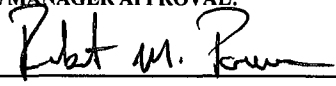
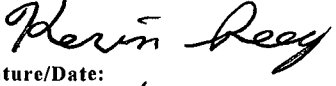
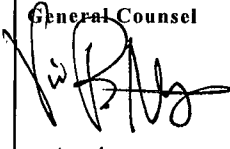
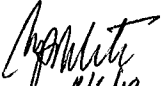
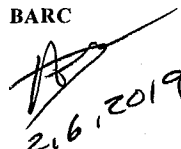




## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  6 Feb 2019		<b>GENERAL MANAGER ACTION REQ'D:</b> Transmit General Counsel Memo and Procurement Report to the Board		
<b>DATE:</b> 8/6/2018		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Kevin Reeg <b>Dept:</b> Maintenance and Engineering  <b>Signature/Date:</b> 2/6/19	<b>General Counsel</b>  2/6/19 [ ]	<b>Controller/Treasurer</b>  2/6/19 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  2.6.2019 [ ]

### Civic Center Station - Scissor Stairs Project - Award of Contract #11IA-112

#### PURPOSE:

To authorize the General Manager to award Contract No. 11IA-112, Civic Center Scissor Stairs Project, to Wickman Development and Construction (Wickman Development) of San Francisco, CA for the total bid price of \$5,734,100.00.

#### DISCUSSION:

The purpose of this project is to improve egress performance at the Civic Center/U.N. Plaza Station (M40) by constructing two additional stairways. The proposed stairs connect from the BART platform to the concourse level with an intermediate landing at the MUNI level. The two additional stairways will be constructed adjacent to the two existing stairways. The project will also upgrade the existing stair lighting to increase life cycle, reduce maintenance, improve lighting levels, and match lighting levels in the newly installed stairways.

The scope of work requires the Contractor to provide all labor, equipment, material, and services required for installation of the new stairways and lighting upgrades on the existing stairways.

The District provided an Advance Notice to Bidders to 151 bidders on October 31, 2018. A Pre-Bid Meeting and site tour was conducted on November 28, 2018 with ten prospective bidders. Contract Documents were sent to nineteen contractors and four planrooms. The contract was advertised on local publications and posted to the District's Procurement Portal on November 2nd. Two addendums were issued during the bid period.



A total of two bids were received and publicly opened on January 22, 2019. Tabulation of the bids, including the Engineer's Estimate is indicated in Table 1 as follows:

**Table 1: Contract 11IA-112 Civic Center Scissor Stairs Project Bid Prices**

<b>BIDDER</b>	<b>LOCATION</b>	<b>Total Bid Price</b>
Wickman Development and Construction	San Francisco, CA	\$5,734,100.00
Proven Management	Oakland, CA	\$7,326,369.00
<b>ENGINEER'S ESTIMATE</b>		<b>\$6,682,589.00</b>

District staff determined that Wickman Development and Construction was the lowest responsive bidder. Wickman Development's total bid price of \$5,734,100 was found to be fair and reasonable with the Engineer's Estimate.

#### **NON-DISCRIMINATION PROGRAM**

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"). Wickman Development committed to 26.5% MBE and 0% WBE participation. Wickman Development did not meet the WBE Availability Percentage; therefore, Wickman Development was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by Wickman Development, the Office of Civil Rights found no evidence of discrimination.

#### **SMALL BUSINESS PROGRAM**

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% 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. Wickman Development is a certified Local Small Business, thus, making it eligible for the Prime Preference. Since Wickman Development is the lowest responsive Bidder and is eligible for the 5% Local Small Business Prime Preference, the application of the Prime Preference will not alter the award to Wickman Development and Construction.



Funding in the amount of \$5,734,100 to award Contract No. 11IA-112 is included in the total project budget for FMS# 11IA002 – Civic Center Platform Stairs.

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 source:

<b>Proposed Funding</b>	
F/G 802A - 2017 Measure RR GOB	\$ 11,200,000
<b>TOTAL</b>	11,200,000

As of January 24, 2019, \$11,200,000 is the total budget for this project. BART has expended \$693,281, committed \$19,319, and reserved \$0 to date. This action will commit \$5,734,100, leaving an available fund balance of \$4,753,300 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.

**ALTERNATIVES:**

Reject all bids and leave station as is. Station egress will not be improved.

Reject all bids and re-advertise. Re-advertising will delay construction of a safety critical infrastructure improvement. The lowest responsive bidder is 15% lower than the Engineer's Estimate and is also a Local Small Business. Re-advertising is not expected to lower bid prices a considerable amount.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to award Contract No. 11IA-112 Civic Center Station Scissor Stairs Project to Wickman Development and Construction for the Bid price of \$5,734,100, pursuant to the notice to be issued by the General Manager and subject to the District's Protest Procedures.