



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Robert M. Pomeroy</i> 17 July 2019		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Send to Board		
<b>DATE:</b> 7/8/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Linda Lee <b>Dept:</b> Maintenance and Engineering <i>L Lee</i> <b>Signature/Date:</b> 7/15/19	<b>General Counsel</b> <i>[Signature]</i> 7/15/19 [ ]	<b>Controller/Treasurer</b> <i>[Signature]</i> 7/15/19 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b> <i>[Signature]</i> 7.15.2019 [ ]

### Award of Contract No. 15TC-231 Aerial Structure Fall Protection, M-Line

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. of Alameda, CA for the Bid Price of \$1,382,999.

**DISCUSSION:** This Contract is part of the Systemwide Aerial Structure Fall Protection Program for the installation of permanent fall protection on BART aerial structures. The fall protection barriers are required in order to comply with Cal/OSHA requirements which provide that persons within six feet from the edge of a raised platform or structure must be protected by a guardrail or be tied-off. The permanent fall protection barriers will allow workers to access the aerials structures without being tied off.

The District sent out 213 Advance Notices to potential Bidders, including 22 to plan rooms, on April 1, 2019. The Contract was advertised and posted to the BART Procurement Portal on April 1, 2019. A total of 27 firms downloaded copies of the Bid Documents. A Pre-Bid Meeting was conducted on April 10, 2019, with a total of four potential Bidders in attendance. Three Bids were received and publicly opened on Tuesday, May 14, 2019.

BIDDER	LOCATION	TOTAL BID	LOCAL SMALL BUSINESS
SDV Services, Inc.	Alameda, CA	\$1,382,999.00	Yes
DMZ Builders	Concord, CA	\$3,555,000.00	Yes
Golden Bay	Stockton, CA	\$3,529,211.00	No



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Fence Plus Iron Works Inc.			
Engineer's Estimate		\$1,018,000.00	

After review by District staff, the Bid submitted by SDV Services, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of SDV Services, Inc.'s license, business experience, and financial capabilities has resulted in a determination that SDV Services, Inc. is responsible. Staff has also determined that SDV Services, Inc.'s total Bid price of \$1,382,999.00, although higher than the Engineer's Estimate, is fair and reasonable.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The apparent low Bidder, SDV Services, Inc., and the apparent third Bidder, DMZ Builders, are eligible for the 7% Small Business Prime Preference for this Contract for evaluation purposes. SDV Services, Inc., is a certified Disabled Veterans Business Enterprise (DVBE) local small Business. The apparent second low bidder, Golden Bay Fence Plus Iron, Works, is not a certified Local Small Business and it is not eligible for the 7% Local Small Business Prime Preference. After review by the Office of Civil Rights, and application of the 7% Local Small Business Prime Preference, SDV Services, Inc. remains the lowest, responsive Bidder..

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"). SDV Services, Inc. committed to 0% MBE and WBE participation. SDV Services, Inc. did not meet either the MBE or WBE Availability Percentages; therefore, SDV Services, Inc. was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by SDV Services, Inc., the Office of Civil Rights found no evidence of discrimination.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Title 14, California Code of Regulations, Section 15301 (f), Existing Facilities, because it consists of minor alterations of existing facilities for safety protection involving no expansion of use.

**CAPITAL FISCAL IMPACT:**



To obtain Board authorization for the General Manager to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. of Alameda, CA for the Bid Price of \$1,382,999.

Funding in the amount of \$1,382,999 for award of Contract No. 15TC-231 is included in the total Project budget for FMS #015TC007 – Aerial Fall Protection.

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 sources:

Fund No.	Fund Description	Source	Amount
802A	Measure RR Funds	BART	\$19,979,441
TOTAL			\$19,979,441

As of 07/02/2019, \$19,979,441 is the total budget for this project which includes funding for up to four additional construction contracts. BART has expended \$190,007, committed \$231,029 and reserved \$0 to date. This action will commit \$1,382,999 leaving an available fund balance of \$18,175,406 in this fund source 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.

**ALTERNATIVE:** The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that any new Bids would be lower than the current Bids.

Failure to proceed with the Contract would delay the fall protection installation work, which will delay staff's access to the aerial structures for maintenance and other related work.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. for the Bid price of \$1,382,999.00 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.