



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>28 Nov 2018</i> <i>R. M. P.</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 11/6/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Wahid Amiri Dept: Extensions	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>Christina</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>Wahid Amiri</i> 11/28/2018	<i>[Signature]</i> 11/28/18 [ ]	11/28/18 [ ]	[ ]	11-28-2018 [ ]

### Change Orders to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project

#### PURPOSE:

To authorize the General Manager to execute Change Order Nos. 054 and 049 in an aggregate amount not to exceed \$650,000 to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project with Clark Construction Group.

#### DISCUSSION:

On February 9, 2017, the Board authorized the General Manager to award Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project. This project expands the paid area, upgrades the existing paid area, constructs two new elevators and two new stairs, provides new LED lighting and associated station modifications. The project also exercised four options to procure AFC equipment for other stations; relocate the passenger drop off area and enhance the Ohlone Greenway/bicycle path/hardscape; upgrade the area outside the paid area; and provide new bus shelters.

During construction, two issues arose which resulted in Change Orders 54 and 49.

New fire alarm system for the station (CO 054) Est. \$250,000

The original design utilized the approach that a new fire alarm system could be installed with the new facility and then connected to the existing station fire alarm in the existing facility. However, prior to implementation (which was a few years after the design was completed), project staff became aware that the existing system had experienced significant degradation

due to water intrusion as well as electrical grounding problems. These underground utility issues were not apparent during the design phase, but they were discovered during coordination with Maintenance and Engineering (just prior to construction). The system had degraded such that the original design approach to connect the new fire alarm system to the existing could no longer meet code regulations. Therefore, the whole system will need to be new.

**Accessibility Improvement Program (CO 049)**

**Est. \$400,000**

With the passage of Measure RR, some of the District's Accessibility Improvements can be implemented through this project. As this change order work is adjacent to the construction area, the additional scope would result in cost savings, construction efficiencies, faster delivery and minimize patron and bus service disruption. The project will modify existing sidewalks and the bus island to meet current ADA codes and pick up construction efficiencies.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 will require Board approval.

The Office of the General Counsel will approve these Change Orders as to form prior to execution. The Procurement Department will review these Change Orders for compliance with procurement guidelines prior to execution.

**CAPITAL FISCAL IMPACT:**

The total amount of \$650,000 for Change Order No. 054 and No. 049 to Contract 05HA-100 will come from the following projects.

The two tables below depict 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:

**PROJECT 05HA002 – El Cerrito Del Norte Station Mod (CO 054)**  
**\$250,000**

<b>Proposed Funding</b>	
F/G 802A – Measure RR GOB	\$3,000,000
<b>Total</b>	<b>\$3,000,000</b>

As of November 21, 2018, \$3,000.000 is the total budget for this project. BART has

expended and committed \$0 to date. This action will encumber \$250,000 leaving an available fund balance of \$2,750,000 in this fund source for this project.

**PROJECT 15NU002 – Accessibility Improvement Program (CO 049)  
\$400,000**

<b>Proposed Funding</b>	
F/G 3009, 3013, 3607, 3609 & 352X - Federal funds	\$4,099,041
F/G 8525, 8526, 8529, 8530 & 850W- Operating Alloc to Capital	\$1,024,760
F/G 802A – Measure RR GOB	\$11,900,000
Total	\$17,023,801

As of November 21, 2018, \$17,023,801 is the total budget for this project. BART has expended \$1,738,706, committed \$948,676, and reserved \$0.00 to date. This action will encumber \$400,000 leaving an available fund balance of \$13,936,419 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:**

Failure to issue these Change Orders for Contract No. 05HA-100 will cause the work to be performed in a future contract at a potentially higher cost.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order Nos. 054 and 049 in an aggregate amount not to exceed \$650,000 to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project.



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### ATTACHMENT #1

CONTRACT NO. 05HA-100

CO Nos.: 49 and 54

## CHANGE ORDER SUMMARY

### BACKGROUND

Name of Contractor: Clark Construction, LP  
Contract No./NTP: 05HA-100 / May 15, 2017  
Contract Description: El Cerrito Del Norte Station Modernization  
Percent Complete as of: 11/15/2018 – 23%  
Dollars Percent Complete as of: 11/15/2018 – 26%

<b>COST</b>	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$23,200,000.00
Change Orders:			
Other than Board Authorized CO's	2.55%	\$690,562.95	
Board Authorized CO's:			
Previous Change Orders up to:	48.86%	\$11,334,603.00 (including Options)	
Change Order 49:	1.72%	\$400,000.00	
Change Order 54:	1.08%	\$250,000.00	
Subtotal of All Change Orders	54.63%	\$12,675,165.95	
<b>Revised Contract Amount:</b>			<b>\$35,875,165.95</b>

### SCHEDULE

Original Contract Duration:	740 Days
Time Extension to Date:	0 Days
Time Extension for these new Change Orders:	To Be Determined
Estimated Revised Contract Duration:	740 Days

### SUMMARY REASON FOR THESE CHANGE ORDER

CO 54: Upgrade fire alarm system for the whole station. This is necessary to bring the alarm system to current building codes.

CO 49: Reconstruct sidewalk and bus zone to comply with ADA requirements. This is necessary to modify the bus zone which was not included in the original scope of this project.