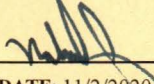
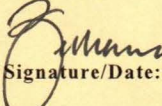
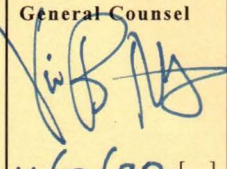
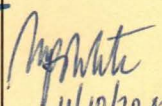
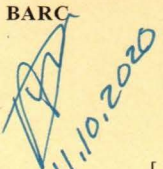




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/30/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 11/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Zecharias Amare Dept: Capital Program ESP/HMC  Signature/Date: 11/10/20	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/10/20 [ ]	District Secretary [ ]	BARC  11.10.2020 [ ]

### Installation of Temporary Generators

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 187, Installation of Temporary Generators to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit in an amount not to exceed \$1,500,000.00.

#### DISCUSSION:

On December 1, 2016, the Board authorized the award of Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit to Shimmick/CEC Joint Venture with a base Contract value of \$267 Million. Notice to Proceed was issued on February 2, 2017. Later, Contract Options were exercised, and the total Contract value increased to \$314 Million. On July 23, 2020, the Board approved a significant revision to the Scope of Work for Contract No. 09AU-120, which included among other things, a reduction in the scope and a credit to the District of over \$28 Million. The revised Contract Price, including executed Change Orders, is \$324 Million.

The Contract indicated that the District would arrange for Pacific Gas and Electric (PG&E) power by means of the District's Construction Contract No. 09EK-130, Oakland Emergency Generator System (OEG), to be furnished to the TBT Contractor on July 7, 2020, so it could power its construction equipment to perform the retrofit work. Currently, due to delays in BART's OEG Contract, PG&E power is forecasted to be available in June 2021. In the interim, the Contractor secured two temporary generators to power its construction equipment. Change Order No. 187 compensates the Contractor for the cost of the procurement, installation, and maintenance of the temporary generators in a not to exceed amount of \$1,500,000.00. This provides for temporary power through the duration of the Contract in the event that PG&E power will not be available at the forecasted date.



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

The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

**FISCAL IMPACT:**

The total not to exceed amount of \$1,500,000 for the award of Change Order No. 187 to Contract No. 09AU-120 is included in the total budget for 09AU000 – TBT Retrofit #1 (Underwater).

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>Earthquake Program Funds</b>	
801F & 801J - ESP GO Bond	\$ 333,524,072
801I - ESP GO Bond Interest Earnings	\$ 62,550,328
802A & 802B - 2017 Measure RR GO Bond	\$ 113,424,447
850V, 850W & 850X - Capital Allocations	\$ 207,229
6820 – SF County Transportation Authority	\$ 175,000
<b>TOTAL</b>	<b>\$ 509,881,076</b>

As of November 3, 2020, \$509,881,076 is the total budget for this project. BART has expended \$305,175,254, committed \$152,857,537, and reserved \$28,700 to date. This action will commit \$1,500,000 leaving an available fund balance of \$50,319,585 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 execution of this Change Order. If the Change Order is not executed; the Contractor will likely pursue a claim against the District for the cost of the additional work and delays attributable to the District. Such a claim and related litigation costs would increase the final costs to the District.

**RECOMMENDATION:**

That the Board approve the following motion:



**MOTION:**

The General Manager is authorized to execute Change Order No. 187, Installation of Temporary Generators, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture in an amount not to exceed \$1,500,000.00.



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## EXECUTIVE DECISION DOCUMENT

### ATTACHMENT No 1

## CHANGE ORDER SUMMARY

### BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor:	Shimmick/CEC Joint Venture
Contract No. / NTP:	09AU-120 / February 2, 2017
Contract Description:	TBT Internal Retrofit
Percent Complete as of 11/10/20	72.56%

### COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 267,083,110
Change Orders			
Board Authorized COs	14.55%	\$ 38,851,445	
Other Than Board Authorized COs	6.17%	\$ 16,474,802	
This Change Order No. 187	0.56%	\$ 1,500,000	
Subtotal of all Change Orders	21.28%	\$ 56,826,247	
<u>Revised Contract Amount</u>			<u>\$ 323,909,357</u>

### SCHEDULE

Original Contract Duration	1,800	days
Time Extension to Date		
Time Extension Due to Approved Cos	309	days
Time Extension Due to these CO 187	0	days
Revised Contract Duration	2,109	days



# **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

## **EXECUTIVE DECISION DOCUMENT**

### **ATTACHMENT No 1**

#### **SUMMARY REASON FOR THIS CHANGE ORDER(S)**

##### CO 187: OEG Generators

Compensates Contractor for additional costs associated with rental of generators to power their equipment. It was anticipated that Contract 09EK-130 Oakland Emergency Generator System (OEG) would be ready to supply the power needed to Contract 09AU-120 in July of 2020. The date OEG can supply power to the TBT Contractor has been delayed and has resulted in the need to rent generators to perform the work.