



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>4 Sept 2019</i> <i>Robert M. Pomeroy</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 8/21/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maansii Chirag Sheth Dept: Maintenance and Engineering Signature/Date: <i>MSheth</i> 8/30/2019	General Counsel <i>[Signature]</i> 8/30/19 []	Controller/Treasurer <i>Chirag</i> 8/30/19 []	District Secretary []	BARC <i>[Signature]</i> 8.3.2019 []

To Request Board Authorization for Award of Contract 09DJ-160, TBT CP Anode Sled and Cable Replacement

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 09DJ-160 for TBT CP Anode Sled and Cable Replacement Project to Manson Construction Co. of Richmond, California for the Base Bid Price of \$3,501,000, and to exercise any or all of the four options for a total of \$5,561,000.

DISCUSSION:

The steel shell around the concrete tube structure of the BART Transbay Tube (TBT) is protected by the cathodic protection system. This system consists of a series of anode sleds, that provide the required current to protect the steel shell from corrosion. There are thirty (30) anode sleds protecting the TBT. At present, six (6) anode sleds are not functioning and need either repair or replacement of the sleds or cables.

This Contract is for all labor, equipment, materials, and services required for the repair of non-functioning anode sleds and cables of the cathodic protection system. The tube is divided into Segments 1 through 4, and Options A through D have been included in order to have the ability to replace any anode sled and cable within these segments when required. Due to the nature of the work this Contract was designated a Security Sensitive Information (SSI) Project.

The Contract was publicly advertised on February 10 - 12, 2019 in three publications. Advance Notice to Bidders of this Contract was emailed on February 11, 2019 to six

prospective bidders. A Pre-Bid meeting was conducted on April 24, 2019 with six prospective bidders in attendance. The Office of Civil Rights (OCR) conducted a Matchmaking Session on May 6, 2019 to help introduce Disadvantaged Business Enterprise (DBE) firms and Small Business Enterprise (SBE) firms to potential prime contractors. Prior to the Bid opening, the District issued five (5) Addenda for this Contract.

One bid was received from Manson Construction Co. (Manson) on July 23, 2019. Manson's submitted Bid Prices and Engineer's Estimate are shown below:

Item	Name	Total Base Bid Amount	Total Bid Price (with Options)
1	Manson Construction Co.	\$ 3,501,000	\$ 5,561,000
2	Engineer's Estimate	\$ 2,936,000	\$ 4,593,634

Bid evaluation for this Contract is based on Total Bid Price, which is inclusive of all option items. District staff has determined that Manson is both the only bidder and the lowest bidder. Further review of Manson's contractor's license, business experience, and financial capabilities has resulted in a determination that Manson Construction is a responsive and responsible Bidder. The Total Base Bid Price of \$3,501,000 is 19% above the Engineer's Estimate of \$2,936,000; and the Total Bid Price, which includes all four Options, of \$5,561,000 is 21% above the Engineer's Estimate of \$4,593,634.

Although there was only one responsive bid and it was above the engineer's estimate, staff determined that the bid is reasonable and found the difference to be attributable to the following key factors:

1. The scope of work for the project is complex and unique, specifically as it requires work to be performed underwater in the San Francisco Bay.
2. Several restrictions such as specialized training for access and Work in the Upper Gallery were included in Addendum No. 4 and in form of Permits (from 401 Water Board, NMFS, BCDC, etc.) causing the bid prices to increase.
3. Options are exercisable by District as far out as two years from the Notice-to-Proceed, and are thus subject to numerous cost fluctuations and escalations for labor and materials over this period, adding higher risks to their bid.
4. This is a Security Sensitive Information (SSI) Project, which involves a longer and more complex procurement process requiring potential bidders to obtain security clearance for participation, limiting the pool of potential bidders.

Pursuant to the District's Disadvantaged Business Enterprise (DBE) Program, 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 13% was set. The sole Bidder, Manson Construction committed to 0% SBE participation. Manson Construction did not meet the SBE goal; therefore, it was required to submit Good Faith Efforts documentation to the Office of Civil Rights demonstrating that, given all relevant circumstances, the Bidder took all necessary and reasonable steps to actively and aggressively meet the SBE participation requirements. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that Manson Construction demonstrated sufficient Good Faith Efforts to meet the SBE goal, rendering the Bid responsive.

District staff has determined that the Contract Work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repairs to and minor alterations of existing facilities involving no expansion of use.

FISCAL IMPACT:

Funding in the amount of \$5,561,000 for the award of Contract No. 09DJ-160 is included in the total Project budget for FMS #09DJ006 – TBT Cathodic Protection Upgrade/ Replace Equipment.

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:

Fund No.	Fund Description	Source	Amount
3013	FY17 Capital Improvements CA-2018-084	Federal	\$3,000,000
3015	FY18 Capital Improvements CA-2019-126	Federal	\$4,000,000
8531	FY17 Operating Allocation to Capital	BART	\$750,000
8532	FY18 Operating Allocation to Capital	BART	\$1,000,000
TOTAL			\$8,750,000

As of 08/23/2019, \$8,750,000 is the total budget for this project. BART has expended \$120,479 and committed and reserved \$0 to date. This action will commit \$5,561,000 leaving an available fund balance of \$3,068,521 in the 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:

The alternative is not to repair and maintain the anode cables, anode sleds and the cathodic protection system. This will leave a part of the Transbay Tube unprotected against corrosion due to lack of an operational cathodic protection system.

Another alternative is to reject this bid and re-advertise the Contract, resulting in additional costs and time delay for re-advertisement; however, it is unlikely to guarantee additional bidders or a lower Bid price.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 09DJ-160 for the TBT CP Anode Sled and Cable Replacement Project to Manson Construction Co. of Richmond, California for the Base Bid Price of \$3,501,000. Additionally, the General Manager is authorized to exercise any or all of the four options, for an additional \$2,060,000, bringing the total authorization to \$5,561,000, pending availability of funding and at the District's sole discretion.