



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pore</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/25/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Systems Development	General Counsel <i>[Signature]</i> 7/15/19 []	Controller/Treasurer <i>[Signature]</i> 7/15/19 []	District Secretary []	BARC <i>[Signature]</i> 7/15/2019 []
Signature/Date: <i>[Signature]</i> 7-15-19				

Award of Contract 57RR-110: Embarcadero and Civic Center Bike Station Modifications

PURPOSE:

To obtain the Board's authorization for the General Manager to award Contract No. 57RR-110: Embarcadero and Civic Center Bike Station Modifications, to Alex Kushner General, Inc., of San Francisco, California, for the Bid price of \$573,260.

DISCUSSION:

This project is intended to increase usage of the Bike Stations at Embarcadero and Civic Center stations by improving visibility, security and safety features of the facilities.

At the Embarcadero station, this project will reconfigure the entry with a new steel structure glass wall and new door separating the secured bike area from the station concourse. The work also includes an upgrade of the BikeLink access control system at the entrance, installing a new metal grid ceiling and new lighting fixtures. Bike racks will be reconfigured to provide parking for oversize bikes and charging for eBikes.

At the Civic Center station, the project will address misuse and security of the space. The project will remove and re-purpose a partition wall between the secured paid bike parking area and open parking area and create one continuous secured bicycle parking area. This will include the installation of a second door, steel structural members, glass panels and steel rails to close the open space on top of the existing wall system.

The successful completion of the project will provide safe and secure bike parking facilities at the two downtown San Francisco BART stations. No Federal funds have been used,

nor are there plans to use them for the project including the design phase.

Bid Process

The District provided an Advance Notice-to-Bidders to 192 prospective bidders on April 4th, 2019 and Contract Documents were emailed to 24 plan rooms and Minority Assistance Organizations. The Contract was advertised on or around April 10th, 2019 in local publications. The Contract Documents were posted to the District's Procurement Portal and available to Bidders electronically on April 10th and in hard copy form. A total of thirty (30) entities downloaded the Contract Documents from the BART Procurement Portal. A pre-bid Meeting and job site walk were conducted on May 2, 2019 with four (4) prospective Bidders attending the meeting. No addenda were issued during the bid period.

Three (3) Bids were received and publicly opened on June 4, 2019. The Bids, including the Engineer's Estimate are as follows:

Bidder	Location	Total Base Bid
KCK Builders	San Francisco, CA	\$418,000
Alex Kushner General, Inc	San Francisco, CA	\$573,260
Rockridge Builders	Oakland, CA	\$694,387
Engineer's Estimate	--	\$690,091

The apparent low bidder, KCK Builders of San Francisco, requested to withdraw its bid because the bid contained a clerical error which resulted in the bid being \$100,000 lower than the bidder's actual estimate. After comparing KCK Builders' estimate sheet and bid form the District consented to this request.

After review by District staff, the Bid submitted by Alex Kushner General, Inc. was determined to be responsive to the solicitation. Examination of Alex Kushner General, Inc.'s license, business experience, and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Total Base Bid Price of \$573,260 is fair and reasonable.

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, Existing Facilities, because it consists of minor alterations of existing facilities.

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”). The Bidder, Alex Kushner General, Inc., committed to 0.0% MBE and 0.0% WBE participation. The Bidder, Alex Kushner General, Inc., did not meet either the MBE or WBE Availability Percentages; therefore, the Bidder Alex Kushner General, 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 the Bidder Alex Kushner General, Inc., the Office of Civil Rights found no evidence of discrimination.

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 lowest responsive Bidder Alex Kushner General, Inc. is a certified Local Small Business, thus, making it eligible for the Prime Preference. Since the Bidder, Alex Kushner General, Inc. is the lowest responsive Bidder, and is eligible for the 7% Local Small Business Prime Preference, the application of the Prime Preference will not alter the award to the Bidder, Alex Kushner General, Inc.

FISCAL IMPACT:

Funding in the amount of \$573,260 for award of Contract No. 57RR-110 is included in the total project budget for FMS# 57RR205 Embarcadero & Civic Bike Stations Modernization.

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.	Source	Fund Description	Amount
6624	Local	Prop K – Bike Parking and Access Improvements	\$437,100
802A	BART	2017 Measure RR GOB	\$490,847
		Total	\$927,947

As of June 24, 2019, \$927,947 is the total budget for this project. BART has expended \$82,810 and committed \$0 and reserved \$0 to date. This action will commit \$573,260 leaving an available fund balance of \$271,877 in these fund sources for this project.

The Office of 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 alternative is to decline to award the Contract or rebid. Declining to award the Contract would mean delaying or not improving the Bike Station facilities at the two downtown stations and not addressing known security and safety issues. Delays associated with rebidding the Contract could potentially result in increased Project costs.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 57RR-110 for Embarcadero and Civic Center Bike Station Modifications, to Alex Kushner General Inc., of San Francisco, California for the Bid price of \$573,260, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.