



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. Elliott</i> 28 Nov 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/14/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: R. Elliott Vantrease Dept: Maintenance and Engineering	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>Chen</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 11/28/18	11/28/18 []	11/28/18 []	[]	11.28.2018 []
Status: Approved		Date Created: 11/14/2018		

Authorize Contract Change Order to Contract No. 6M7220 for the Relocation of Above Ground Cable Tray in the C55 Interlocking Area

PURPOSE:

To authorize the General Manager to execute a Contract Change Order No. 4 to Contract No. 6M7220 for the Emergency Restoration, Preventative Maintenance, and Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks with Phase 3 Communications, Inc. for a total amount not to exceed \$816,000.

DISCUSSION:

On August 28, 2014 the Board authorized the General Manager to award Contract No. 6M7220 to Phase 3 Communications, Inc. for the Base Bid amount of \$854,210. Subsequently, on July 23, 2015 the Board authorized the General Manager to exercise Options One and Two for a total amount not to exceed \$1,708,420.00. The total Contract amount to date is \$2,562,630.

The District has identified vital cabling infrastructure that must be relocated prior to the C55 Interlocking replacement project construction which begins late February 2019. C55 construction is being performed by BART forces and the scope of work to relocate the cabling infrastructure requires support of Phase 3 Communications, Inc. A change order to the Phase 3 Communications, Inc. contract for an amount not to exceed \$816,000 and a 180 day extension to the contract is required to accommodate this work effort. The extended contract completion date will be July 7, 2019.

The Office of the General Counsel will approve the Change Order as to form.

FISCAL IMPACT:

Funding in the amount of \$816,000 for the award of Change Order 04 to Contract No. 6M7220 will come from the following projects.

The two tables below depict funding assigned to the referenced projects and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

**PROJECT: 49GH002 – Train Control Modernization Program
\$234,810**

Proposed Funding	
F/G 8531 – FY17 Operating to Capital Allocation	\$2,500,000
F/G 802A – Measure RR GOB	\$8,000,000
TOTAL	\$10,500,000

As of November 13, 2018, \$10,500,000 is the total budget for this project. BART has expended \$244,485 committed \$951,261 and reserved 0.00 for other action. This action will commit \$234,810 leaving an available fund balance of \$9,069,444 in fund resources for this project.

**PROJECT: 15CQ002 – Rails, Ties, Fasteners Phase3
\$581,190**

Proposed Funding	
F/G 8529 – FY15 Operating to Capital Allocation	\$197,246
F/G 802A – Measure RR GOB	\$252,701,708
TOTAL	\$252,898,954

As of November 13, 2018, \$252,898,954 is the total budget for this project. BART has expended \$61,321,829 committed \$55,728,781 and reserved 6,904,476 for other actions. This action will commit \$581,190 leaving an available fund balance of \$128,362,679 in fund resources for this project.

The Office of the 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:

To not authorize the Contract Change Order would cause significant delay in the delivery of the Measure RR C55 Interlocking Replacement or significant impact to C-Line revenue service due to damage to weakened infrastructure.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to execute and Contract Change Order to Contract No. 6M7220, Emergency Restoration, Preventative Maintenance, and Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks in an amount not to exceed \$816,000 and extend the completion date of the Contract to July 7, 2019.

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ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Phase 3 Communications, Inc.

Contract No./NTP: 6M7220/October 31, 2014

Contract Description: Emergency Restoration, Preventative Maintenance, and Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks

Percentage Complete as of 12/01/19: 95%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 2,562,630.00
Change Orders:			
Other than Board Authorized Change Orders	0%	\$0	
Board Authorized Change Orders	0%	\$0	
Pending Change Order #4	<u>32%</u>	<u>\$816,000.00</u>	
Subtotal of all Change Orders	32%	\$816,000.00	<u>\$ 816,000.00</u>
<u>Revised Contract Amount</u>			\$ 3,378,630.00

SCHEDULE

Original Contract Duration: 1095 days

Time Extension to Date: 434 days

Time Extension Due to Approved COs: 180 days

Revised Contract Duration: 1709 days

SUMMARY REASON FOR THIS CHANGE ORDER

Relocation of vital cabling infrastructure and Commercial Fiber Optic Cables in support of the C55 Track Replacement Project.