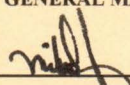
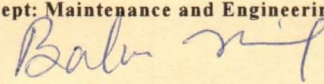
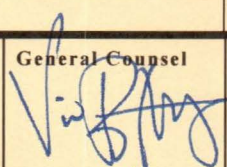
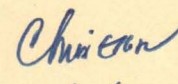
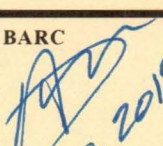




## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  1/2/20		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Forward to the Board		
<b>DATE:</b> 12/5/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Balvir Thind <b>Dept:</b> Maintenance and Engineering  <b>Signature/Date:</b> 12-26-2019	<b>General Counsel</b>  12/26/19 [ ]	<b>Controller/Treasurer</b>  12/26/19 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  12.30.2019 [ ]

### AWARD OF CONTRACT 15II-120A STATION EMERGENCY LIGHTING

#### PURPOSE:

To obtain Board authorization for the General Manager to Award Contract No. 15II-120A, Station Emergency Lighting, to Shimmick Construction Inc. of Irvine, CA for the total bid price of \$ 14,840,942.00

#### DISCUSSION:

This project is the second phase of the seven phases plans to replace Station Emergency Lighting systems across the District. The purpose of this contract, is to upgrade the critical emergency lighting systems at eleven (11) passenger stations within Contra Costa and Alameda counties.

The purpose of the emergency lighting system is to automatically activate lighting on egress passageways so that patrons may safely exit the station for at least ninety minutes during a power outage. The existing emergency lighting systems have been in operation for over twenty years, are difficult to maintain, and are at or near the end of their useful operating life.

The contract scope of work requires the Contractor to provide all equipment, material, installation, testing, commissioning of station emergency lighting system and to ensure full compliance with the National Fire Protection Association ("NFPA") 101 regulatory requirements.

The District provided an Advance Notice to Bidders for eight-one (81) prospective bidders on August 30, 2019. The Contract was advertised on August 30, 2019 in three (3) local publications and posted to the District's Procurement Portal on September 3, 2019. A total of thirty-two (32) entities downloaded the Contract Documents from the BART Procurement Portal. A Pre-Bid Meeting was conducted on September 7, 2019 with seven (7) prospective

bidders. One site tour was conducted on September 7, 2019.

A total of four (4) bids were received and publicly opened on November 5, 2019. All bids received, including the Engineer's Estimate, are shown in Table 1 below:

Table 1: 15II-120A Station Emergency Lighting Phase-2 Bid Prices

Bidder	Location	Total Bid Price
<b>Rosendin Electric Inc.</b>	San Jose, CA	\$18,699,179.00
<b>Shimmick Construction Inc.</b>	Irvine, CA	\$14,840,942.00
<b>Becker Electric Inc.</b>	San Francisco, CA	\$14,186,852.33
<b>Blocka Construction, Inc.</b>	Fremont, CA	\$25,157,449.00
<b>Engineer's Estimate</b>		\$16,900,000.00

Becker Electric Inc. was the apparent low Bidder. However, its Bid was deemed non-responsive because it failed to include the required Statement of Qualifications.

Staff determined that 2<sup>nd</sup> lowest bidder, Shimmick Construction Inc., is the lowest responsive Bidder. Shimmick Construction Inc.'s Total Bid Price of \$14,840,942 was found to be fair and reasonable and approximately 12% below the Engineer's estimate.

#### Non-Discrimination Program:

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 Shimmick Construction committed to 0% MBE and 0% WBE participation. The Bidder Shimmick Construction did not meet either the MBE or WBE Availability Percentages; therefore, the Bidder Shimmick Construction 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 Shimmick Construction the Office of Civil Rights found no evidence of discrimination.

#### Small Business Program:

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 13% 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 responsive Bidder's Bid, up to a cap of \$150,000. The

Office of Civil Rights determined that the Bidder Shimmick Construction committed to subcontracting 0% to LSBs. The apparent lowest responsive Bidder Shimmick Construction did not meet the LSB Subcontractor Participation Goal and, therefore, is not eligible for the Bid Preference, but is still the apparent lowest responsive Bidder.

**FISCAL IMPACT:**

Funding in the amount of \$14,840,942 for award of Contract No. 15II-120A is included in the total Project budget for FMS #15IIRR1 – Station Emergency Lighting.

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:

Funding Source	Amount
Measure RR	\$27,010,696
-	-
<b>TOTAL</b>	<b>\$27,010,696</b>

As of 12/10/2019, \$27,010,696 is the total budget for this project. BART has expended \$3,478,061, committed \$258,070 and reserved \$105,839 to date. This action will commit \$14,840,942 leaving an available fund balance of \$8,327,784 in the fund source 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 alternatives is to reject all bids and re-advertise the Contract. Staff does not believe that re-advertising will result in increased competition or lower prices.

**RECOMMENDATION:**

Adopt the following motion

**MOTION:**

The General Manager is authorized to award Contract No. 15II-120A Station Emergency Lighting to Shimmick Construction Inc. of Irvine, CA for the Bid Price of \$14,840,942.00, Pursuant to notification to be issued by the General Manager, and compliance with the District's Protest Procedures.