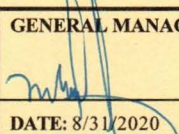
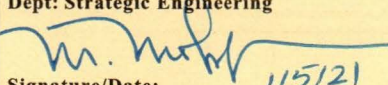
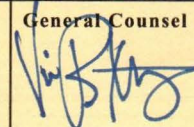
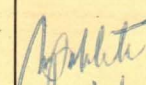





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 8/31/2020 1/6/2021		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 8/31/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mohamad Fararjeh Dept: Strategic Engineering  Signature/Date: 11/5/21 Mitra Moheb for Mohamad Fararjeh	General Counsel  1/5/21 []	Controller/Treasurer  1/5/2021 []	District Secretary []	BARC  1.5.2021 []

Change Order No. 69 Authorization for Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System

PURPOSE:

To authorize the General Manager to execute Change Order No. 69 to Contract No. 09EK-130A for the Oakland Emergency Generator (OEG) System, in the not to exceed amount (NTE) of \$761,100 for a three hundred (300) calendar days extension to the Contract duration.

DISCUSSION:

Award of Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System, to DMZ Builders was authorized by the Board on November 16, 2017, in the amount of \$22,320,000.

This Contract is for the new Emergency Generator System that will provide power to the Transbay Tube (TBT) in the event utility power is not available from power sources located at the San Francisco Transition Structure (SFTS) and/or Oakland Transition Structure (OTS). The system will be capable of providing power for all life safety and critical loads including ventilation fans, fire pumps, drain pumps, and lighting loads during an emergency when existing utility power sources are not available due to a seismic event or other unforeseen emergency scenarios.

This EDD and the associated change order provides a time extension which will extend the duration of the project by three hundred (300) calendar days and resolves costs associated with this extension. To date, the District has issued Change Orders in the total amount of

\$6,678,003.85, which includes costs associated with differing site conditions, design modifications, and coordination with other ongoing projects. The staff has been in negotiations with the contractor to minimize impacts to contract duration and associated costs due to time extensions. After strenuous negotiations with the contractor, a time extension of 300 days for the previously approved design changes have been agreed upon with not to exceed amount (NTE) of \$761,100.

Summary	Amount	% of Base Bid
Total Base Bid Amount	\$22,320,000.00	
Issued Change Orders	\$6,678,003.85	30%
Pending 300 calendar days time extension Change Order	\$761,100.00	3.3%
Revised Contract Amount	\$29,759,103.85	

All change orders will be approved as to form by the Office of General Counsel prior to execution.

FISCAL IMPACT:

Funding in the amount of \$761,100 for Change Order No. 69 to contract 09EK-130A is included in the total project budget for FMS# 09EK300 – Emergency Generator for TBT.

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 source:

Proposed Funding	
F/G 352T/352U/353K/3603 – Various FTA Allocations	2,879,505
F/G 535X - FY2008-09 Prop 1B-PTMISEA	1,700,000
F/G 801F - Earthquake Safety Gen	3,500,000
F/G 802A/B - Measure RR GOB	40,920,000
F/G 850N/850W/8523/8525 - Capital Improvement Allocation	442,324
TOTAL	49,441,828

As of August 31, 2020, \$49,441,828 is the total budget for this project. BART has expended

\$32,910,113, committed \$6,724,293, and reserved \$4,870,000 to date. This action will commit \$761,100, leaving an available fund balance of \$4,176,322 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 alternative is to decline to proceed with the Change Order to provide the time extension of three hundred (300) calendar days. This will result in a claim for District-caused delays, with the potential for litigation increasing the final cost to the District. It will also, most likely, slow down the progress and further delay the completion of the project.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 69 in an amount not to exceed \$761,100, with a time extension to the Contract Duration of up to three hundred (300) calendar days to Contract No. 09EK-130A, Oakland Emergency Generator (OEG) System Project with DMZ Builders.