



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>4 Sept 2019</i> <i>Rhet M. Powner</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/6/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ravi Gundimeda Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: <i>9/4/19</i>	General Counsel <i>[Signature]</i> <i>9/4/19</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>9/4/19</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>9.4.2019</i> [ ]

### Trunk Radio Upgrade

#### Sole Source Procurement for Trunk Radio Upgrade Equipment with Dailey-Wells Inc (TWO THIRDS VOTE REQUIRED)

#### PURPOSE:

To obtain Board authorization for the General Manager to negotiate and execute a Sole Source Agreement with Dailey-Wells Inc, the territorial authorized dealer for Harris Corporation, to purchase equipment for the upgrade of the District's trunk radio system for an amount not to exceed \$5,121,975.

#### DISCUSSION:

BART's districtwide Trunked Radio System or EDACS (Enhanced Digital Access Communication System) was designed in 1999 and installed in 2000. The EDACS System is the primary communications method utilized by District personnel for Public Safety and day to day revenue operations. The system has exceeded its useful life and replacement parts are no longer available. The District has exhausted the supply of aftermarket replacement parts currently available and the current system is at its maximum capacity. A catastrophic EDACS System failure would result in a minimum of five months of degraded operations and communications.

This procurement directly replaces 5 of the 10 current Harris EDACS radio channels with P25 Phase-2 interoperable technology. This includes replacement of equipment at BART's existing 12 radio sites, 26 symphony dispatch radio consoles and redundant network technology. Subsequent phases will upgrade the remaining 5 channels.

Dailey-Wells Inc. bid was received on June 19, 2019. Dailey-Wells Bid Prices and Engineer's Estimate are shown below:

Item	Name	Total Base Bid Amount
1	Dailey-Wells	\$ 5,121,975
2	Engineer's Estimate	\$ 5,978,480

Dailey-Wells bid was 16.7% below the engineer's estimate.

The Procurement Department will review the Agreement to confirm compliance with the District's procurement standards. The Office of the General Counsel will approve the Agreement as to form.

The District's Non-Discrimination Program for Subcontracting is not applicable to Sole Source Contracts. Accordingly, the Office of Civil Rights did not set Minority Business Enterprises (MBE) and Women Business Enterprise (WBE) Availability Percentages for this Contract.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use. This procurement is for the sole purpose of upgrading and thereby duplicating and replacing existing Harris EDACS equipment already in use. The Harris EDACS equipment currently in place throughout the District is proprietary and not compatible with any other off-the-shelf product sold by other vendors.

#### **FISCAL IMPACT:**

Funding in the amount of \$5,121,975 for single source of procurement for Enhanced Digital Access Communication System (EDACS) is included in the total project budget for FMS# 20AJ003 – Replace Trunked Radio System-Wide Phase-1.

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 8526 – FY14 Capital	\$ 2,668,859
F/G 8529 – FY15 Capital	\$ 2,953,116
<b>TOTAL</b>	<b>\$ 5,621,975</b>

As of August 30, 2019, \$5,621,975 is the total budget for this project. BART has expended \$0, committed \$0, and reserved \$0 to date. This action will commit \$5,121,975, leaving an available fund balance of \$500,000 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 upgrade the EDACS with current P25 Phase-2 technology could result in a catastrophic event leading to loss of communications and more importantly revenue operations. If this failure occurred during a regional emergency, inter-agency communications would be interrupted. Staff examined alternative methods to the direct replacement of the existing equipment and determined that other methods would require additional facilities, infrastructure, training, costs and extend the installation time beyond the 10 months projected with the direct upgrade replacement currently being proposed in this Board action. The direct upgrade replacement method will have minimal impact to Revenue Rail Operations, require no training of operators, employees, BART Police Personnel and have no adverse impact on passenger safety.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

1. Pursuant to Public Contract Code Section 20227, the Board of Directors finds that Dailey-Wells Inc. is the single source supply for the upgrade of the District's trunk radio system, and that this procurement is for the sole purpose of duplicating or replacing equipment currently in use throughout the District.
2. The Board of Directors authorizes the General Manager to enter into direct negotiations and to execute an Agreement with Dailey-Wells Inc. for an amount not to exceed \$5,121,975.

Two thirds vote required.