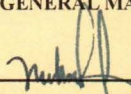
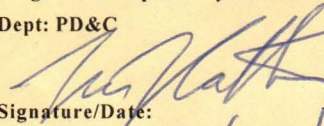
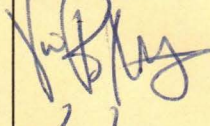
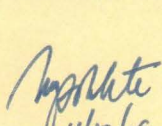
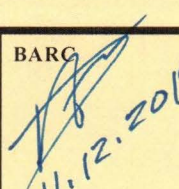




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 11/12/2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/12/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maurice Rattray Dept: PD&C  Signature/Date: 11/12/19	General Counsel  11/12/19 []	Controller/Treasurer  11/12/19 []	District Secretary []	BARG  11.12.2019 []

Award Contract No. 04SF-210, for Construction of East Contra Costa BART Extension Project Maintenance Facility Canopies and Structures

PURPOSE:

To obtain Board authorization for the General Manager to Award Contract No. 04SF-210, for Construction of East Contra Costa BART Extension Project Maintenance Facility Canopies and Structures to Alex Kushner General Inc. of San Francisco, CA.

DISCUSSION:

BART to Antioch, also referred to as the eBART Project, is an eastward extension of BART service within the median of SR4 from the existing Pittsburg/Bay Point Station to two new stations in Pittsburg and Antioch. The eBART Maintenance Facility, located east of Antioch Station, consists of all facilities and equipment to operate the system and maintain the vehicles. All day-to-day responsibility for operations is located at this facility.

On April 23, 2009, the BART Board of Directors (Board) certified the Final Environmental Impact Report (FEIR) and adopted the eBART Project. The Project Description of the FEIR identifies the construction of Maintenance Facility elements, which include a spare truck parts and storage building, train washer equipment, and concrete slab fueling with canopy. The design and schedule to install these elements has been refined since the adoption of the FEIR.

Contract No. 04SF-210 provides for the construction of the FEIR elements described above at the existing eBART Maintenance Facility as well as the assembly and finishing of a BART-furnished prefabricated structure to store additional equipment and parts, including associated electrical and communications components.

On August 7, 2019, the District provided Advance Notice to one hundred twenty-three (123) prospective Bidders who received the electronic version of the Contract book, including forms to submit, from the District's Vendor Portal, plans were sent to six (6) Plan Rooms. The Contract was advertised on August 8, 2019 in local publications. A total of twenty-six (26) firms downloaded the Contract Documents from the District's Vendor Portal. The Office of Civil Rights (OCR) notified three thousand two hundred and thirty three (3233) firms in performing outreach for the Contract. A pre-bid meeting was conducted on September 11, 2019 with seven (7) prospective Bidders attending the meeting. A site tour was conducted on September 11, 2019 with two (2) prospective Bidders.

A total of two (2) Bids were received and publicly opened on October 08, 2019. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

Bidder Name	Total Bid Amount
Alex Kushner General Inc. (San Francisco)	\$ 1,302,341.00
Valentine Corporation (San Rafael)	\$ 1,610,369.00
Engineer's Estimate	\$ 1,141,000.00

Review of the Bids by District Staff indicates that Alex Kushner General Inc. is the lowest responsive and responsible bidder with a bid price 14% above the Engineer's Estimate.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). The Bidder, Alex Kushner General, Inc. committed to 0% MBE and WBE participation. Alex Kushner General, Inc. did not meet either the MBE or WBE Availability Percentages and therefore was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by Alex Kushner General, Inc. the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Alex Kushner General, Inc. is a certified Small Business, thus, making it eligible for the Prime Preference. However, since Alex Kushner General, Inc. is the lowest responsive Bidder as well as the only Bidder eligible for the 5% Small Business Prime Preference, the Prime Preference will not be applied to alter the award to Alex Kushner General, Inc.

FISCAL IMPACT:

Funding in the amount of \$1,302,341 for award of Contract No. 04SF-210 is included in the total Project budget for FMS #04SF210 – eBART Maintenance Facility Canopies and Structures.

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
6512	City of Pittsburg	Local	\$330,000
8526	FY 2014 Operating to Capital Allocation	BART	\$304,000
881C	Proceeds from Hillcrest Property Land Sale	BART	\$800,000
TOTAL			\$1,434,000

As of 11/04/2019, \$1,434,000 is the total budget for this project. BART has expended, committed, and reserved \$0 to date. This action will commit \$1,302,341 leaving an available fund balance of \$131,659 in these 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 Board may decline to authorize award of the Contract and reject all Bids. If this Contract is re-advertised, there is no assurance that new Bids would be lower than the amount of the current Bids received. If the Contract is not awarded, scope of work will not be constructed.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 04SF-210, for Construction of East Contra Costa BART Extension Project Maintenance Facility Canopies and Structures to Alex Kushner General Inc. for the amount of \$1,302,341.00, subject to the District's protest procedures.