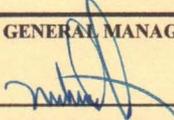
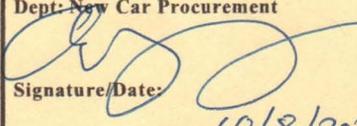
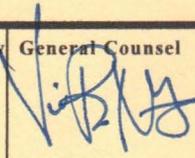
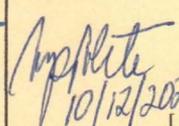
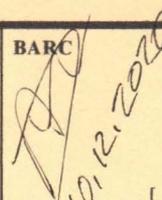




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 10/6/2020		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 10/6/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Ana Maria Maxey Dept: New Car Procurement Signature/Date:  10/8/2020	General Counsel  10/12/20 []	Controller/Treasurer  10/12/2020 []	District Secretary []	BARC  10.12.2020 []

Authorization for Change Order No. 048 - Side to Side Emergency Plank under Contract No. 40FA-110, Procurement of Transit Vehicles

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No.048 - Side to Side Emergency Plank in the amount of \$846,231.74 plus applicable escalation and sales tax, to Contract No. 40FA-110, Procurement of Transit Vehicles.

DISCUSSION:

On May 10, 2012, the Board authorized award of the Contract to Bombardier Transit Corporation (Bombardier) for the Base Contract of 260 vehicles at the price of \$630,502,694, and Option 1 for 150 vehicles at a price of \$265,832,100, plus applicable tax and escalation. Staff returned to the Board on October 24, 2013 to request Board authorization for the General Manager to execute a change order to Contract No. 40FA-110, Procurement of Transit Vehicles with Bombardier, to exercise Options 2, 3 and 4 totaling 365 vehicles, for a total price of \$638,983,330, plus applicable tax and escalation.

On 8/01/2019, a Request for Engineering Information (REI 19-232) was submitted by the Deputy Director for Fire Life & Safety to the RSS Engineering Department requesting the proper procedures for the use of the Emergency Plank between two side by side trains. It was determined that the current design of the Side to Side Plank cannot be used on the FOTF cars due to their Micro Plug Door design. The plank

currently cannot rest on the door threshold. It was decided that the plank would be redesigned. The change ensures that the emergency plank is safe and has ease of access for BART employees and its customers. For these reasons, it was determined that the Technical Specification and the side to side plank would need to be modified.

Change Order No. 048 will compensate Bombardier in the amount of \$846,231.74 plus escalation and sales tax.

Pursuant to Board Rule 5-2.3, any Change Order involving an expenditure greater than \$500,000 requires Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

The Procurement Department will review this Change Order for conformance with its Procedures prior to execution.

FISCAL IMPACT:

Funding in the amount of \$928,739 (\$846,232 plus 9.75% of sales tax) for Change Order No. 48 is included in the total Project budget for FMS #40FA001 – Rail Car Procurement.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. As of October 6, 2020, the following fund sources have been secured out of the total project budget of \$2.470 billion:

Source	Funding
BART	261,319,016
Federal	266,913,455
State	160,173,570

Regional	275,704,979
VTA	189,829,768
Total	1,153,940,788

The following is the project expenditures summary as of October 6, 2020, for the Rail Car Procurement project:

Total Project Estimate	2,469,793,374
Expenses To-Date	758,077,104
Encumbrances	1,204,137,359
Reserved	1,500,120
This Action	928,739
Remaining Balance	505,150,053

The Office of the 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:

None. The current design creates a safety risk.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 048 for changes to

Change to TS 3.14.2.2 Side to Side Emergency Plank

the Vehicles' Side to Side Plank. under Contract No. 40FA-110 Procurement of Transit Vehicles, in the not-to-exceed amount of \$846,232, plus applicable escalation and sales tax.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Bombardier Transportation Inc
Contract No./NTP: 40FA110
Contract Description: Procurement of 775 new transit vehicles
Percent Complete as of 10/22/2020 33%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount:	100%	N/A	\$1,535,318,124.00
Change Orders:	0.50%	\$7,835,907.78	\$1,543,154,031.78
Other than Board Authorized COs:	0.10%	\$1,525,756.31	\$1,544,679,788.09
Pending Change Order #48	0.06%	\$846,321.74	\$1,545,526,019.83
Subtotal of all Change Orders:	0.66%	\$10,207,985.83	N/A
Revised Contract Amount:	100.66%	N/A	\$1,545,526,019.83

SCHEDULE

Original Contract Duration: 10/27/2025
Time Extension to Date:0
Time Extension Due to Approved COs:0
Revised Contract Duration:0

SUMMARY REASON FOR THIS CHANGE ORDER:

Modify the side to side plank that is used by Bart and first responders for emergency evacuation.