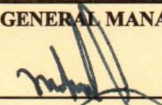
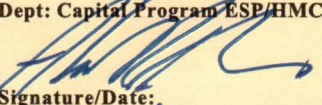
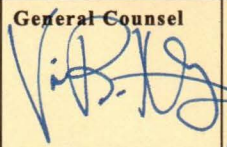
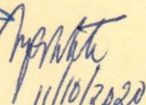





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 9/21/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Capital Program ESP/HMC  Signature/Date: Nov. 02, 2020	General Counsel  11/10/20 []	Controller/Treasurer  11/10/2020 []	District Secretary []	BARC  11.10.2020 []

Sole Source Contract for Concord Dual Wheel Truing Machine

PURPOSE:

To request Board authorization for the General Manager to enter into a Contract with Simmons Machine Tool Corporation as the sole source of procurement, in accordance with California Public Contract Code section 20227, for the procurement of a Dual Wheel Truing Machine for the BART Concord Yard Facility in an amount not to exceed \$3,900,000. Two Thirds Vote Required.

DISCUSSION:

A best practice in the transit industry is for every shop where revenue vehicles are serviced to have a wheel truing machine because these machines are critical to operations. Without them, defective wheels cannot be reprofiled and railcars must remain out of service until the defective conditions can be corrected. BART currently utilizes three Simmons Stanray Wheel Truing Machines at the Richmond, Hayward and Daly City Shops for typical BART axles and sends the eBART axles off site for truing.

In the course of procuring a new Wheel Truing Machine for the Concord Yard, staff has determined that a dual-gauge underfloor milling machine is the equipment that is required to perform this function; in order, to accommodate standard BART car axles, BART maintenance vehicle axles, and eBART car axles. Simmons Corporation is the only US manufacturer that has produced a Dual-Gauge Wheel Truing Machine. Further, the selection of this type of machine is based on past operational and quality performance of the three similar machines already operated by BART RS&S, existing machinist knowledge base, and

existing spare parts inventory. Staff has also determined that a sole source of procurement contract with Simmons Corporation for this machine, meets the requirements in Public Contract Code Section 20227.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment, or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a sole source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment in use.

The Office of the General Counsel will approve the Contract as to form.

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights is utilizing race and gender-neutral efforts for Sole Source Contracts. Therefore, no DBE goal was set for this Contract.

FISCAL IMPACT:

The total not to exceed amount of \$3,900,000 for this procurement is included in the total project budget for 03QJ001.

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		
802B	2019B Measure RR GOB #2	20,314,642
8524	FY2012 Operating Capital Alloc	928,360
8530	FY16 Operating Capital Alloc	928,360
3012	FTA 5307/5337 CA-2018-036-00	7,165,450
802A	2017A Measure RR GOB #1	8,540
	Total	\$ 29,348,170

As of October 6, 2020, \$29,348,170 is the total budget for this project. BART has expended \$1,632,600 committed \$3,371,824 and reserved \$0 to date. This action will commit \$3,900,000 leaving an available fund balance of \$20,443,746 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 Board can elect not to authorize the General Manager to execute a contract with Simmons. In such a case, the District would have to solicit for this equipment in an advertised procurement, even though staff is aware of only a single supplier that could be responsive. This will have the risk of a potential unproven supplier responding to the solicitation who would have to design, test, and manufacture a Dual Wheel Truing Machine. Furthermore, such a machine from a new supplier will not be compatible with three other existing BART Wheel Truing Machines with respect to reliability, parts, programming, training and operations. Such an alternative will increase the burdens on other District resources, increase revenue vehicle downtime and increase wheel repair lead-times.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion:

MOTION:

Pursuant to California Public Contract Code Section 20227, the Board of Directors finds that Simmons Machine Tool Corporation is the sole source for the procurement of a Dual Wheel Truing Machine for the BART Concord Yard Facility and that the purchase is for the sole purpose of replacing or duplicating equipment in use.

The Board of Directors authorizes the General Manager to execute a Contract with Simmons Machine Tool Corporation for the procurement of the Dual Wheel Truing Machine, in an amount not to exceed \$3,900,000.

Two thirds vote required.