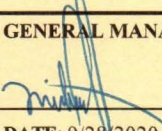
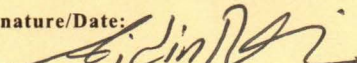
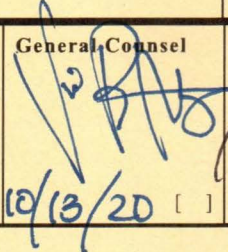
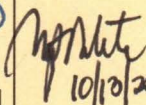





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  10/17/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 9/28/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Aidin Sarabi Dept: PD&C 10/13/2020 Signature/Date:  10/13/2020	General Counsel  10/13/20 []	Controller/Treasurer  10/10/2020 []	District Secretary []	BARC  10.13.2020 []
Status: Routed		Date Created: 9/28/2020		

Hayward Maintenance Complex Project (Phase 2) Trackwork Procurement

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 01RQ-101 for Hayward Maintenance Complex Project (Phase 2) Trackwork Procurement to Voestalpine Railway Systems Nortrak, Inc.

DISCUSSION: The Hayward Maintenance Complex Project (HMC) was adopted by the BART Board on May 26, 2011 and will provide for expanded and enhanced maintenance complex facilities necessary to support, in part, BART's future system demands, including the new BART revenue vehicles and the Silicon Valley Extension Project. The HMC (Phase 2) Project consists of two new developments at the east of the existing Hayward yard, including the Northern/Southern Mainline Connectors and the East Vehicle Storage Yard. The Phase 2 project site is 6 acres of undeveloped land in the northeast quadrant of the HMC property, on the east side of the mainline BART tracks north of the existing maintenance and engineering facility and rail storage yard. The majority of this area will become the East Side Storage Yard providing storage for as many as 250 BART cars. The Northern/Southern Mainline Connector will connect the vehicle storage yard to the mainline tracks at a point slightly north of Industrial Parkway and South of Whipple Road.

The scope of this Contract includes the procurement of track and related materials including running rail, special trackwork, bonded insulated rail joint plugs, standard concrete crossties, concrete special trackwork ties, trackwork spare parts, switch machines, and switch machine

spare parts necessary to construct the new East Storage Yard and Mainline Connections.

On December 26, 2019, District advertised Contract No. 01RQ-101 for Hayward Maintenance Complex Phase 2 Trackwork Procurement through the BART Procurement Portal. Advance Notice to Bidders was mailed to forty (40) potential Bidders. A total of forty (40) online plan holders downloaded the Bid Documents. A Pre-Bid Meeting was held on January 14, 2020 where a total of four (4) potential Bidders attended. A site tour was held following the Pre-Bid Meeting on December 26, 2019. Bids were publicly opened on May 19, 2020.

The tabulation of Bids received, and the Engineer's Estimate, are as follows:

Voestapline Railway Systems Nortrak, Inc. - \$11,989,984

Progress Rail Services Corporation - \$11,562,080

Engineer's estimate - \$12,480,864

After review by District Staff, the apparent low bid submitted by Progress Rail Services, was deemed non-responsive because of a failure to comply with Bidding Instructions. As a result, Voestapline Railway Systems Nortrak, Inc., is the low Bidder.

A review of the Voestapline Railway Systems Nortrak, Inc.'s business experience and financial capabilities has resulted in a determination that the Voestapline Railway Systems Nortrak Inc. is responsible and its Bid is responsive to the requirements of the Contract Book. The total Bid Price of \$11,989,984 was determined to be fair and reasonable compared to 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 1% was set for this Contract. The lowest responsive Bidder, Voestapline Railway Systems Nortrak, Inc. committed to subcontracting 1.1% to DBEs. The Office of Civil Rights has determined that Voestapline Railway Systems Nortrak, Inc. has met the DBE participation goal set for this Contract.

FISCAL IMPACT:

Funding for this \$11,989,984 for the award of Contract No. 01RQ-101 is included in the total project budget for 01RQ100, HMC Phase 2 Preliminary Engineering.

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:

Proposed Funding	
802A & 802B - 2017 Measure RR GO Bond	\$19,883,000
8524 – FY12 Operating Allocation to Capital	\$15,000
354S – FTA CA 2020-047	\$54,000,000
TOTAL	\$73,898,000

As of Sept 25, 2020, \$73,898,000 is the total budget for this project. BART has expended \$9,262,081 committed \$6,691,854, and reserved \$41,963,202 to date. This action will commit \$11,989,984 leaving an available fund balance of \$3,990,879 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 alternatives are to decline to award the Contract or rebid. Not awarding the Contract would result in no vehicle storage yard and trackwork that would lead revenue and non- revenue vehicles from the existing BART mainline to the new HMC East Storage Yard and facilities, which would make the overall concept of the HMC Project unavailable for use by the new BART revenue vehicles and non-revenue vehicles. Rebidding the Contract would result in delays to execution of the work, potentially resulting in increased Project costs due to those delays. Additionally, rebidding the Contract would result in impacts to the testing and commissioning of the new BART revenue vehicles.

RECOMMENDATION: On the basis of analysis by staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the motion.

MOTION: The General Manager is authorized to award Contract No. 01RQ-101 for Hayward Maintenance Complex (phase 2) Trackwork Procurement to Voestapline Railway Systems Nortrak, Inc., for the total Bid Price of \$11,989,984, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protests.