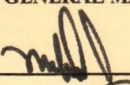
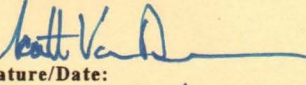
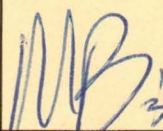
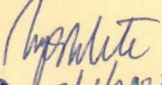
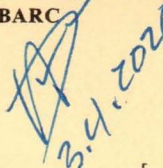




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/4/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/25/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Scott Van Dussen Dept: Extensions  Signature/Date: 3/4/2020	General Counsel  3/4/20	Controller/Treasurer  3/4/2020 []	District Secretary []	BARC  3.4.2020 []

Award Agreements No. 6M8171 and No. 6M8187 for General Construction Oversight Services in support of BART's Train Control Modernization Program

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M8171 to Jacobs Engineering Group Inc. and Agreement No. 6M8187 CPM Associates, Inc. to provide General Construction Oversight Services in support of BART's Communications Based Train Control Contract.

DISCUSSION:

On January 9, 2020, the Board authorized the General Manager to award Contract No. 49GH-110 to Hitachi Rail STS USA, Inc. for the Design-Build of a Communications Based Train Control System (CBTC Contract).

In order to provide technical project management and implementation support to the CBTC Contract with dedicated project staff over a ten-year period, BART issued a Request for Proposals (RFP) No. 6M8171 on November 15, 2019, for the provision of General Construction Oversight Services. The RFP indicated that the services would be obtained through agreements with up to two firms, that each agreement would have a term of up to ten years, and that each would be in an amount not to exceed \$37,500,000.

An Advance Notice to Proposers was emailed to 100 construction oversight services consultant firms having expertise in the pertinent technical fields. The RFP was posted to the District's procurement Portal and was made available to proposers to download electronically. The RFP was also advertised in local publications. A total of 78 firms

downloaded the RFP through the Procurement Portal.

A pre-proposal meeting was held on December 11, 2019 at the BART Offices in Oakland. Thirty-eight (38) firms signed in at the meeting. Immediately following the pre-proposal meeting, a networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights. In an effort to maximize the participation of small businesses, all potential subconsultants were afforded the opportunity to discuss individual subcontracting opportunities with potential prime proposers at this session.

On January 14, 2020, timely proposals were received from the following three firms:

1. Jacobs Engineering Group Inc. of Oakland, CA
2. CPM Associates, Inc. of San Francisco, CA
3. Ghirardelli Associates of Oakland, CA

The proposals were reviewed by a Selection Committee ("Committee") consisting of BART staff from the Planning, Development, Maintenance and Engineering, Transportation, Office of Civil Rights; and Contract Administration Department. Proposals were reviewed to determine if the proposals were responsive to the requirements of the RFP. Thereafter, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the firm and key personnel. All three proposals were short-listed for oral presentations. The committee conducted oral interviews on February 18, 2020.

Based on the oral and written evaluations, the Committee determined that the two most qualified firms are Jacobs Engineering Group Inc. and CPM Associates, Inc. After making this determination, BART began negotiations with these firms. With support from the Planning and Internal Audit Departments, Contract Administration staff evaluated the rates and markups received from each Proposer for a cost-plus fixed fee agreement. Staff determined that the rate structures of both firms are fair and reasonable, and that both firms are responsible organizations. Negotiations between BART and the firms concluded on mutually favorable terms.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were Small Business Entity (SBE) subconsulting opportunities; therefore, an SBE participation goal of 30% was set for this Agreement. Jacobs and CPM Associates, committed to meeting the 30% SBE participation goal. The Office of Civil Rights will monitor the actual SBE participation attained based on individual task orders issued and amounts actually paid to SBE firms. The Agreements require the Consultants to ensure that SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends the following two awards under RFP No. 6M8171, each in an amount not to exceed \$37,500,000 for a ten-year performance period:

1. Jacobs Engineering Group Inc. of Oakland, CA
2. CPM Associates, Inc. of San Francisco, CA

Work Plans (WPs) under the Agreements will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget.

The Office of the General Counsel will approve each Agreement as to form.

FISCAL IMPACT:

Each of the Agreements has a not-to-exceed limit of \$37,500,000. These agreements have a total combined limit not to exceed \$75,000,000. The District will issue series of Work Plans (WPs) to encumber cost associated with these agreements. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Budget and Funds Management will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each WP. Funds will come from a combination of Federal, TIRCP, Measure RR and BART Capital funds.

ALTERNATIVES:

Reject all proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact activities underway in support of the District's Communications Based Train Control System and would not likely result in higher quality proposals.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Agreement No. 6M8171 to Jacobs Engineering Group Inc. and Agreement No. 6M8187 to CPM Associates, Inc. to provide General Construction Oversight Services in support of BART's Communications Based Train Control Contract, in an amount not to exceed \$37,500,000 for each agreement, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protests.