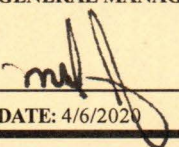
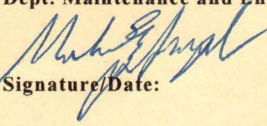
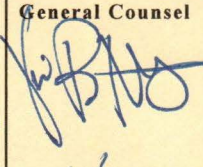
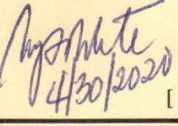
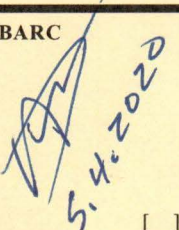




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/6/2020		GENERAL MANAGER ACTION REQ'D: Authorization to Award of Contract 20LZ-130 Train Control Room Battery Systems Replacement, Phase 3 to Icenogle Construction Management, Inc.		
DATE: 4/6/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mohamad Fararjeh Dept: Maintenance and Engineering  4/30/2020 Signature/Date:	General Counsel  5/4/20 []	Controller/Treasurer  4/30/2020 []	District Secretary []	BARC  5-4-2020 []

To Obtain Authorization to Award of Contract 20LZ-130 Train Control Room Battery Systems Replacement, Phase 3

PURPOSE:

To obtain Board Authorization for the General Manager to award Contract No. 20LZ-130 for the Train Control Room Battery Systems Replacement, Phase 3, to Icenogle Construction Management, Inc. of San Francisco, CA for the Bid amount of \$5,493,180.00.

DISCUSSION:

The District's train control room battery systems provide emergency power to train control and communications systems essential for reliable revenue service. The batteries are used to store energy as a part of an uninterruptible power supply (UPS) to provide power to essential loads when the utility power is not available. The batteries are beyond their designed life and cannot hold a charge for a significant length of time. A utility power disruption could result in a loss of train control computer operations.

This Contract is for the upgrade of existing Train Control Room Battery Systems in twenty (20) locations throughout the system. This is the third and final phase of the train control battery system replacements systemwide. The Contract requires an all-new battery system consisting of batteries, battery racks, remote monitoring systems, hydrogen sensor alarm, cabinets, disconnect switches, and associated accessories. This includes the replacement of associated conduits and conductors as well as the removal and disposal of the existing battery systems.

The District provided advance notice to two hundred seventy-four (274) prospective Bidders, and plans were sent to four (4) Plan Rooms. A pre-Bid meeting was held on December 10, 2019, with eight (8) prospective Bidders in attendance. A site visit was conducted on December 23, 2019, with three (3) Contractors in attendance. Bids were opened on January 21, 2020. A total of three (3) Bids were received as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Becker Electric, Inc. San Francisco, CA	\$4,723, 680.69
Icenogle Construction Management, Inc. San Francisco, CA	\$5,493,180.00
Blocka Construction, Inc. Fremont, CA	\$6,657,000.00

Engineer's Estimate

\$5,065,821.00

At the Board meeting of March 12, 2020, the Board authorized the General Manager to award Contract No. 20LZ-130 for the Train Control Room Battery Systems Replacement, Phase 3, ("20LZ-130"), to Becker Electric, Inc., ("Becker Electric"). In accordance with Board Rule 3-5.3, notification of the Board's action was transmitted to all Bidders on March 12, 2020.

On March 16, 2020, and March 18, 2020, the District received timely protests against the award to Becker Electric, Inc from Icenogle Construction Management, Inc. ("Icenogle") and Blocka Construction Inc. ("Blocka").

After further review Staff issued two Protest decisions sustaining portions of the Protests and rescinding the recommended award to the apparent low bidder, Becker Electric, Inc. Staff further determined that the second low bidder, Icenogle Construction Management, Inc has submitted a responsive bid. Staff has also determined that the total Bid Amount of \$5,493,180.00 is fair and reasonable and approximately 8% above the Engineer's Estimate.

This Contract 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 Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 12% was set for this Contract. The apparent **responsive second** low Bidder, Icenogle Construction Management, Inc. is a DBE certified firm and will perform 30% of the work and committed to subcontracting .4% to DBEs. The Office of Civil Rights has determined that Icenogle Construction Management, Inc. committed to a total of 30.4% DBE participation, which exceeds the DBE participation goal set for this Contract.

FISCAL IMPACT:

Funding in the amount of \$5,493,180.00 for Contract No. for 20LZ-130, Train Control Room Battery Systems Replacement, Phase 3 is included in the total project budget for 20LZ100, Train Control Room Battery Systems 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:

Proposed Funding	
F/G 3015,353K,353M – FTA Award Sources	3,431,674
F/G 6017 – MTC Bridge Toll Sources	25,466
F/G 8530, 8531, 8532–FY16, 17 & 18 Operating to Cap Alloc	6,119,090
TOTAL	9,576,230

As of April 8, 2020, \$9,576,230 is the total budget for this project. BART has expended \$3,552,812, committed \$62,626, and reserved \$0 to date. This action will commit \$5,493,180, leaving an available fund balance of \$467,612 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:

The alternative is not to replace the train control room battery systems at this time. This would leave the BART Train Control System vulnerable to power failures and possible shutdowns impacting revenue service.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 20LZ-130 for Train Control Room Battery Replacement to Icenogle Construction Management, Inc. for an amount of \$5,493,180.00, pursuant to a notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements related to protests.