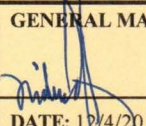
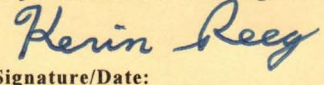
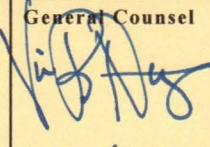
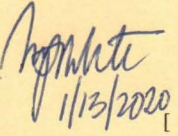
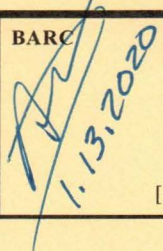




## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  DATE: 12/4/2019		<b>GENERAL MANAGER ACTION REQ'D:</b> Transmit General Counsel Memo and Procurement Report to the Board			
<b>Originator/Prepared by:</b> Kevin Reeg <b>Dept:</b> Maintenance and Engineering  <b>Signature/Date:</b> JANUARY 13, 2020		<b>General Counsel</b>  1/13/20 [ ]	<b>Controller/Treasurer</b>  1/13/2020 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  1.13.2020 [ ]

### To Request Board Authorization to Award Contract 15CQ-125 - A65 and A75 Interlocking Renewal Project

#### PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15CQ-125, A65 and A75 Interlocking Renewal Project, to ProVen Management Inc. of Oakland, CA for the total bid price of \$16,883,964.

#### DISCUSSION:

This Project is intended to improve system reliability at the A65 and A75 interlockings by replacing all ties, switches, and traction power. There are eight turnouts in the A65 and A75 interlockings which have reached the end of their useful life. The contract work includes demolition of existing tracks, site preparation, restoration of areas used for staging, construction of new track, switches, traction power, train control and all other associated work. All of which will reduce long term maintenance costs and improve ride quality.

The scope of work requires the Contractor to provide all labor, equipment, select material and services required for installation of the new interlockings. The District will be providing certain materials as listed in the District Furnished Materials (DFM) section of the specifications. This project will utilize nine weekend track shutdowns, spanning from July 2020 thru June 2021, and will be supported by bus bridges from local transit agency partners during the weekend shutdowns.

On September 30, 2019, the District provided an Advance Notice to one hundred-five (105) 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 October 2, 2019, the Contract was advertised in local publications. A total of fifty-five (55) firms downloaded the Contract Documents from the District's Portal. A Pre-Bid Meeting was conducted on October 23, 2019 and site tours took place on October 24th and 25th with four prospective bidders. Two addendums were issued during the bid period.

A total of three bids were received and publicly opened on December 9, 2019. Tabulation of the bids, including the Engineer's Estimate is indicated in Table 1 as follows:

**Table 1: Contract 15CQ-125 A65 and A75 Interlocking Renewal Project Bids**

<b>BIDDER</b>	<b>LOCATION</b>	<b>Total Bid Price</b>
ProVen Management Inc.	Oakland, CA	\$16,883,964
DMZ Builders	Concord, CA	\$17,799,900
Shimmick Construction	Suisun City, CA	\$18,853,500
<b>ENGINEER'S ESTIMATE</b>		<b>\$30,043,891</b>

BART believes that the bids were significantly below the Engineer's Estimate due to increased competition and efficiencies gained with recent experience completing interlocking projects on the BART system.

District staff determined that ProVen Management Inc. was the lowest responsive bidder. ProVen's total bid price of \$16,883,964 was found to be fair and reasonable based upon the independent cost estimate and a market survey of qualified contractors.

#### **NON-DISCRIMINATION PROGRAM**

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 20.3% for Minority Business Enterprises ("MBEs") and 14.1% for Women Business Enterprises ("WBEs"). ProVen Management committed to 72.5% MBE and 13.5% WBE participation and did not meet the WBE Availability Percentage. ProVen Management 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 ProVen Management, 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 16% 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



low bidder, ProVen Management committed to subcontracting 18.6% to LSBs, met the LSB Subcontractor Participation Goal and, therefore, is eligible for the 7% Bid Preference. After the application of the 7% Bid Preference, ProVen Management is still the lowest responsive Bidder and, therefore, the application of the Bid Preference will not alter the award to ProVen Management.

**CAPITAL FISCAL IMPACT:**

Funding in the amount of \$16,883,964 for Contract No. 15CQ-125 is included in the total project budget for FMS# 15CQ011 – A65/A75 Interlocking (Replacement).

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	135,461
F/G 802B – 2019 Measure RR GOB	33,564,539
<b>TOTAL</b>	<b>33,700,000</b>

As of January 6, 2020, \$33,700,000 is the total budget for this project. BART has expended \$200,493, committed \$450,049, and reserved \$0 to date. This action will commit \$16,883,964, leaving an available fund balance of \$16,165,494 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:**

Reject the Bids and re-advertise the Contract. This is not likely to result in increased competition or lower prices and would delay the critical A65 and A75 Interlocking Renewal project, which could negatively impact revenue service.

**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. 15CQ-125, A65 and A75 Interlocking Renewal, to ProVen Management Inc. of Oakland, California for the Bid Price of \$16,883,964, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.