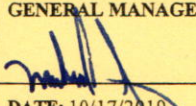
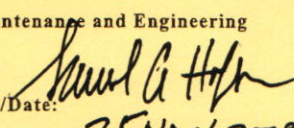
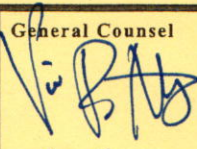
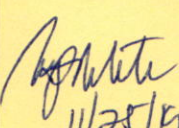
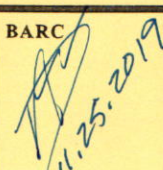




## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  11/26/19		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and forward to Board of Directors		
<b>DATE:</b> 10/17/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Samuel Hoffman <b>Dept:</b> Maintenance and Engineering <b>Signature/Date:</b>  25NOV 2019	<b>General Counsel</b>  11/25/19 [ ]	<b>Controller/Treasurer</b>  11/25/19 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  11.25.2019 [ ]

### Award of Contract No. 54RR-270, Richmond Yard Fire Protection

#### PURPOSE:

To request Board authorization to award Contract No. 54RR-270 for Richmond Yard Fire Protection replacement to DMZ Builders, in the amount of \$4,467,950.00.

#### DISCUSSION:

The fire mains and appurtenances in the District yards are currently beyond their design life. This contract will replace the water distribution infrastructure at the Richmond Yard (ORY), therefore providing a more efficient fire protection system, meeting current National Fire Protection Association (NFPA) standards and requiring less maintenance. The Contract will also expand and repair several domestic water, sanitary sewer and industrial waste pipelines at the Yard. Contract No. 54RR-270 will support the Measure RR Bond initiative of infrastructure renewal.

On August 11, 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.

On August 12, 2019, the Contract was advertised in local publications. A total of thirty-one (31) firms downloaded the Contract Documents from the District's Vendor Portal. A pre-bid meeting was conducted on September 12, 2019 with seven (7) prospective Bidders attending the meeting. A site tour was conducted on February 27, 2019 with three (3) prospective Bidders.

A total of three (3) Bids were received and publicly opened on October 22, 2019. Tabulation



of the Bids, including the Engineer's Estimate, is as follows:

No	BIDDER	LOCATION	TOTAL BID
1	Bay Pacific Pipelines, Inc.	Novato, CA	\$2,489,600.00
2	DMZ Builders	Concord, CA	\$4,467,950.00
3	Maggiora and Ghilotti, Inc.	San Rafael, CA	\$4,977,977.00
	<b>Engineer's Estimate</b>		\$4,442,238.23

All bids were reviewed and determined to be responsive by the Engineer and Contract Administrator. Bay Pacific Pipelines subsequently withdrew its bid on October 29, 2019, making DMZ Builders the Low Bidder.

Staff reviewed the variance between the submitted Bids and the Engineer's Estimate. The Low Bid was 0.58% higher than the Engineer's Estimate. Overall, the remaining Bids received were comparable to each other and within 11% of the Engineer's Estimate.

#### **CAPITAL FISCAL IMPACT:**

Funding in the amount of \$4,467,950 to award Contract No. 54RR-270 is included in the total project budget for FMS# 54RR270 – Fire Services Yard – ORY.

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:

<b>Proposed Funding</b>	
F/G 802A – 2017 Measure RR GOB	119,439
F/G 802B – 2019 Measure RR GOB	6,643,273
<b>TOTAL</b>	<b>6,762,712</b>

As of November 18, 2019, \$6,762,712 is the total budget for this project. BART has expended \$147,306, committed \$0, and reserved \$0 to date. This action will commit \$4,467,950, leaving an available fund balance of \$2,147,456 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.

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 Office of Civil Rights has determined that the Bidder, DMZ Builders, has exceeded both the MBE and WBE Availability Percentages for this Contract at 40.5% for MBEs and 23.1% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. It was determined that there were no certified Local Small Businesses certified by the DGS among the responsive Bidders and, therefore, the Local Small Business Prime Preference is not applicable.

**ALTERNATIVES:**

The Board may reject all Bids and re-advertise the work or reject all Bids and decline to re-advertise the work. There is no assurance that a rebid would yield lower prices or that a greater number of bids would be received. By proceeding with the award, the District would reduce operational risks and increase safety.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following Motion.

**MOTION:**

The General manager is authorized to award Contract No. 54RR-270 to DMZ Builders for Richmond Yard Fire Protection in the amount of \$4,467,950.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedure.