

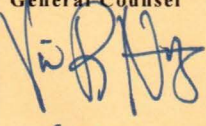
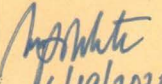
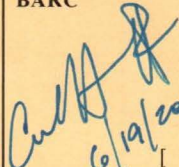




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Real Estate & Prop Development  Signature/Date: 06/19/20	General Counsel  6/19/20 [ ]	Controller/Treasurer  6/19/2020 [ ]	District Secretary [ ]	BARC  6/19/2020 [ ]

### Design-Build of BART Headquarters

#### PURPOSE:

To authorize the General Manager to award Contract No. 6M4706 for Design-Build of the BART Headquarters ("Contract") for \$58,467,851.37 to Turner Construction Company subject to the District's protest procedures.

#### DISCUSSION:

Contract No. 6M4706 is for the Design-Build of the new BART Headquarters at 2150 Webster Street, Oakland.

In September 2019, the BART Board authorized the General Manager to purchase a ten-story office building located at 2150 Webster Street, Oakland, CA 94612 and set aside funds to construct the tenant improvements. BART purchased the building on December 10, 2019.

The District conducted a two-step selection process with a Request for Qualifications ("RFQ"), followed by a Request for Proposals ("RFP") to qualified firms.

The RFQ was issued on February 12, 2020 (RFQ No. 6M4706Q), for Design-Build of BART Headquarters. The District provided advanced notice to seventy-two (72) firms on February 12, 2020. The RFQ was advertised in nine (9) publications, starting on February 12, 2020 and continued through February 26, 2020. The RFQ was also posted to the BART Procurement Portal on February 12, 2020. A Pre-Proposal Meeting was held on February 18, 2020. A total of fifty-seven (57) firms attended. A total of one hundred eighteen (118) firms downloaded copies of the Request for Qualifications. On March 3, 2020, the RFQ submittals were due and the District qualified three (3) firms which were:



1. BCCI Construction Company (“BCCI”), San Francisco, CA, proposed with Gensler, Oakland, CA
2. Turner Construction Company (“Turner”), Oakland, CA, proposed with RIM Architecture, San Francisco, CA
3. Dome Construction (“Dome”), San Francisco, CA, accompanied by Quezada Architecture, San Francisco, CA

The RFP was released on March 27, 2020 (RFP No. 6M4706). A Pre-Submittal Conference was held on March 31, 2020, via WebEx and there were approximately 75 attendees. On April 3, 2020, the three (3) Prospective Proposers hosted independent networking sessions for the RFP. Participation per Prospective Proposer ranged from 22 to 29 firms, in which most of the participants were small businesses. Two (2) Addenda to the RFP were issued on April 17, 2020 and April 24, 2020, respectively.

On May 5, 2020, one responsive proposal was received from Turner, and Turner committed to a Small Business participation percentage of 32%, which is 2% over the Contract’s Small Business Participation Goal of 30%. Turner’s Total Price Proposal was \$58,467,851.37.

This Procurement followed the procedures for the District’s Non-Federal Small Business Program and the District’s Non-Discrimination Program for Subcontracting (ND Program).

Pursuant to the District’s Non-Discrimination Program for Subcontracting, the Availability Percentages for this RFP are as follows:

	Minority Business Enterprise (“MBE”)	Women Business Enterprise (“WBE”)
Architecture & Engineering	21.9%	13.5%
Construction	18.2%	9.3%

After application of the District’s ND Program, the Office of Civil Rights found no evidence of discrimination.

Subsequent to this determination, in a letter to the General Manager dated June 10, 2020, Turner indicated their project approach anticipates subcontracting work reflective of both of the Availability Percentages established for this RFP.

As a progressive design-build Contract, with 0% design complete, it is difficult to identify specific subcontractors and detailed scopes of work for future packages yet to be designed or bid.



Staff will monitor the contract for achievement of the SB commitment and will report to the Board periodically on Turner's commitments, achievements and plans to reach their commitments by the end of the Contract.

This Contract contains liquidated damages for any failure to meet the SB commitment made by Turner.

**FISCAL IMPACT:**

The \$58,467,851.37 is to be authorized for the design and construction of the tenant improvements to the District's new corporate headquarters and will be funded as described below.

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 sources:

<b>Proposed Funding</b>	
8211 - 2019A Sales Tax Revenue Bonds	\$227,000,000
<b>TOTAL</b>	<b>\$227,000,000</b>

As of June 16, 2020, \$227,000,000 is the total budget for this project. BART has expended \$138,872,692, committed \$ 1,293,663 and reserved \$963,871 to date. This action will commit \$58,467,851, leaving an available fund balance of \$27,401,923 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.

**FUNDING ALLOCATION:**

<b>Proposed Funding by FY</b>	
FY 21	\$50,000,000.00
FY 22*	\$8,467,851.37
<b>Total</b>	<b>\$58,467,851.37</b>

**\*FY22 funding is not for a full Fiscal Year.**

**ALTERNATIVES:**

Do not authorize the General Manager to award the Contract. The District would have to rebid the Contract and would not make its deadline to move to its new headquarters at 2150 Webster prior to the expiration of its lease at 300 Lakeside in July 2021.



**RECOMMENDATION:**

It is recommended that the Board adopt the following Motion.

**MOTION:**

The General Manager is authorized to award Contract No. 6M4706 for the Design-Build of BART Headquarters, in the total amount not to exceed \$58,467,851.37 to Turner Construction Company, subject to the District's protest procedures.