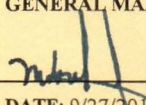
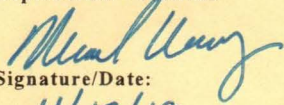
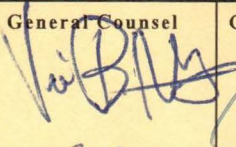
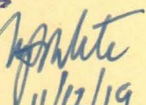
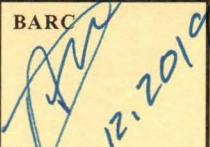




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/13/19		GENERAL MANAGER ACTION REQ'D: Approve and Forward to E&O Committee		
DATE: 9/27/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Wong Dept: PD&C - Stations  Signature/Date: 11/12/19	General Counsel  11/12/19 []	Controller/Treasurer  11/12/19 []	District Secretary []	BARC  11.12.2019 []

Award of Contract No. 15IF-140, Powell Street Station Modernization Project

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15IF-140, Powell Street Station Modernization Project, to ProVen Management, Inc. ("ProVen"), of Oakland, CA.

DISCUSSION:

Contract No. 15IF-140 provides security upgrades including new 5'-0" tall glass fare barriers, additional fare gates, and LED lighting at the platform level. Additional improvements include relocating equipment as well as the art tile partitions to improve the line of sight, reopening of the underground restrooms, and replacement of the breakroom and offices. There are also two options. Option 1 is for modifying Platform Seating and Flooring, and Option No. 2 is for the Accessible Ramp at Hallidie Plaza.

Advance Notice to Bidders was emailed on July 12, 2019, to three hundred and three (303) prospective bidders with a A or B Contractor License Classification, as well as five (5) plan rooms. The Contract was advertised on July 22, 2019, and subsequently was posted to the BART Procurement Portal where it was sent to two hundred thirty four (234) additional prospective bidders. A Pre-Bid meeting was held on August 5th, 2019, with 6 prospective bidders attending the meeting. Forty seven (47) plan holders downloaded the Contract Book from the Procurement Portal. Four (4) Bids were received on September 24, 2019.

At Bid Opening, Tabulation of the Bids, including the Engineer's Estimate, is as follows:

BIDDER	LOCATION	BASE BID	OPTIONS	TOTAL BID PRICE
Icenogle Construction Management, Inc.	San Francisco, CA	\$14,108,238.00	\$5,772,750.00	\$19,880,988.00
Build Group, Inc.	San Francisco, CA	\$14,103,285.00	\$3,874,497.00	\$17,977,782.00
Thompson Builders Corporation	Novato, CA	\$11,888,000.00	\$4,498,000.00	\$16,386,000.00
ProVen Management, Inc.	Oakland, CA	\$11,256,710.00	\$3,721,000.00	\$14,977,710.00
Engineer's Estimate		\$13,094,439.00	\$7,005,757.00	\$20,100,196.00

ProVen Management, Inc. (ProVen) submitted the apparent low Total Bid of \$14,977,710. After review, Staff determined that the apparent low Bid price submitted by ProVen is fair and reasonable, based upon the Engineer's Estimate and the other Bids submitted. A review of ProVen's business experience and financial capabilities has resulted in a determination that ProVen is a responsible Bidder, and that the Bid submitted by ProVen is responsive to the requirements of the Contract Book.

District staff has determined that this 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 minor alterations of an existing facility involving no expansion of use.

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, ProVen, committed to 14.4% MBE and 5.2% WBE participation. The Bidder, ProVen, did not meet either the MBE or WBE Availability Percentages; therefore, the Bidder, ProVen, 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 the Bidder, ProVen, 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 17% Local Small Business (LSB) Subcontractor Participation Goal for this Contract. Bidders who meet the LSB Subcontractor Participation Goal are eligible for an LSB Preference of 7% of the lowest responsible Bidder's Bid, up to a cap of \$150,000. The Bidder, ProVen, committed to subcontracting 22.5% to LSBs. The Bidder, ProVen, met the

LSB Subcontractor Participation Goal and, therefore, is eligible for the 7% Bid Preference. After the application of the 7% Bid Preference, ProVen is still the lowest responsive Bidder and, therefore, the application of the Bid Preference will not alter the award.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$14,977,710 for Contract No. 15IF-140 is included in the total project budget for FMS# 15IF003 – Powell Street - Gateway Station.

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:

Proposed Funding	
F/G 535A - FY10-11 Prop 1B - PTMISEA	\$4,656,075
F/G 535B - FY14-15 Prop 1B - PTMISEA	\$6,843,925
F/G 6814 - SFMTA (Muni)	\$7,250,000
F/G 6815 - Prop K - Powell St Modern	\$327,025
F/G 6819 - Prop K - Powell St. Modern	\$672,975
TOTAL	\$19,750,000

As of October 8, 2019, \$19,750,000 is the total budget for this project. BART has expended \$2,043,026, committed \$2,442,240, and reserved \$0 to date. This action will commit \$14,977,710, leaving an available fund balance of \$287,024 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:

The Board may elect to reject all Bids and authorize staff to re-advertise the Contract. Re-advertising the Contract would result in additional cost and time to the District with no assurance that rebidding will result in lower Bid prices.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15IF-140, Powell Street Station Modernization Project to ProVen Management, Inc. for the base Bid price of \$11,256,710 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. The General Manager is also authorized to exercise the two options for a total price of \$3,721,000 (subject to funding availability).