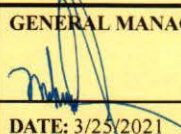
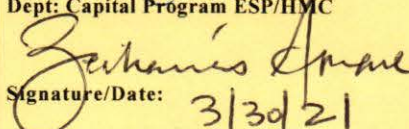
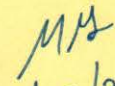

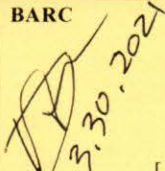




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/21/2021		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 3/25/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Zecharias Amare Dept: Capital Program ESP/HMC  Signature/Date: 3/30/21	General Counsel  3/30/21 []	Controller/Treasurer  3/30/21 []	District Secretary []	BARC  3.30.2021 []

Award of Professional Services Agreement No. 6M6145 Construction Management Services for TBT

PURPOSE:

Request the Board to authorize the General Manager to award Agreement No. 6M6145 to Gannett Fleming to provide Construction Management Services for the Transbay Tube (TBT).

DISCUSSION:

On December 1, 2016, the Board authorized the award of Contract No. 09AU-120, BART Earthquake Safety Program Transbay Tube (TBT) Internal Retrofit to Shimmick / CEC Joint Venture. Notice to Proceed was issued on February 2, 2017. The work, which is limited to certain sections of the TBT, includes installation of plates on the concrete surfaces of the tunnel bores and galleries, trackway reconstruction, and upgrading of the pump system. To date, substantial work has been accomplished in M1 bore and upper and lower galleries. Work in M2 bore is scheduled to begin later this year. The construction contract is anticipated to continue through the beginning of 2023.

The current construction management services consultant under Agreement No. 6M8114 is out of capacity. As a result, Staff issued Request for Proposal (RFP) No. 6M6145 on December 11, 2020 on the District's procurement portal to solicit professional construction management services. The RFP indicated that one (1) Agreement would be awarded to support this TBT Internal Retrofit project.

The District placed advertising soliciting interest in the RFP in various publications. On

December 11, 2020, an Advance Notice to Proposers was emailed to approximately eighty-three (83) proposers and was also posted on BART's website. A virtual Pre-Proposal meeting for this RFP was held on December 28, 2020 providing details regarding the procurement process and RFP submittal requirements with fifty-eight (58) individuals in attendance representing forty-five (45) firms. On December 29, 2020 a networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights, with ninety-six (96) participants. The electronic copy of the RFP that was posted on the District's procurement portal was downloaded by ninety-three (93) interested firms.

On February 2, 2021, proposals were received from the following three (3) firms:

1. PreScience Corporation, Alameda, CA
2. C2PM, San Ramon, CA
3. Gannet Fleming, Inc., Oakland, CA

The proposals were reviewed by a Selection Committee consisting of BART staff from, Engineering Design and Construction, Maintenance and Engineering, Office of Civil Rights, and Contract Administration. The proposals were first reviewed to determine if the proposers were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored based on the criteria contained in the RFP with respect to qualifications of the proposing firms and the project team. Based on the evaluation, all proposers were short-listed and invited for oral interviews conducted by the Selection Committee on March 3, 2021. The following firms are listed in the order of the final ranking:

1. Gannet Fleming, Inc., Oakland, CA
2. PreScience Corporation, Alameda, CA
3. C2PM, San Ramon, CA

Based on the oral and written evaluations, the Selection Committee determined that the highest scoring firm was Gannett Fleming. After making this determination, BART Contract Administration with support from Internal Audit and Engineering Design and Construction evaluated and discussed the rates and markups (for a cost-plus-fixed-fee rate agreement) received from the proposer. These discussions were concluded on terms favorable to BART and the proposer. Staff determined that the recommended rate structure is fair and reasonable, and that Gannett Fleming is a responsible organization.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 21.9% for Minority Business Enterprises (MBEs) and

13.5% for Women Business Enterprises (WBEs). Gannett Fleming committed to 19.08% MBE and 13.68% WBE participation. Gannett Fleming did not meet the MBE Availability Percentage; therefore, Gannett Fleming was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, or ethnicity. Based on the review of the information submitted by Gannett Fleming, the Office of Civil Rights found no evidence of discrimination.

Accordingly, the Selection Committee recommends the award of Agreement No. 6M6145 in an amount not to exceed \$20,000,000 for a three (3) year period of performance to Gannett Fleming, Oakland, CA

Work Plans under the Agreement will define individual assignments in each case subject to funding availability. Each Work Plan will have its own scope, schedule and budget.

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

FISCAL IMPACT:

Funding in the amount of \$20,000,000 for award of Agreement No. 6M6145 is included in the total project budget for the TRT Retrofit Project Number 09AU000.

The table below list 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:

Project 09AU000:

Fund	Fund Description	Source	Amount
801I	INT ERNGS FR GEN OBLGA	INTERNAL	62,550,328
6820	SFCTA - 20SF02 Early Bird Proj	LOCAL	175,000
801J	2019F Measure AA GOB Proj Fund	INTERNAL	306,144,561
802B	2019B Measure RR GOB #2	INTERNAL	1,064,570
850X	CAP ALLOC.-SEISMIC NON	INTERNAL	134,514
802A	2017A Measure RR GOB #1	INTERNAL	254,190
801F	EARTHQUAKE SAFETY GEN	INTERNAL	28,015,706
850V	CAPITAL ALLOCATION-SEI	INTERNAL	65,470
850W	FY00-06 CAPITAL ALLOCA	INTERNAL	7,245
802C	2020C Measure RR GOB #3	INTERNAL	187,105,686

As of March 24, 2021, \$585,517,270 is the total budget for this project. BART has expended \$360,681,863 committed \$89,624,382 and reserved \$0 to date. This action will commit \$20,000,000 leaving an available fund balance of \$115,211,024 in this fund source for this project.

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:

The District could reject all proposals and re-solicit new proposals. Since the construction Contract is currently in progress, repeating the procurement process will require a temporary extension of the current CM services, and will extend the transition time needed for a prospective new CM firm to take over the work from the current firm into the future, leading to a significant delay in the performance of CM services for this TBT project.

RECOMMENDATION:

That the Board approve the following motion:

MOTION:

The General Manager is authorized to award Agreement No. 6M6145 to provide Construction Management Services for TBT to Gannett Fleming for an amount not exceed \$20,000,000.00 pursuant to notification to be issued by the General Manger and subject to the District's protest procedures.