



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pown</i> 7 JUNE 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/24/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ellen Smith Dept: Systems Development <i>Ellen M. Smith</i> Signature/Date: 6-6-19	General Counsel <i>Nick</i> 6/6/19 []	Controller/Treasurer <i>John White</i> 6/6/19 []	District Secretary []	BARC <i>Chris</i> []

Award of Professional Services Agreement No. 6M8159 Strategic Advising and Program Management Services for New Transbay Rail Crossing Project

PURPOSE: To obtain Board authorization for the General Manager to award Agreement No. 6M8159 to HNTB Corporation to provide Strategic Advising and Program Management Services for the New Transbay Rail Crossing Project, and to authorize the General Manager to exercise an Option to extend the Agreement for an additional five years.

DISCUSSION: As BART approaches its 50th year of public service, BART is evaluating future demand for transbay capacity and recognizing the eventual need for significant rehabilitation of the current transbay tube. At the same time, the traditional nine-county San Francisco Bay Area is evolving into a much larger megaregion, stretching from Monterey/Salinas to the northern San Joaquin Valley to counties northeast of Sacramento. To meet the needs of the public, BART is pursuing a New Transbay Rail Crossing within the context of the larger rail network. BART and Capitol Corridor Joint Powers Authority are partnering on this Project today, with the intention of engaging further with other rail operators as the work advances.

The New Transbay Rail Crossing will be a highly complex, long-term effort, and it will require consultant support for Strategic Advising and Program Management, particularly related to lessons learned from other megaprojects.

On November 27, 2018, BART issued a Request for Proposals (RFP) to provide Strategic Advising and Program Management Services for BART's New Transbay Rail Crossing Project, BART RFP No. 6M8159. The RFP defined a single Agreement with a base term of five years, with one Option to extend the Agreement for an additional five years, resulting in a maximum Agreement term of 10 years. The Agreement total amount is not to exceed \$50 million.

An Advance Notice to Proposers was emailed to 2,117 potential firms with expertise in the pertinent technical fields. The RFP was posted to the District's Procurement Portal and was made available to potential proposers to download electronically. A total of 173 firms downloaded the RFP through the Procurement Portal. The RFP was also advertised in local publications.

A pre-proposal meeting was held on December 12, 2018 at the Joseph P. Bort Metro Center in Oakland. Representatives from 132 firms attended the meeting. Immediately following the pre-proposal meeting, the District's Office of Civil Rights managed a networking session for potential subconsultants to meet potential prime consultants.

On February 5, 2019, five Proposals were received, of which the following four were determined by the Procurement Department to be responsive and responsible, and thus eligible for further evaluation (in alphabetical order):

1. HNTB Corporation, Oakland, CA
2. Jacobs Engineering Group, Inc., Oakland, CA
3. LiNC Partners (a joint venture of Parsons Transportation Group, Inc. and Arup North America Ltd.), Oakland, CA
4. WSP USA Inc., Oakland, CA

The Proposals were reviewed by a Selection Committee consisting of BART staff from Planning, Development and Construction and the Office of Civil Rights, as well as representatives from the Capitol Corridor Joint Powers Authority, Metropolitan Transportation Commission, and the California State Transportation Agency.

As indicated in the RFP, the selection process included two phases:

- Phase 1) evaluation of written Proposals (60%)
- Phase 2) evaluation of oral presentations (40%).

Phase 1 represented sixty percent (60%) and Phase 2 represented forty percent (40%) of the total evaluation. In Phase 1 the Proposals were evaluated and scored on the basis of criteria contained in the RFP regarding qualifications of the firms and key personnel, and proposed approach. All four Proposers received average scores high enough to be invited to participate in oral presentations. The Selection Committee conducted interviews on April 16 and 17, 2019.

Based on the combined Phase 1 and Phase 2 evaluations, the Committee determined the most qualified Proposer to be HNTB Corporation. The Internal Audit Department staff evaluated the rates and mark-ups (for a cost-plus-fixed fee rate Agreement) proposed by HNTB Corporation. Negotiations were concluded on mutually favorable terms to BART and HNTB Corporation. Staff determined the rate structures are fair and reasonable.

This Agreement 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 Agreement and determined that there were Small Business Entity (SBE) subconsulting opportunities; therefore, an SBE participation goal of 25% was set for this Agreement. The Office of Civil Rights has determined that HNTB Corporation has committed to meet the SBE participation goal set for this Agreement. The Office of Civil Rights will monitor the actual SBE participation attained based on individual Work Plans issued and amounts actually paid to SBE firms. The Agreement requires the Consultant to ensure that SBE firms have an equal opportunity to compete for and participate in the performance of the Agreement.

Work Plans under the Agreement will define periodic assignments, subject to funding availability. Each Work Plan will have its own scope, schedule and budget.

The Office of the General Counsel will approve the Agreement as to form.

Accordingly, staff recommends awarding one Agreement, under RFP No. 6M8159, to HNTB Corporation, in an amount not to exceed \$50,000,000, for a five-year performance period, with the authority for the General Manager to exercise the Option of an additional five year term.

FISCAL IMPACT: A multi-billion-dollar project, the New Transbay Rail Crossing has partial funding today. Project funds total approximately \$160 million (including approximately \$110 million in BART funds and an anticipated \$50 million in MTC-managed RM3 funds). Capitol Corridor Joint Powers Authority intends to commit \$1 million per year in support of this Agreement.

The Agreement has a not-to-exceed limit of \$50,000,000. District obligations will be subject to a series of Work Plans. Each Work Plan will have a defined scope of services, a schedule and budget. Any Work Plan assigned for funding under a State or Federal grant will include State or Federal requirements. The Capital Development and Control Department will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to execution of each Work Plan. Each Work Plan will be subject to the availability of project funding.

ALTERNATIVES: The District could reject all Proposals and re-solicit new Proposals. The amount of time necessary to reissue the RFP would adversely impact planning activities related to the New Transbay Rail Crossing Project, which supports the District's Strategic Plan Framework, and would not likely result in better quality proposals.

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

MOTION: The General Manager is authorized to award Agreement No. 6M8159 to HNTB Corporation to provide Strategic Advising and Program Management Services for the New Transbay Rail Crossing Project, for a period of five years, in an amount not to exceed \$50,000,000, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. The General Manager is further authorized to exercise an Option for an additional five-year term.

Attachment 1

EDD for Award of Professional Services Agreement No. 6M8159 Strategic Advising and Program Management Services for New Transbay Rail Crossing Project

HNTB Team

HNTB Corporation, Oakland

Network Rail Consulting

IntraStrategies

Steer Davies Gleave

Sperry Capital

RAND Corporation

Strategy Driver (1)

InTueor Consulting (1, 2)

Quality Engineering, Inc (1, 2)

Chaves & Associates

Convey (1, 2)

Strategic advice on megaprojects; program management

Capitol project delivery; megaproject best practices

Megaproject initiation: development, funding, delivery

Business planning for transportation investment projects

Financial advising

Decisionmaking analytics

Environmental strategy; stakeholder outreach

Transportation engineering

Quality assurance and control

Document control

Stakeholder outreach

(1) SBE

(2) DBE