



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. M. P.</i> 29 Nov 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 11/8/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Real Estate and Property Development	General Counsel <i>[Signature]</i> 11/09/18 []	Controller/Treasurer <i>Chris Gan</i> 11/29/18 []	District Secretary []	BARC <i>[Signature]</i> 11/23/2018 []
Signature/Date: <i>Joseph M Basuino 11-26-18</i>				
Status: Routed		Date Created: 11/8/2018		

Award of Agreement 6M4604, Stationary Engineering Services for 101 8th Street, Oakland, CA ("MetroCenter")

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement 6M4604, Stationary Engineering Services, to ABM Industry Groups LLC.

DISCUSSION:

BART purchased the Joseph P. Bort MetroCenter from the Metropolitan Transportation Commission ("MTC") on June 22, 2017. At the time of the sale, the building systems maintenance staff was comprised of MTC employees. These employees were re-assigned to MTC's new office located at 375 Beale St., San Francisco, CA after the sale.

The Metro Center is a four-story office building of approximately 118,000 square feet of gross area. The building has the typical equipment found in similar office buildings including but not limited to: chillers, condensing units, vane air flow valves, boilers, water heaters, air handling units, air conditioning for server rooms, sewage pumps, storm water pumps, fire alarms, fire sprinklers, elevators, and other related equipment. Operation, maintenance, repair, and spare part management requires individuals specifically trained to manage this type of facility.

The third floor and portions of the first and second floors of the building are used as BART's police headquarters. The police dispatch center occupies a portion of the ground floor. The rest of the second floor is being occupied by the Building Manager and Maintenance and Engineering staff, as well as Transportation staff. A majority of the first

floor is rented to one non-profit organization, Asian Health Services. A commercial kitchen is located on the first floor but it is closed. Due to the police operations, this building is in operation 24 hours per day, 365 days per year.

Because of the 24 hour use of the building, its critical importance to police operations and the building's age, two stationary engineers, also known as building engineers, are needed to operate and maintain the infrastructure, systems and equipment for the building. The scope of the work requires a chief level and journey level stationary engineer to work split shifts so that there will be coverage in place for approximately 12 hours per day, Monday through Friday.

This contract specifically applies to the Joseph P. Bort MetroCenter. The Scope of Work for this contract includes, but is not limited to labor to install, repair, maintain, and manage the building infrastructure and related equipment.

It should be noted that in September 2018, the BART Board selected a transit-oriented (TOD) development team that is eventually expected to dismantle the MetroCenter building and construct high-rise development on the site. Investments and staffing for the MetroCenter are taking that into account.

The District, through the efforts from the Contract Administration Division and the Office of Civil Rights, provided advanced notice to seven hundred twenty-two (722) prospective bidders on September 6, 2018. The potential Contract was advertised in several publications, starting September 7, through September 20, 2018 and posted to the BART Procurement Portal on September 7, 2018. A Pre-Proposal Meeting was held on September 20, 2018. A total of 16 firms downloaded copies of the Request of Proposal.

On October 16, 2018, the District received a total of 2 proposals, which are shown in Table 1 below:

Table 1

Proposer	Proposal Prices (Corrected)
ABM Industry Groups LLC ("ABM")	
Base 3 Years:	\$1,391,586.00
Option Year 4:	\$ 505,117.00
Option Year 5:	\$ 522,486.00
Total Proposal Price:	\$2,419,189.00
ABLE Services:	
Base 3 Years:	\$2,555,844.30
Option Year 4:	\$ 929,140.02
Option Year 5:	\$ 979,224.84
Total Proposal Price:	\$4,464,209.16

District staff reviewed and evaluated both proposals and determined that ABM was the lowest responsive proposer. ABM's proposal price was 45.6% below the proposed price submitted by the next lowest proposer, ABLE Services.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services ("DGS"). It was determined that there were no certified Small Businesses certified by the DGS among the responsive Proposers and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for MBEs and 2.8% for WBEs. ABM 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.

FISCAL IMPACT:

The subject EDD proposes a five (5) year Stationary Engineering contract at a total cost of \$2,426,717 from January 1, 2019 – December 31, 2023. Funds will be budgeted in the Real Estate and Property Development operating budget (Department 1011275-RE&PD Financial Admin, account 681300- Professional & Technical Services) as follows:

Proposed Funding	
FY19*	\$ 232,762.33
FY 20	\$ 465,524.67
FY 21	\$ 465,524.67
FY 22	\$ 485,606.83
FY 23	\$ 515,071.50
FY24*	\$ 262,227.00
Total	\$2,426,717.00

*FY19 and FY24 funding is not for a full Fiscal Year. Funding is expected to begin 1/1/19.

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Real Estate and Property Development will be requesting additional ongoing funding for subsequent years to be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Do not approve the current agreement and have a combination of BART staff and outside vendors implement building repairs as components break down.

RECOMMENDATION:

It is recommended that the Board adopt the following Motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M4604, Stationary Engineering Services, in the amount not to exceed \$1,396,574 to ABM Industry Groups LLC, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. The General Manager is also authorized to exercise the option for Year 4 in the amount not to exceed \$505,689 and the option for Year 5 in the amount not to exceed \$524,454.