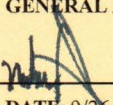

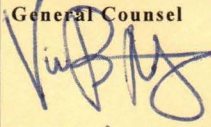
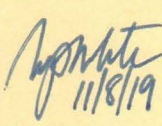





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 9/26/2019 11/13/19		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
Originator/Prepared by: Sonny Au Dept: Extensions Signature/Date:  11/8/2019		General Counsel  11/8/19 []	Controller/Treasurer  11/8/19 []	District Secretary []
			BARC  11.12.2019 []	

Sole Source Procurement of Portable Rail Car Lifts; (Two-Thirds Vote Required)

PURPOSE:

To obtain Board authorization, in accordance with Public Contract Code Section 20227, for the General Manager to award a sole source contract to Windhoff Bahn- und Anlagentechnik GmbH of Rheine, Germany (Windhoff) for the purchase of sixteen (16) portable rail car lifts for an amount not to exceed \$440,000.

DISCUSSION:

The Rolling Stock and Shops (RS&S) department maintains the District's fleet of rails cars through a preventive maintenance program. Rail cars are routinely scheduled for maintenance based on the number of hours accumulated on the vehicle. During a scheduled visit, inspections and corrective maintenance work are performed on the rail cars. Such work frequently requires the use of a car lift system that raises the rail car to provide staff with safe and easy access to the underside of the vehicle. Each of the District's shops (located in Hayward, Richmond, Concord and Daly City) has permanent lift systems installed inside the shop to facilitate this necessary work. Currently, RS&S has an inadequate number of car lifts to sustain efficient maintenance operations needed to meet service demands from the District's larger fleet.

Under construction Contract No. 01RQ-110, four additional (4) Macton permanent rail car lift systems were to be installed in the Hayward Back Shop to help alleviate service demand stresses at the other shops. As a result of the unexpected death of its owner in late 2018, Macton has ceased operations and these permanent lift systems cannot be installed under this Contract. As a result, the permanent lift systems will be installed by a different manufacturer under a future construction contract, pending funding availability.

This proposed sole source contract is for the procurement of portable rail car lifts in order

to meet current service demands until permanent lift systems can be installed. Staff has determined that sixteen (16) portable rail car lifts are required. One set of lifts consists of four (4) individual lifts. Sixteen (16) lifts will create four (4) sets.

RS&S currently owns twenty (20) portable rail car lifts manufactured by Windhoff. One set of four (4) lifts is capable of raising a single rail car by providing support points at each corner of the vehicle. Each lift is connected through cables to a central controller that synchronizes the raising and lowering of the lifts to ensure constant rates and distances of travel at each corner. The lifts, cables and controller are proprietary to the manufacturer. Although other manufacturers can fabricate portable lifts, different kinds of lifts cannot be combined in a set to service a rail car. In order for lift sets to remain modular as intended, all lifts must be of the same type.

Shortly after the District received notice that the Macton permanent car lifts would not be installed, the District designed and modified the Hayward Back Shop floor to accommodate Windhoff lifts to use the existing lifts it currently owns inside the Shop. The modifications include a thickened floor slab that utilizes a below-floor trench cabling system which allows special extension cables to be routed below the floor to connect the lifts to the central controller. This helps maintain shop safety by eliminating tripping hazards and obstructions otherwise caused by routing cables on the floor.

A sole source procurement will ensure that the new portable lifts will be the same as the existing portable lifts, which ensures interoperability and compatibility between all lifts. It increases work efficiency because every lift set remains modular and can be used with any central controller and cables to service a rail car. It will also drastically reduce the risk of losing production capacity if some of the lifts are not functional, such as when repairs are needed, because any lift from the inventory can be used at any Shop. It will also ensure that the new lifts can utilize the under-floor trench cabling system in the Hayward Back Shop. Not pursuing a sole source procurement may result in a mixed pool of lifts if the award is given to a different manufacturer.

A mixed pool will result in the loss of interoperability between lifts, which will impact work efficiency. The Hayward Back Shop floor design will also need to be examined and assessed to determine if it can accommodate a different type of lift, with the risk that if it cannot, staff will lose the safety benefit provided by the trench cabling system. A mixed pool will also create duplication of costs for training, spare parts, and engineering required to operate and maintain a different type of lift.

If a sole source procurement is not authorized, staff will need to pursue an Invitation for Bid (IFB) procurement which will take approximately four (4) months longer than a sole source procurement. This would delay staff in obtaining the additional lifts it needs to meet service demands. The additional lifts will also become increasingly necessary as the District's fleet

size grows, which will place further capacity constraints on the Shops.

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. Because of the operational need, discussed above, to purchase compatible and interoperable rail car lifts currently in use throughout the District, the portable rail car lifts manufactured by Windhoff constitute a single source of supply for the sole purpose of duplicating equipment currently in use.

Staff is seeking to enter into direct negotiations with Windhoff in order to award a sole source contract for the purchase of sixteen (16) portable rail car lifts for an amount not to exceed \$440,000. The contract would be subject to approval as to form by the Office of the General Counsel.

FISCAL IMPACT:

Funding in the amount of \$440,000 for this contract is included in the total Project budget for FMS #15HB001 – Car Lifts, Richmond.

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 Source	Amount
F/G 802B – FY19 B Measure RR Capital GOB#2	\$14,8263,740
F/G 8529 – FY15 Bart Operating to Capital	1,000,000
F/G 3609 – FY16 Bart Operating to Capital	253,253
F/G 3609 – FY17 A Measure RR Capital GOB#1	58,260
TOTAL	\$16,138,253

As of 11/04/2019, \$16,138,253 is the total budget for this project. BART has expended \$1,185,220 and committed \$62,737 to date. This action will commit \$440,000, leaving an available fund balance of \$14,450,296 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 alternative is to issue an Invitation for Bid (IFB), which may result in a manufacturer other than Windhoff supplying the portable rail car lifts. If this occurs, it will impact staff's preventive maintenance operations and will delay obtaining the lifts needed to meet current revenue service demands.

RECOMMENDATION:

On the basis of analysis by staff and certification by the Controller/Treasurer that funds are available for this purpose, it is recommended that the Board adopt the following motion:

MOTION:

Pursuant to Public Contract Code Section 20227, the Board finds that Windhoff is the single source of supply for the purchase of compatible and interoperable portable rail car lifts that would duplicate equipment currently in use by the District. The Board authorizes the General Manager to negotiate with and award a contract to Windhoff for the purchase of sixteen (16) portable rail car lifts for an amount not to exceed \$440,000, including applicable sales tax, tariff and shipping.

(Two-thirds vote required)