



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 14 July 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward it to the Board		
DATE: 7/2/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maansii Chirag Sheth Dept: Maintenance and Engineering  Signature/Date: <i>M Sheth</i> 07.12.2019	General Counsel <i>[Signature]</i> 7/12/19 [ ]	Controller/Treasurer <i>[Signature]</i> 7/15/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 7.15.2019 [ ]

### Change Orders to Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement

#### PURPOSE:

To authorize the General Manager to execute Change Orders 9.1 through 16 (8 in total) to Contract No. 09DJ-150A for TBT Cathodic Protection Reference Cell Replacement, in an amount not to exceed \$380,588, and which includes an estimated sixty-one (61) compensable calendar day extension to the Contract duration.

#### DISCUSSION:

On May 28, 2018 the Board of Directors authorized the General Manager to award Contract No. 09DJ-150A TBT Cathodic Protection Reference Cell Replacement, to DMZ Builders in the amount of \$949,850. This Contract is for the replacement of existing non-operational reference cells. These are critical components of the Cathodic Protection (CP) Monitoring System and need to be functional in order to validate the performance of the TBT CP system.

To date, the District has executed nine (9) Change Orders in the amount of \$249,149. Accordingly, the cumulative amount of contingency spent to date is \$94,120 or 9.91% of the original Contract amount.

Project Staff has issued Cost Proposal Change Notices. The forecast amount of those prospective Change Orders is \$380,588.



Total Base Bid Amount:	\$949,850	
Contingency Spent to-date:	\$94,120	9.91%
Potential Change Orders:	\$380,588	40%
Revised Contract Amount:	\$1,424,558	

Descriptions of the Change Order costs expected to be incurred is set forth below. These Change Orders are necessary for completion of the Contract.

1. Change Orders needed due to impacts from the TBT Retrofit Project:

- Change Orders 9.1 and 16-Anticipated Cost: \$131,000 to complete the Contract Work during Weekends, including delay costs for Time Extension of 61 Days to the original Contract Duration.

These changes are necessary because of the changes associated with the TBT Seismic Retrofit Project. The original Contract included Construction Work during regular Work hours. However, after this Contract's Award, the acceleration to the TBT Seismic Retrofit Project, required that a portion of the Reference Cell Project Construction Work be performed during Weekends.

- Change Order Nos. 11, 12-Anticipated Cost: \$121,000 to compensate DMZ for removal of the two newly installed panels and pin brazing conduits to resolve conflicts with Retrofit Project; for the direct costs incurred due to the TBT Lower Gallery Access Restrictions imposed, and inefficiency cost incurred due to limited access to Upper Gallery during Swing Shift hours.

2. Change Orders needed due to Differing Site Conditions:

- Change Order No.10-Anticipated Cost: \$13,500 to compensate DMZ for developing a preliminary welding plan, not a part of the Original Contract to weld the steel tabs inside the Top Hats.
- Change Order No.13 and 15-Anticipated Cost: \$45,088 for the conduit and cables quantity overrun from the original estimated quantity indicated in the Bid Schedule of Bid Form.
- Change Order No.14-Anticipated Cost: \$70,000 for providing a Roadway Worker Certified (RWP) labor to act as a second radio check attendant to remain in position to provide effective warning below an open access hatch to the Upper Gallery.



All Change Orders will be reviewed for approval as to form by the Office of the General Counsel prior to execution.

### **FISCAL IMPACT:**

Funding in the amount of \$380,588 for award of Change Orders to Contract No. 09DJ-150A is included in the total Project budget for FMS #09DJ005 – TBT Cathodic Protection Reference Cell Replacement.

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	Amounts
F/G 3609 - FY16 Capital Improvements CA-2017-029	2,000,000
F/G 8529 - FY15 BART Operating Allocation to Capital	500,000
F/G 8530 – FY16 BART Operating Allocation to Capital	140,000
<b>TOTAL</b>	<b>2,640,000</b>

As of 07/02/2019, \$2,640,000 is the total budget for this project. BART has expended \$1,777,090, committed \$240,551, and reserved \$0 to date. This action will commit \$380,588, leaving an available fund balance of \$241,771 in these fund sources 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 Board may elect not to authorize the execution of these Change Orders. Failure to issue these Change Orders could result in the following:

- Termination of the Contract, and then re-bidding it for completion of the Contract Work once the Retrofit Project is over, resulting in additional costs.
- Without the installation of the reference cells, BART is not able to verify if the TBT outer steel shell is receiving adequate cathodic protection in accordance with the NACE Standards.



**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

Authorize the General Manager to execute the Change Orders 9.1 through 16 (a total of 8 Change Orders) for Contract number 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement for a total estimated amount of \$380,588, with a time extension to the Contract Duration of 61 Days.



## EXECUTIVE DECISION DOCUMENT

### ATTACHMENT #1

### CHANGE ORDER SUMMARY

#### BACKGROUND

Name of Contractor:	DMZ Builders Co., Inc.
Contract No./NTP:	09DJ-150A / July 25, 2018
Contract Description:	TBT Cathodic Protection Reference Cell Replacement
Percent Complete as of 7/15/2019	85%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 949,850.00
Change Orders:			
Other than Board Authorized C.O.s	9.91%	\$ 94,120.42	
Pending Board Authorized C.O.s	40.07%	<u>\$380,588.00</u>	
Subtotal of all Change Orders	49.98%	\$474,708.42	
<u>Revised Contract Amount:</u>			\$1,424,588.42

#### SCHEDULE

Original Contract Duration:	360 Days
Time Extension to Date:	0 Days
Time Extension Due to Pending COs:	61 Days
Revised Contract Duration	421 Days

#### SUMMARY REASON FOR THESE CHANGE ORDER(S)

To address access and coordination conflicts with TBT Retrofit Project and differing site conditions encountered.