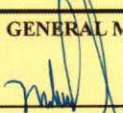
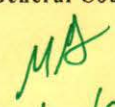
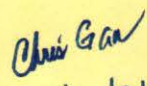
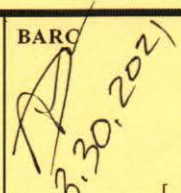
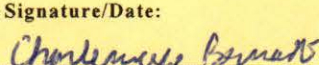




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/31/2021		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 3/18/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Chuck Bernardo Dept: Capital Program ESP/HMC	General Counsel  3/30/21 []	Controller/Treasurer  3/30/21 []	District Secretary []	BARC  3.30.2021 []
Signature/Date:  03/30/21				

Contract 09AU-120 Earthquake Safety Program TBT Internal Retrofit, Change Order No. 190 - Gallery/Bore Work during Additional Work Windows

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 190 for Gallery/Bore Work during Additional Work Windows to Contract No. 09AU-120 BART Earthquake Safety Program Transbay Tube (TBT) Internal Retrofit for an amount not to exceed \$2,000,000 with Shimmick/CEC Joint Venture.

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. Notice to Proceed was issued on February 2, 2017.

The Work in Contract No. 09AU-120 is to, among other things, retrofit key segments of the TBT with steel plating and to provide an upgraded pumping system. The construction activities must be tailored to be completed within the night time work windows to allow for regular BART revenue service to start the next morning.

Changes in BART's normal revenue service due to the COVID-19 pandemic resulted in additional night weekend work windows for the Contractor to conduct work within the TBT. Staff determined that working during these work windows minimizes the risk of delays to the schedule and increases the likelihood of completing the work on or before the forecasted completion date at the end of November 2022. Work during these windows has already mitigated a delay due to a differing site condition encountered in the trackway invert slab in

the M1 Bore. This same condition will need to be addressed in the M2 Bore later this year. Staff has therefore directed the Contractor to utilize the additional night weekend work windows in completing Gallery/Bore work. Change Order No. 190 compensates the Contractor for costs associated with working during the additional night weekend work windows.

Pursuant to Board Rule 5-2.3, for construction contracts over \$200,000,000 in value, Change Orders involving expenditures greater than \$500,000 require Board approval.

The Office of the General Counsel will approve the Change Order as to form prior to execution. The Procurement Department will review the Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

The total not to exceed amount of \$2,000,000 for the award of Change Order No. 190 to Contract 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:

Proposed Funding	
801F & 801J - ESP GO Bond	\$334,160,266
801I - ESP GO Bond Interest Earnings	\$ 62,550,328
802A, 802B & 802C - 2017 Measure RR GO Bond	\$188,424,447
850V, 850W & 850X - Capital Allocations	\$207,229
6820 – SF County Transportation Authority	\$ 175,000
TOTAL:	\$585,517,270

As of March 9 2021, \$585,517,270 is the total budget for this project. BART has expended \$353,353,934, committed \$94,745,773, and reserved \$1,318,919 to date. This action will commit \$2,000,000 leaving an available fund balance of \$134,098,644 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 for performing Work in these additional windows. Failure to issue this Change Order may lead to claims from the Contractor and could cause a delay to the construction schedule, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 190 Gallery/Bore Work during Additional Work Windows for an amount not to exceed \$2,000,000 to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture.

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 03/01/21	78.15%

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	14.95%	\$ 39,932,904	
Other Than Board Authorized COs	7.01%	\$ 18,723,257	
This Change Order No. 190	0.75%	\$ 2,000,000	
Subtotal of all Change Orders	22.71%	\$ 60,656,161	
<u>Revised Contract Amount</u>			<u>\$ 327,739,271</u>

SCHEDULE

Original Contract Duration	1,800	days
Time Extension to Date		
Time Extension Due to Approved Cos	325	days
Time Extension Due to these CO 190	0	days
Revised Contract Duration	2,125	days

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

ATTACHMENT No 1

SUMMARY REASON FOR THIS CHANGE ORDER(S)

CO 190: Gallery/Bore Work during Additional Work Windows

Compensates Contractor for costs associated with working during additional weekend work windows created from lower ridership due to COVID-19. Working these windows minimizes the risk of delays to the project and increases likelihood of completing the work on or before the forecasted completion date at the end of November 2022.