



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhonda M. Lockhart</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rhonda Lockhart Dept: eBART/BART-to-OAK <i>Rhonda Lockhart</i> Signature/Date: 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> 6.13.2019 [ ]

### Contract No 04SF-140 Change Order No.25 For Additional Spare Parts for the eBART Vehicles

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 25 to Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG for the procurement of additional spare parts for the eBART Vehicles, in an amount not to exceed \$270,000, plus applicable taxes.

#### DISCUSSION:

On April 24, 2014, the Board authorized the General Manager to award Contract No. 04SF-140 for the procurement of the eBART Vehicles to Stadler Bussnang, AG (Stadler). The Board authorization included three Options for spare parts through Change Orders to Contract No. 04SF-140, as follows:

Option 3: \$1,521,577.

Option 4: \$1,918,232. Reduced to \$660,490. Final adjusted to \$414,847.

Option 5: \$1,926,799. Not exercised.

This is a general project change order outside of the three options.

On February 27, 2019, Stadler notified the District of the Final Acceptance milestone of the vehicles was approaching (May 15, 2019) and presented an offer of consolidated purchase of the remaining inventory of spare parts Stadler has on-site to support warranty and

commissioning, at an estimated 35% discount, in the amount of not to exceed \$270,000. The final purchase price will be determined upon approval, execution of a final inventory count and acceptance by eBART, to account for usage between the dates of offer and final inventory count. It is generally accepted between the parties that the final cost will be lower than the original offered amount.

Staff recommends the procurement of these additional spare parts which are required for the District's use to effectively maintain the eBART vehicles. With this acquisition, eBART will have a reliable supply and sufficient quantities of spare parts to support the District's immediate needs during revenue operations to repair failures, replace defective parts, and to replenish parts based on usage and lead time considerations.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve the Change Order as to form. The Procurement Department will review the Change Order for compliance with procurement guidelines.

**FISCAL IMPACT:**

Funding of \$270,000.00 for the procurement of additional eBART Vehicle spare parts is included in the total project budget for 04SO000, eBART Pre-Revenue. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

Fund Source	Amount
BART Operating to Capital Allocation	\$ 16,021,712
TOTAL	\$ 16,021.712

As of May 7, 2019, \$16,021,712 is the total budget for this project. BART has expended \$14,518,514, committed \$647,724 and reserved \$46,826 to date. This action will commit \$270,000 leaving an available fund balance of \$538,649 balance for this project.

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

**ALTERNATIVES:**

To not approve this requested allocation and postpone procurement of spare parts inventory until such funding is provided. This could have negative effects on service.

**RECOMMENDATION:**

Approve the following motion.

**MOTION:**

The Board of Directors authorizes the General Manager to execute Change Order No. 25 with Stadler Bussnang, AG to provide eBART vehicle spare parts inventory in an amount not to exceed \$270,000.

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### ATTACHMENT #1

## CHANGE ORDER SUMMARY

### BACKGROUND

Name of Contractor: Stadler Bussnang AG  
Contract No./NTP: 04SF-140/May 30, 2014  
Contract Description: eBART Vehicle Procurement  
Percentage Complete as of 05/13/2019: 95%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$58,124,419.00
Change Orders:		\$560,193.17	
Other than Board Authorized Change Orders			
Board Authorized Change Orders	C/O 1 & 2	\$1,936,424.00	
Pending Change Order #25		\$270,000.00	
Subtotal of all Change Orders	100%	\$2,766,617.17	
Revised Contract Amount			

### SCHEDULE

Original Contract Duration:  
Time Extension to Date:  
Time Extension Due to Approved CO's  
Revised Contract Duration:

### SUMMARY REASON FOR THIS CHANGE ORDER

Additional spare parts to support the Districts immediate needs during revenue operations to repair failures, replace defective parts, and to replenish parts based on usage and lead time considerations.