resulting in delays. These failures are impacted by an aging infrastructure, and have caused service delays throughout the District.

Reinforcement of these coverboards has been performed in the past through the installation of additional brackets performed in three (3) previous District Contracts. This has decreased coverboard related train delays. The Work under Contract 54RR-410 continues this effort and encompasses approximately 164,000 feet of rail. The project covers Alameda County at sections of the A, M and C-line at the Oakland Wye and from Rockridge Station across the Contra Costa County Line to Orinda Station, as well as from the Concord Station to the Pittsburgh Bay Point Station in Contra Costa County

Advanced notice to 150 prospective bidders was mailed on June 6, 2018. The Contract was

advertised in the Daily Pacific Builder, San Francisco Examiner and Daily Construction Services on June 12, 2018. The Contract was advertised on BART's online Procurement Portal on May 30, 2018. A Pre-Bid meeting was held on June 28, 2018 with four (4) prospective bidders in attendance. Two (2) Contracts books were purchased from the District Secretary, and by the bid opening date there were twenty-one (21) plan holders for this solicitation. The following four (4) Bids were received and opened on August 14, 2018 and are presented with the Engineer's Estimate.

1	ProVen Management, Inc.	\$ 5,473,770.00
2	AECOM Energy & Construction	\$ 5,155,040.00
3	SilMan Venture Corporation dba SilMan Construction	\$ 5,042,496.96
4	LC General Engineering and Construction, Inc.	\$ 4,142,211.94
	Engineer's Estimate	\$ 5,172,536.00

Pursuant to the Instructions to Bidders, the bids were evaluated based on the lowest total Bid price. The Bid of the apparent low Bidder, LC General Engineering and Construction, Inc., was determined to be the lowest responsible and responsive Bid submitted.

Staff has examined the firm's business and financial status. There are no subcontractors listed on the Designation of Subcontractor form. The total Bid Price of \$ 4,142,211.94 has been determined to be fair and reasonable by District staff based on the Engineer's Estimate.

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). The Bidder, LC General Engineering and Construction, Inc. 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.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as a Local Small Business (i.e., located in Alameda, Contra Costa or San Francisco Counties) by the District. The lowest responsive Bidder, LC General Engineering and Construction, Inc. is not a certified Local Small Business and, therefore, is not eligible for the 5% Small Business Prime

Preference but is still the lowest responsive Bidder.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$4,142,212 for Contract No. 54RR-410 is included in the total project budget for FMS# 54RR004 – M&E Line Rail Equipment.

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 source:

Proposed Funding	
F/G 802A - 2017 Measure RR GOB	\$27,327,339
TOTAL	\$ 27,327,339

As of August 20, 2018, \$27,327,339 is the total budget for this project. BART has expended \$516,856, committed \$36, and reserved \$3,192,844 to date. This action will commit \$4,142,212, leaving an available fund balance of \$19,475,391 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

ALTERNATIVES:

An alternative is not to reinforce Contact Rail Coverboards. The risk and occurrence of coverboard related service delays within the system will continue to increase.

Another alternative is to reject all Bids. However, the low bidder is approximately 20% lower than the Engineer's Estimate. It is unlikely that re-advertising the Contract will result in lower Bids.

RECOMMENDATION:

Based on the analysis by District staff, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 54RR-410 for Coverboard Enhancement, C-line with A, C, and M lines at the Wye, to LC General Engineering, for the Base Bid price of \$4,142,211.94, pursuant to notification by the General Manager, and subject to compliance with the District's protest procedures.