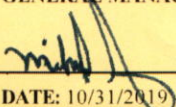
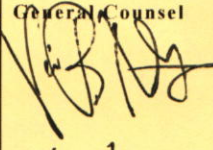
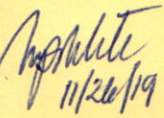
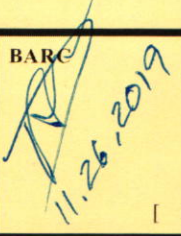
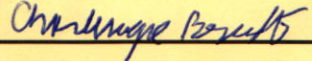




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/22/19		GENERAL MANAGER ACTION REQ'D: Approve and forward it to the Board		
DATE: 10/31/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Chuck Bernardo Dept: Extensions	General Counsel 	Controller/Treasurer 	District Secretary	BART 
Signature/Date:  11/25/19	11/25/19 []	11/26/19 []	[]	11.26.2019 []

Change Orders to Contract 09AU-120, TBT Internal Retrofit

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 036 Part 02: Revisions to TBT Gallery Wall Flanges Plates for an amount not to exceed \$3,500,000 and Change Order No. 114 Part 01: Impacts from Rule Changes for an amount not to exceed \$8,000,000 to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit.

DISCUSSION:

Award of Contract No. 09AU-120, BART Earthquake Safety Program Transbay Tube (TBT) Internal Retrofit to Shimmick/CEC Joint Venture, was authorized by the Board on December 1, 2016; Notice to Proceed was issued on February 2, 2017.

The work in Contract No. 09AU-120 is to, among other things, retrofit key segments of the TBT with steel plating and to provide an upgraded pumping system. The construction activities must be tailored to be completed within the night time work windows to allow for regular revenue service to start the next morning.

Change Order No. 036 Part 02: Revisions to TBT Gallery Wall Flange Plates

Not to Exceed: \$3,500,000

During construction, it was determined by staff that revisions were needed in the design of certain gallery wall flange plates to avoid potential conflicts with certain existing TBT utility lines.

Change Order No. 036 compensates the Contractor for the additional costs associated with

preparation, fabrication, and installation of revised steel details and with surface preparation of the existing concrete walls, which was not part of the original design.

Change Order No. 114 Part 01: Impacts from Rule Changes

Not to Exceed: \$8,000,000

Following the award of the Contract, the District changed its rules related to Contractor oversight and Roadway Worker safety. These changes created new safety responsibilities for the Contractor for access to the Jobsite which were not included in the original Contract. The Board approved Change Order No. 30 in May 2018 and committed \$8,000,000 for the impacts due to the rule changes up to December 2019. This Change Order compensates the Contractor for impacts due to these rule changes through December 2021.

Pursuant to Board Rule 5-2.3, for construction contracts over \$200,000,000 in value, Change Orders involving expenditures greater than \$500,000 require Board approval which staff is now requesting for the above-referenced Change Orders.

The Office of the General Counsel will approve the Change Orders as to form prior to execution. The Procurement Department will review the Change Orders for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

The total not-to-exceed amount of \$11,500,000 for the above-referenced Change Orders to Contract No. 09AU-120 is included in the total budget for 09AU000 TBT Retrofit. 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	
801F & 801J – ESP GO Bond	\$330,080,419
801 – ESP GO Bond Interest Earnings	\$ 40,000,000
802A & 802B – 2017 Measure RR GO Bond	\$109,000,000
850V, 850W & 850X – Capital Allocations	\$ 207,228
TOTAL:	\$479,287,647

As of October 29, 2019, \$479,287,647 is the total budget for this project. BART has expended \$209,490,102, committed \$203,075,963, and reserved \$187,559 to date. This action will commit \$11,500,000 leaving an available fund balance of \$55,034,023 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 can elect not to authorize the execution of these Change Orders for costs associated with the Change Order work. If not resolved, failure to issue these Change Orders will lead to claims from the Contractor and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 036 Part 02: Revisions to TBT Gallery Wall Flange Plates for an amount not to exceed \$3,500,000 and Change Order No. 114 Part 01: Impacts from Rule Changes for an amount not to exceed \$8,000,000 to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

ATTACHMENT No 1

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor:	Shimmick/CEC Joint Venture
Contract No. / NTP:	09AU-120 / February 2, 2017
Contract Description:	TBT Internal Retrofit
Percent Complete as of 11/01/19	45.42%

COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 267,083,110
Change Orders			
Board Authorized COs	20.78%	\$ 55,500,000	
Other Than Board Authorized COs	4.29%	\$ 11,446,698	
This Change Order No. 36 & 114	4.31%	\$ 11,500,000	
Subtotal of all Change Orders	29.37%	\$ 78,446,698	
<u>Revised Contract Amount</u>			<u>\$ 345,529,808</u>

SCHEDULE

Original Contract Duration	1,800	days
Time Extension to Date		
Time Extension Due to Approved Cos	309	days
Time Extension Due to these CO 36 & 114	0	days
Revised Contract Duration	2,109	days

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

ATTACHMENT No 1

SUMMARY REASON FOR THIS CHANGE ORDER(S)

CO 036: Revisions to TBT Gallery Wall Flange Plates

Compensates Contractor for additional costs associated with preparation, fabrication, and installation of revised steel details and existing concrete surface preparation due to installation conflict between existing TBT Utility line and retrofit plates.

CO 114: Impacts from Rule Changes

Compensates Contractor for additional costs associated with providing additional watchpersons and providing new training to Contractor's staff due to the District's change in policies of providing Roadway Worker Protection during construction.