



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D: authorized to award IFB No. 9061 for Uninterruptible Power Supply to Benning Power Electronics, Inc.		
DATE: 5/29/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mohamad Fararjeh Dept: Maintenance and Engineering <i>Mohamad Fararjeh</i> Signature/Date: 7/17/2019	General Counsel <i>[Signature]</i> 7/17/2019 []	Controller/Treasurer <i>[Signature]</i> 7/17/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/19 []

To Obtain Authorization to Award IFB No. 9061 Uninterruptible Power Supply

PURPOSE:

To obtain Board Authorization for the General Manager to Award Invitation for Bid (IFB) No. 9061 to Benning Power Electronics, Inc., Richardson, TX for the purchase of Uninterruptible Power Supply.

DISCUSSION:

The Uninterruptible Power Supply (UPS) units provide essential power to the Train Control Room (TCR) and communication equipment in the event of a utility power outage. The existing TCR UPS units are at the end of their useful life and require replacement. The existing units are no longer supported.

Award of IFB No. 9061 would allow the District to provide reliable train service in the event of a power outage by purchasing 25 replacement UPS units to power BART's train control and communications systems.

This is a three (3) year estimated quantity contract. During the term of the contract, the District is required to purchase a minimum of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to

purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on April 2, 2019. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to ten (10) prospective Bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on April 30, 2019, and two (2) Bids were received.

Bidder	<u>Lot Price</u>	<u>Grand</u>
<u>Total Incl. Tax</u>		

Benning Power Electronics, Inc.	\$817,407.00	
\$893,017.15		

Richardson, TX

Power Innovations Int'l	\$938,487.00	
\$1,025,297.05		

No. Dighton, MA

Independent cost estimate by BART staff: **\$941,000.00**

Staff determined that the apparent low bidder, Benning Power Electronics, Inc., submitted a responsive bid. Staff also determined that the bid price is fair and reasonable based on the Staff's independent cost estimate.

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations to Bid (IFB). Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this IFB.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for the Invitation for Bid for Local Small Businesses (LSB) 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 lowest responsive Bidder, Benning Power Electronics, Inc., is not a certified Local Small Business (LSB), and therefore, is not eligible for the 7% LSB Prime Preference. The next lowest bidder, Power Innovations Int'l, also is not a certified Local Small Business so Benning remains the lowest responsive bidder.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$893,017 for award of IFB No. 9061 is included in the total Project budget for FMS #79NKRR1 – Train Control UPS System.

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 Source	Amount
Measure RR	\$ 14,981,630
TOTAL	\$ 14,981,630

As of July 2, 2019, \$14,981,630 is the total budget for this project. BART has expended \$2,418,303, committed \$46,080 and reserved \$941,000 to date. This action will commit \$893,017 leaving an available fund balance of \$10,683,230 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.

ALTERNATIVES:

The alternative is to reject the Bids. This would leave the BART system, including train operation, vulnerable to power failure which could result in delays, system possible shutdown, and a loss of revenue service.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award IFB No. 9061, an estimated quantities

contract, for Uninterruptible Power Supply to Benning Power Electronics, Inc. for an amount of \$893,017.15 (including applicable sales tax), pursuant to a notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.