



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Robert M. Poon</i> 15 OCT 2019		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and send to the Board		
<b>DATE:</b> 4/24/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Linda Lee <b>Dept:</b> Maintenance and Engineering <i>L Lee</i> <b>Signature/Date:</b> May 10, 2019	<b>General Counsel</b> <i>[Signature]</i> 5/10/19 [ ]	<b>Controller/Treasurer</b> <i>[Signature]</i> 5/10/19 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b> <i>[Signature]</i> 5.13.2019 [ ]

### Award of Contract No. 15QN-110-Installation of Safety Barriers and Right-of-Way Fencing Systemwide, Phase III

#### Award of Contract No. 15QN-110

#### Installation of Safety Barriers and Right-of-Way Fencing Systemwide, Phase III

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No. 15QN-110, Installation of Safety Barriers and Right of Way Fencing Systemwide, Phase III, to Golden Bay Fence Plus Iron Works, Inc. ("Golden Bay") of Stockton, CA for the Base Bid Price of \$736,362.93 and to authorize the General Manager to exercise the single Bid Option for the Bid Price of \$163,130.52.

**DISCUSSION:** This Contract is for the installation of permanent physical safety barriers in the BART right-of-way. These barriers are required in order to comply with the Roadway Worker Protection Safety regulations, promulgated by California Public Utilities Commission (CPUC) General Order 175 (GO 175) and incorporated into BART's new Safety Policy. These permanent physical safety barriers protect workers who are in the right-of-way during revenue hours from moving trains without affecting the train schedules. The Contract has one Option for replacement of right-of way perimeter fence and gate at CHB. The new right-of-way fence and gate will provide added security against stray vehicle intrusions.

The Contract was advertised on February 7, 2019. On February 7, 2019, the District provided advance notice to two hundred eighty-two (282) prospective Bidders and Contract Books were sent to one (1) plan room. A pre-Bid meeting was held on February 25, 2019, with two (2) prospective Bidders attending the meeting. One (1) addendum was issued.

The following single Bid was received and publicly opened on March 26, 2019:

<b>BIDDER</b>	<b>LOCATION</b>	<b>BASE BID</b>	<b>OPTION BID</b>	<b>TOTAL BID</b>	<b>SMALL BUSINESS</b>
Golden Bay Fence Plus Iron Works, Inc.	Stockton, CA	\$736,362.93	\$163,130.52	\$899,493.45	Yes
Engineer's Estimate		\$807,000	\$186,000	\$993,000	

After review by District staff, the Bid submitted by Golden Bay has been deemed to be responsive to the solicitation. Furthermore, a review of Golden Bay's license, business experience, and financial capabilities has resulted in a determination that Golden Bay is responsible. Staff has also determined that Golden Bay's total Bid price of \$899,493.45 is fair, reasonable, and below the Engineer's Estimate.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were Small Business Entity (SBE) subcontracting opportunities; therefore, an SBE participation goal of 21% was set for this Contract. The sole Bidder, Golden Bay Fence Plus Iron Works, Inc., is an SBE certified firm and committed to 88.1% to SBEs. The Office of Civil Rights has determined that Golden Bay Fence Plus Iron Works, Inc. has met the SBE participation goal set for this Contract.

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 (f), Existing Facilities, because it consists of minor alterations of existing facilities for safety protection involving no expansion of use.

**CAPITAL FISCAL IMPACT:**

Funding in the amount of \$899,493 to award Contract 15QN-110 is included in the total project budget for FMS# 15QN000 – Safety Barriers Phase III.

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 3602 - CA-54-0007 FY13 CAP IMP 5337	189,902
F/G 802A - 2017 Measure RR GOB	3,000,000
F/G 851W - FY07-11 Capital Alloca	47,474
F/G 8532 - FY 2018 Operating Cap Alloc	200,000
<b>TOTAL</b>	<b>3,437,376</b>

As of April 10, 2019, \$3,437,376 is the total budget for this project. BART has expended \$490,513, committed \$269,663, and reserved \$0 to date. This action will commit \$899,493, leaving an available fund balance of \$1,777,706 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 Board may elect to reject the Bid and authorize staff to re-advertise the work of this Contract. There is no assurance that any new Bids would be lower than the current Bids. Failure to proceed with the Contract would delay the barrier installation work, which will delay staff's access to the wayside for maintenance and other related work.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to award Contract No. 15QN-110, Installation of Safety Barriers and Right-of-Way Fencing Systemwide, Phase III, to Golden Bay Fence Plus Iron Works, Inc. for the Bid price of \$899,493.45 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise the single Option for the Bid Price of \$163,130.52 for replacement of right-of-way perimeter fence and gate at CHB.