



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. M. P.</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/15/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregory Shivy Dept: Maintenance and Engineering Signature/Date: <i>Gregory Shivy</i> 5/10/19	General Counsel <i>[Signature]</i> 5/10/19 [ ]	Controller/Treasurer <i>[Signature]</i> 5/10/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 5/13/2019 [ ]

### Award of Contract 15CQ-115 For C25 Interlocking Renewal

#### PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15CQ-115, C25 Interlocking Renewal, to Proven Management Inc., for the bid amount of \$9,869,643.00, for work on the C25 Interlocking Track infrastructure.

#### DISCUSSION:

Contract 15CQ-115 is a Measure RR Public Works Construction Contract for renewal of critical existing District infrastructure within the city limits of Orinda, CA in Contra Costa County. There are four (4) turnouts in the C25 interlocking, which have reached the end of their useful life, will be replaced with new concrete tie turnouts. The contract work includes demolition of existing tracks, site preparation, restoration of areas used for staging, construction of new track and special trackwork, traction power maintenance, train control and all other associated work.

The Contractor will provide traffic control and coordination with Caltrans during the construction period, primarily for California State Route 24, which borders the interlocking. This project will utilize four (4) weekend track shutdowns, during the period from April 1, 2020 through June 30, 2020, including Memorial Day weekend of 2020, and will be supported by bus bridges from local transit agency partners.

Advance Notice to Bidders of this Contract was mailed on March 14, 2019 to one hundred and seventy eight (178) prospective Bidders. The Contract was publicly advertised on March 13, 2019 and subsequently posted on the BART Vendor Portal where thirty nine (39) Plan Holders downloaded the Contract Book. A Pre-Bid meeting held on March 27, 2019 was attended by ten (10) prospective bidders and four (4) of the ten (10) attended a site walk

on March 28, 2019. Two (2) Bids were received on April 16, 2019 with the following results:

DMZ Builders, Inc., Concord , CA	\$10,140,000.00
Proven Management, Inc., Oakland, CA	\$ 9,869,643.00

BART Engineers Estimate is \$13,084,911.00. BART believes that the bids were below the Engineers Estimate because both bidders have experience with similar projects and therefore are familiar with the BART procedures, the Operating Envelope, and work restrictions. Contract duration is estimated to be completed within 500 calendar days.

Staff has determined that Proven Management, Inc., is a responsive and responsible Bidder and that the Bid submitted by them is responsive. Staff also determined that the \$9,869,643.00 Bid price is fair and reasonable based upon the independent cost estimate and a market survey of qualified contractors.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 20.3% for Minority Business Enterprises ("MBEs") and 14.1% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the apparent low Bidder, Proven Management, Inc., has exceeded both the MBE and WBE Availability Percentages for this Contract at 91.4% for MBEs and 15.2% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 17% Local Small Business (LSB) Subcontractor Participation Goal for this Contract. Bidders who meet the LSB Subcontractor Participation Goal are eligible for a Prime Preference of 7% of the lowest responsible Bidder's Bid, up to a cap of \$150,000. The apparent low Bidder, Proven Management, Inc., committed to subcontracting 22.8% to LSBs, which qualifies it to receive the Prime Preference. The second lowest Bidder, DMZ Builders, committed to subcontracting 1% to LSBs, and therefore, is not eligible for the Prime Preference. After the application of the 7% Prime Preference, Proven Management, Inc. is still the lowest responsive Bidder.

#### **FISCAL IMPACT:**

Funding in the amount of \$9,869,643.00 to award Contract No. 15CQ-115 C25 Interlocking Renewal is included in the total budget for FMS# 15CQ006 Replace Rails, Ties, C25 Interlocking . 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:

<b>Source</b>	<b>Fund Description</b>	<b>Amount</b>
BART	Measure RR General Obligation Bonds	\$14,250,000.00
	Total	\$14,250,000.00

As of April 23, 2019, \$14,250,000.00 is the total budget for this project. BART has expended \$14,177.00, committed \$25,139.00 and reserved zero dollars to date for other actions. This action will commit \$9,869,643.00 leaving an available fund balance of \$4,341,041.00 in 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:**

Reject the Bids and re-advertise the Contract. This is not likely to result in increased competition or lower prices and would delay the critical C25 Interlocking Renewal project, which could negatively impact revenue service.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Contract No. 15CQ-115, C25 Interlocking Renewal, to Proven Management Inc. of Oakland, California for the Bid Price of \$9,869,643.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.