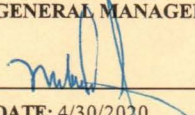
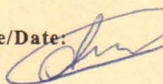
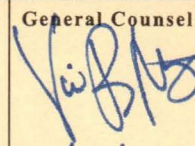
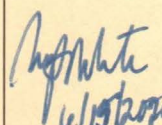





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/30/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Avineet Garg Dept: Maintenance and Engineering Signature/Date:  6/11/2020	General Counsel  6/14/20 []	Controller/Treasurer  6/15/2020 []	District Secretary []	BARC  6.15.2020 []
Status: Routed		Date Created: 4/30/2020		

34.5KV Cable Replacement and Fiber Optic Cable Installation, A-Line, ACO-AUC

PURPOSE:

To award Contract No. 15EJ-180, 34.5 KV Cable Replacement and Fiber Optic Cable Installation, A-line, ACO to AUC, to DMZ Builders, Concord, CA for the Bid amount of \$106,992,990.

DISCUSSION:

This Contract is to upgrade the 34.5 KV system on the A-line and includes replacement and installation of sections of the feeder cable circuits between Coliseum (ACO) and Union City (AUC) stations as well as installation of new 288-count and 144-count fiber optic cables.

The 34.5 KV transmission system consists of dual insulated cables that deliver 34.5 KV AC power from the switching stations to the traction power substations. The existing cables from Coliseum to Union City stations have been in operation for over 40 years and are near the end of their useful life. Replacement of these sections with Ethylene Propylene Rubber (EPR) cables will improve system reliability and reduce maintenance burden (i.e. the ongoing costs of nitrogen injection for the aged Paper Insulated Pipe Enclosed (PIPE) circuits).

The contract was advertised on September 24, 2019 and was posted on BART Procurement Portal on October 1, 2019. A Pre-Bid meeting was conducted on October 18, 2019 which had 20 prospective bidders in attendance. Two site visits were conducted on October 19 and October 23, 2020. The duration of contract is 1643 days from the date specified in the Notice To Proceed (NTP).

A total of two (2) bids were received and publicly opened on Tuesday, April 14, 2020 as follows:

Bidder	Total Bid
1. DMZ Builders, Concord, CA	\$106,992,990
2. Cupertino Electric, Inc, San Jose, CA	\$139,245,373
Engineer's Estimate	\$110,206,363

Cupertino Electric, Inc's Bid was deemed non-responsive as it only acknowledged one (1) addenda and failed to acknowledge the remaining seven (7).

The apparent low Bid submitted by DMZ Builders has been deemed to be responsive to the solicitation and the Bid Price of \$106,992,990 (2.9% lower than engineer's estimate) has been determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set an 8% 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 Bidder, DMZ Builders, committed to subcontracting 8.1% to LSBs. The Bidder, DMZ Builders, met the LSB Subcontractor Participation Goal and, therefore, is eligible for the 7% Bid Preference. As DMZ Builders is the only responsive bidder, the application of the 7% Bid Preference will not alter the award to, the lone responsive bidder, DMZ Builders.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 6% for Minority Business Enterprises ("MBEs"), and 3.9% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the apparent low Bidder, DMZ Builders, has exceeded both the MBE and WBE Availability Percentages for this Contract at 93% for MBEs and 7% for WBEs.

FISCAL IMPACT:

Funding in the amount of \$106,992,990 for award of Contract No. 15EJ-180 is included in the total project budget for FMS # 15EJRRRA – A-Line 34.5 KV AC Cable Replacement. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet

this request will be expended from the source listed below.

As of May 11, 2020 \$122,664,767 is available for this project from the following source:

Fund No.	Fund Description	Source	Amount
802A/B	Measure RR GOB	BART	122,664,767

BART has expended \$545,070, committed \$2,676,846 and reserved \$704,880 to date for other action. This action will commit \$106,992,990 leaving an available fund balance of \$11,744,981 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

Reject all bids and re-advertise the work or reject all Bids and decline to re-advertise the work. There is no assurance that a rebid would yield lower prices or more bidders. This would also result in increasing the risk of cable faults and 34.5 KV power loss, which could negatively impact revenue service.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15EJ-180, 34.5 KV Cable Replacement and Fiber Optic Cable Installation, A-line, ACO to AUC to DMZ Builders, Concord, CA in the amount of \$106,992,990, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.