



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 29 Nov 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/15/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maurice Rattray Dept: Extensions <i>M. Rattray</i> Signature/Date: 11/28/18	General Counsel <i>[Signature]</i> 11/29/18 [ ]	Controller/Treasurer <i>Chutkan</i> 11/28/18 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 11/28/2018 [ ]

### BART to Antioch - Extend Vehicle Options

**PURPOSE:** To obtain Board authorization for the General Manager to execute a Change Order to Contract No. 04SF-140, Procurement of eBART Vehicles, with Stadler Bussnang AG to extend the period to exercise Contract Options No. 1 and No. 2 for the purchase of up to six (6) additional vehicles;

**DISCUSSION:** On April 24, 2014, the Board of Directors authorized the General Manager to award Contract No. 04SF-140 to Stadler Bussnang AG for the purchase of eight diesel multiple unit (DMU) vehicles for \$58,124,419 (plus applicable taxes) to be used in the operation of the new rail service from Pittsburg Bay Point Station to Antioch in Eastern Contra Costa County (eBART). The Contract contains two options to purchase additional DMUs. Option No. 1 is for two DMU vehicles with an un-escalated base price of \$16,640,000 and Option No. 2 is for four DMU vehicles with an un-escalated base price of \$29,200,000. BART also has the right to exercise both Options 1 and 2. These options must be exercised by April 24, 2019, which is five years from the award of the base Contract. Stadler has indicated a willingness to extend these options for two years through a change order subject to adding provisions for exchange rate and tariff adjustments.

Based upon ridership projections, it is currently estimated that two additional DMU vehicles will be needed in the 2022/23 time period. It is also estimated that four more DMU vehicles will be required prior to BART running 12-minute headways around 2026. In order to meet this anticipated need, it will be necessary to extend the Option period referenced above to allow for the District to secure funding to exercise each of these vehicle Options.

Staff seeks authorization to execute a Change Order to extend the period for the District to exercise Options No. 1 and No. 2 to purchase up to six (6) additional DMU vehicles from

April 24, 2019 to April 24, 2021 with price adjustments per contract plus exchange rate variations and tariffs.

**Pursuant to Board Rule 5-2.3, Change Orders involving potential substantial alterations in the obligations of either the District or the contractor require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.**

**FISCAL IMPACT:** None at this time. BART staff is actively working with state, regional, and local funding partners to secure funding commitments to enable BART to exercise Option #1 and/or Option #2.

**ALTERNATIVES:** Do not authorize the General Manager to extend and to execute options to procure additional DMUs. Once options expire, a new procurement would be required to purchase any required additional DMU vehicles in the future to support eBART operational needs. This could potentially lead to increased procurement, operational, and maintenance costs along with the possibility of having to maintain and operate two incompatible fleets.

**RECOMMENDATION:** Adopt the following Motion.

**MOTION:**

The Board of Directors authorizes the General Manager to execute a Change Order to Contract No. 04SF-140, Procurement of eBART Vehicles, with Stadler Bussnang AG to extend the period and modify re-pricing provisions to exercise Contract Options No. 1 and No. 2 for the purchase of up to six (6) additional vehicles at no cost to the District.

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