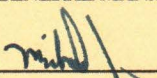
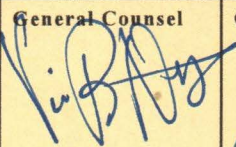
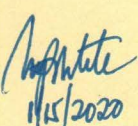
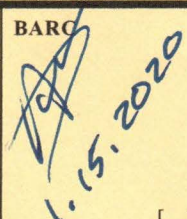




## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> 		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and forward to the E&O Committee		
<b>DATE:</b> 12/4/2019		<b>BOARD INITIATED ITEM:</b> Yes		
<b>Originator/Prepared by:</b> Mark Dana <b>Dept:</b> Planning, Development and Construction	<b>General Counsel</b>  1/5/2020 [ ]	<b>Controller/Treasurer</b>  1/15/2020 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  1.15.2020 [ ]

### Award Contract 15LK-140 Market Street Entry Canopies

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15LK-140, Market Street Entry Canopies to Shimmick Construction Company, Inc. of Oakland, CA.

#### DISCUSSION:

Contract No. 15LK-140 Market Street Entry Canopies provides for purchasing and installing nineteen (19) canopies at several BART station entrances on Market Street as part of the Base Contract, and includes Option 1 for two canopies, Option 2 for one canopy, and Option 3 for incorporating art into the ceiling surface material of the canopies. Current State Law requires protection of new escalators that are exposed to the weather. In March 2019, the Board approved the award of Contract No. 15LK-120A Market Street Escalators Renovation Project to Schindler Elevator Corporation for installation of escalators for the four downtown San Francisco BART Stations of Embarcadero, Montgomery St., Powell St., and Civic Center. Fabrication of the first new escalators is currently in process and staff anticipates installation to begin in late Spring 2020. Two of the first escalators will be installed in entrances that are already protected by canopies constructed under Contract No. 15LK-130 Canopies Contract. Other escalators that are to be installed from the Street Level to the Concourse Level of the Stations will need to be protected by additional canopies to be constructed by Contract No. 15LK-140 Market Street Entry Canopies.

Numerous public and stakeholder meetings and outreach were conducted by BART and the City and County of San Francisco in connection with the project. Enhancements to the design of the canopies for this Contract have been incorporated from observations and



recommendations made from the pilot canopy installations.

Advance Notice to Bidders was mailed on September 17, 2019, to nineteen (19) firms. The Contract was Advertised on September 24, 2019 and Contract Books were posted to the BART Procurement Portal, where it was sent to two hundred thirty four (234) additional prospective Bidders. A total of thirty one (31) online plan holders downloaded the Bid Documents. A Pre-Bid Meeting was held on October 9, 2019 with a total of thirty (30) potential Bidders attending. A site tour was held following the Pre-Bid Meeting on October 9, 2019. Six (6) Addenda to the Contract were issued. Three (3) Bids were received. A fourth Bid was offered late and not accepted. Bids were opened publicly on December 3, 2019. The Instructions to Bidders specify that Bids will be evaluated on the basis of the Total Bid Price. Tabulation of the Bids, including Options and the Engineer's Estimate, is as follows:

<b>BIDDER/LOCATION</b>	<b>TOTAL BASE</b>	<b>BID OPTION NO. 1</b>	<b>BID OPTION NO. 2</b>	<b>BID OPTION NO. 3</b>	<b>TOTAL BID PRICE</b>
Shimmick Construction Company, Inc. 8201 Edgewater Drive, Oakland, CA 94621	\$64,565,000	\$3,160,000	\$2,600,000	\$855,000	\$71,180,000
Thompson Builders Corporation 250 Bel Marin Keys Blvd, Bldg. A, Novato, CA 94949	\$66,362,000	\$5,237,000	\$5,077,000	\$900,000	\$77,576,000
Plant Construction, L.P. San Francisco, CA	\$76,838,189	\$8,695,436	\$5,295,165	\$3,963,294	\$80,000,000 (errors in calculations)
Engineer's Estimate	\$63,172,953	\$5,544,602	\$5,957,472	\$1,617,204	\$75,292,231

Shimmick Construction Company, Inc. (Shimmick) submitted the apparent low Total Bid of \$71,180,000. After review, Staff determined that the apparent low Bid price submitted by Shimmick is fair and reasonable, compared to the Engineer's Estimate and the other Bids submitted. A review of Shimmick's business experience and financial capabilities has resulted in a determination that Shimmick is a responsible Bidder, and that the Shimmick's Bid is responsive to the requirements of the Contract Book. Bids from the 2nd and 3rd Bidders were found to be non-responsive.

In order to meet the requirements of the California Environmental Quality Act (CEQA), a Draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day



public review on April 30, 2018 that evaluated the impacts associated with the installation of the canopies, and on the escalators being installed by BART Contract No. 15LK-120A Market Street Escalators Renovation Project that has since been awarded. On June 28, 2018, the Board adopted the IS/MND, the Mitigation Monitoring and Reporting Plan, and the Project.

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 Shimmick has exceeded both the MBE and WBE Availability Percentages for this Contract at 44.6% for MBEs and 44.9% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 23% 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 Shimmick committed to subcontracting 1.7% to LSBs. Shimmick did not meet the LSB Subcontractor Participation Goal and, therefore, is not eligible for the Bid Preference, but is still the apparent low Bidder.

#### **FISCAL IMPACT:**

Funding in the amount of \$64,565,000 for award of Contract No. 15LK-140 is included in the total Project budget for FMS #15LK001 - Canopy Replacement.

Table 1 below lists current funding assigned to the referenced project and is included to track funding history against spending authority. Table 2 below lists funding that has been programmed, but not yet allocated to the referenced project.

Funds needed to meet this request will be expended from the following current and programmed sources:

**Table 1 - Current Funding**

Fund Group	Amount
PTMISEA Prop 1B Funds	\$ 28,702,547
Measure RR Funds	\$17,300,000
TOTAL	\$ 46,002,547

As of January 13, 2020, \$46,002,547 is the total budget for this project. BART has expended \$11,630,079, committed \$4,936,750 and reserved \$0 to date. This action will



commit \$29,435,718 leaving an available fund balance of \$0 in these fund sources for this project.

The remaining \$35,129,282 will come from Programmed funds as shown in Table 2 below.

**Table 2 - Programmed Funding**

Fund Group	Amount
SF GO Bond Prop A Funds	\$ 42,000,000
TOTAL	\$ 42,000,000

This action will authorize the General Manager to commit \$64,565,000 for Contract No. 15LK-140.

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

**ALTERNATIVES:**

The Board may elect to reject all Bids and authorize staff to re-advertise the Contract. Re-advertising the Contract would result in significant delay and cost impacts to the associated Market Street Escalators Renovation Contract that requires canopies over street escalators to comply with State Law. This would also result in additional cost and time to the District with no assurance that rebidding will result in lower Bid prices.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Contract No. 15LK-140, Market Street Entry Canopies, to Shimmick Construction Company, Inc. for the Total Base Bid price of \$64,565,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

In addition, the General Manager is authorized to exercise Bid Option No. 1 for \$3,160,000, Bid Option No. 2 for \$2,600,000, and Bid Option No. 3 for \$855,000, all subject to certification by the Controller/Treasurer that funding is available.