



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Theresa M. P...</i> 17 APRIL 2019		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the April 25, 2019 E&O Committee Meeting		
DATE: 4/4/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Shrenik Shah Dept: Planning, Development and Construction <i>[Signature]</i> Signature/Date: 4/12/2019	General Counsel <i>[Signature]</i> 4/12/19 []	Controller/Treasurer <i>[Signature]</i> 4/12/19 []	District Secretary []	BARC <i>[Signature]</i> 4.15.2019 []

Award of Contract No. 01VM-120, Union City Intermodal Station Phase 2A – BART Station Improvements

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 01VM-120, Union City Intermodal Station Phase 2A – BART Station Improvements to Clark Construction Group – California, LP of Irvine, CA.

DISCUSSION:

The work of this Contract expands the vertical circulation elements on the east side of the Union City Station, specifically adding one stairway, two new escalators and retrofitting one existing stairway. The work includes selective demolition of existing structure and the construction of new structural elements and facilities to support the new escalators and stairways. It includes the construction of extended canopies over the expanded platform area and all associated components including signage, lighting, CCTV and communications systems.

On July 9, 2018, the Advance Notice to Bidders was e-mailed to 180 prospective Bidders. The Contract was advertised on July 13th, 2018 in construction trade publications and posted on BART's website. A total of 48 online plan holders viewed the contract documents. A pre-Bid meeting and site tour was conducted on July 27, 2018, with 5 prospective Bidders attending. One (1) Bid was received and publicly opened on August 28, 2018. The Bid received and the Engineer's Estimate are shown below:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BID PRICE</u>
Clark Construction Group – California, LP	Irvine, CA	\$18,492,910.00
<u>Engineer's Estimate:</u>		\$13,435,753.00

After review by the District staff, Clark Construction's Bid was determined to be responsive to the solicitation. Examination of Clark Construction's business experience and financial capabilities has resulted in a determination that the Bidder is responsible. The Bid Price of \$18,492,910 is 37% above the engineer's estimate. Since the solicitation resulted in a single bid, it represents a non-competitive bid environment and the Bid Price is fair given the market conditions.

In accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), review for the Intermodal Station Phase 2A Project was conducted by the respective federal and state lead agencies, Federal Transit Administration (FTA) and Union City, in 2002 and 2003 as part of a larger project. As a result of some project modifications in 2005, an evaluation of potential project impacts was conducted by Union City to document that the project changes would not cause significant environmental impacts. The City submitted a letter to FTA summarizing the project changes and the evaluation of potential impacts. FTA concluded there were no significant environmental impacts related to the project modifications and no review under NEPA was required. BART staff reviewed the documentation and concurred with these findings and concluded the project continues to comply with applicable CEQA requirements.

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 Office of Civil Rights has determined that Clark Construction Group has exceeded both the MBE and WBE Availability Percentages for this Contract at 21.2% for MBEs and 9.5% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 23% Small Business (SB) Subcontractor Participation Goal for this Contract. Bidders who meet the SB Subcontractor Participation Goal are eligible for a Small Business Preference of 5% of the lowest responsible Bidder's Bid, with a cap of \$1 Million. Clark Construction Group committed to subcontracting 24.6% to SBs. Clark Construction Group met the SB Subcontractor Participation Goal and, therefore, is eligible for the 5% Bid Preference. However, since Clark Construction Group is the only Bidder, this preference would not alter the award to Clark Construction Group.

FISCAL IMPACT:

Funding in the amount of \$18,492,910 for the award of Contract 01VM-120 is included in the total budget for FMS# 01VM001, UC Intermodal Station Phase 2A. 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:

Proposed Funding	
F/G 802A – 2017A Measure RR GOB	\$10,000,000
F/G 663V– 2011 Union City Phase II Bonds	\$14,600,000
TOTAL	\$24,600,000

As of April 9, 2019, \$24,600,000 is the total budget for this project. BART has expended \$7,011 and has committed and reserved \$0 to-date for other action. This action will commit \$18,492,910 leaving an available fund balance of \$6,100,079 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 to reject all bids and authorize staff to re-advertise the Contract. Re-advertising the Contract would result in additional cost and time to the District with no assurance that rebidding will result in lower Bid prices or increased competition. Furthermore, if BART does not proceed with award, the City of Union City may elect to revoke the project funds and utilize the funds for alternate City projects.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 01VM-120, Union City Intermodal Station Phase 2A – BART Station Improvements to Clark Construction Group – California, LP for the Bid Price of \$18,492,910.00 pursuant to the notification to be issued by the General Manager.