



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>14 Aug 2019</i> <i>Robert M. Powers</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 7/8/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Wahid Amiri Dept: Planning Development & Construction  Signature/Date: <i>WA</i> <i>8/14/2019</i>	General Counsel <i>[Signature]</i> <i>8/14/19</i> ]	Controller/Treasurer <i>[Signature]</i> <i>8/14/19</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>8.14.2019</i> [ ]

### Change Orders and Associated Delay Compensation to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project

#### PURPOSE:

To authorize the General Manager to execute multiple Change Orders to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project. These Change Orders will be in the amount not to exceed \$6,500,000 which includes a compensable 149 calendar day extension to the Contract duration.

#### DISCUSSION:

On February 9, 2017, the Board authorized the General Manager to award Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project. This Contract expands and upgrades the existing paid area, constructs two new elevators and two new stairs, and provides new LED lighting throughout the station. The Contract also exercised four options to procure Automatic Fare Collection equipment to be used elsewhere on the system, relocate the passenger drop off area, enhance the Ohlone Greenway/bicycle path/hardscape, upgrade the concourse area, and provide new bus shelters.

The Change Orders associated with this EDD will resolve Contract delays associated with design changes, differing site conditions as well as incorporating elements of work from the State of Good Repair (SOGR) Program which can be more efficiently performed through this Contract.



Change Order #33 Uninterruptible Power Supply System (UPS) NTE \$400,000

This element of work was originally part of the SOGR Program and will be funded by Measure RR. This work addresses essential upgrades to the emergency lighting system for the station and can be more efficiently executed under this Contract.

Change Order #39 Revise Overhead Conduits NTE \$800,000

Differing site conditions were uncovered during construction which required revisions to the overhead power and communication conduits and routing.

Change Order #54 Fire/Life Safety & Other Design Changes NTE \$1,500,000

Design changes were necessary to bring the station up to current Fire/Life Safety building code requirements. This change order will be used to cover the costs to install a code compliant system in the station. In December 2018, the Board authorized the General Manager to procure long lead materials that will be used as part of this installation. An accurate estimate of the costs for installation was not available at that time.

Change Order #55 5-months Delay Compensation NTE \$2,500,000

During the course of construction, the project made multiple design changes as a result of differing site conditions and design omissions which delayed the schedule. Change Notice No. 55 addresses the delays caused by these design changes as well as escalation of material and labor. Change Order No. 55 will provide the Contractor with an amount not to exceed \$2,500,000 and will add 149 day calendar days to the Contract duration.

Change Order #82 Water Intrusion Mitigation Measure NTE \$250,000

This element of work was originally part of the SOGR Program and will be funded by Measure RR. This work mitigates water intrusion in the station coming through the joints between the overhead track girders.



Change Order #90 Swing-Style Fare Gate Pilot Program NTE \$300,000

In a continuing effort to address fare evasion the District would like to retrofit two of the Accessible Fare Gates procured through this Contract to incorporate swing-style fare gates for testing.

Change Order #91 New PG&E Meter for New Fire Pump NTE \$750,000

This change order will provide for the design and construction of a new 800-amp PG&E service meter to support the new fire pump required for the code compliant fire/life safety system at the Station.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval.

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

**CAPITAL FISCAL IMPACT:**

Funding in the amount of \$6,500,000 to execute the various Change Orders for Contract 05HA-100 is included in the following project budgets.

FMS# 05HA002 – El Cerrito Del Norte Station Modernization (\$5,700,000 for CO#33 – Partial funding of \$150,000; CO#39; CO#54; CO#55; CO#91)

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:

Proposed Funding	
F/G 802A – 2017 Measure RR	\$ 9,200,000
<b>TOTAL</b>	<b>9,200,000</b>



As of August 12, 2019, \$9,200,000 is the total budget for this project. BART has expended \$2,005,471, committed \$877,290, and reserved \$0 to date. This action will commit \$5,700,000, leaving an available fund balance of \$617,239 in this fund source for this project.

FMS# 15IIRR1 – Stations Emergency Lighting (\$250,000 for CO#33)

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 802A – 2017 Measure RR	\$ 27,010,696
<b>TOTAL</b>	<b>27,010,696</b>

As of August 12, 2019, \$27,010,696 is the total budget for this project. BART has expended \$3,156,420, committed \$0, and reserved \$14,920,789 to date. This action will commit \$250,000, leaving an available fund balance of \$8,683,487 in this fund source for this project.

FMS# 15TC021 – Water Intrusion at C&R Lines (\$250,000 for CO#82)

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 802A – 2017 Measure RR	\$ 20,254,325
<b>TOTAL</b>	<b>20,254,325</b>

As of August 12, 2019, \$20,254,325 is the total budget for this project. BART has expended \$89,880, committed \$462,268, and reserved \$0 to date. This action will commit \$250,000, leaving an available fund balance of \$19,452,176 in this fund source for this project.

FMS# 15TK000 – M&E Capital Maintenance (\$300,000 for CO#90)

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:



<b>Proposed Funding</b>	
F/G 850Z - CAPITAL MAINTEN. ALLOC	\$410,025
F/G 851W - FY07-11 Capital Allocation	\$1,206,109
F/G 8524 - FY12 Operating Allocation to Capital	\$1,100,000
F/G 8525 - FY13 Operating Allocation to Capital	\$1,048,000
F/G 8526 - FY14 Operating Allocation to Capital	\$1,600,000
F/G 8529 - FY15 Bart Op to Capital (BOAC)	\$1,200,000
F/G 8530 - FY16 Operating Allocation to Capital	\$975,000
F/G 8531 - FY17 Operating Allocation to Capital	\$200,000
F/G 8533 - FY19 Capital Allocation	\$1,200,000
F/G 8534 - FY20 Capital Allocation	\$1,200,000
<b>TOTAL</b>	<b>10,139,134</b>

As of August 12, 2019, \$10,139,134 is the total budget for this project. BART has expended \$7,095,187, committed \$725,129, and reserved \$628,741 to date. This action will commit \$300,000, leaving an available fund balance of \$1,390,077 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.

#### **ALTERNATIVES:**

Failure to issue these Change Orders for Contract No. 05HA-100 will require the work to be performed in a future contract at a potentially higher cost and will result in a claim for District-caused delays, with the potential for litigation.

#### **RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

#### **MOTION:**

The General Manager is authorized to execute the various Change Orders in an aggregate amount not to exceed \$6,500,000 to Contract No. 05HA-100, El Cerrito Del Norte Station Modernization Project.