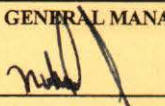
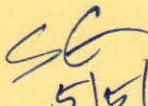
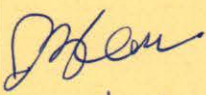
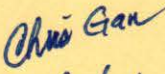
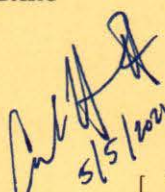




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/5/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/27/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sadie Graham Dept: New Transbay Rail Crossing (Link21)	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  5/5/21	 5/5/21 []	 5/5/21 []	[]	 5/5/21 []

Award of Agreement No. 6M6146-SC1, Agreement No. 6M6146-SC2, Agreement No. 6M6146-SC3, Agreement No. 6M6146-SC4 – Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing (Link21)

PURPOSE: To obtain Board authorization for the General Manager to award Agreements to the Proposer(s) in each of the four advertised service categories in support of advancing the New Transbay Rail Crossing (now known as and thereafter referred to as the Link21 Program): Service Category 1 (SC1) - Engagement and Outreach to HDR Engineering, Inc., Service Category 2 (SC2) - Travel Demand and Land Use to Cambridge Systematics, Inc., Service Category 3 (SC3) - Planning and Engineering to ARUP/WSP JV, Service Category 4 (SC4) - Environmental to ICF Jones & Stokes, Inc.

DISCUSSION: The Link21 Program is a generational initiative, led jointly by BART and the Capitol Corridor Joint Powers Authority (CCJPA). It will transform the passenger rail network in the 21-county Northern California Megaregion (Megaregion) into a faster, more integrated, and better-connected system that provides a safe, efficient, equitable, affordable, and reliable means of travel for all types of trips. Link21 will facilitate the Megaregion's continued advancement and shape its sound, sustainable growth. A framework to promote equity for all Megaregion populations and communities is interwoven throughout all aspects of the Link21 Program.

In Phase 1: Program Identification, the selected Consultants will support the development of the Preliminary Business Case and the identification of a Preferred Program Alternative. A Preferred Program Alternative will include new transbay passenger rail crossing between Oakland and San Francisco. It will also:

- Achieve the Program Vision and Goals and Objectives.
- Serve most, or all, program-level travel markets.
- Be composed of a set of coordinated physical components and features that could be delivered in phases.

In Phase 2: Project Selection, A Project Alternative or Project Alternatives will be determined and will consist of one or more projects that have independent utility and logical termini. In Phase 2, the selected Consultants will support the development of an Intermediate Business Case that will identify a Preferred Project Alternative(s), the preparation of the appropriate environmental documentation leading to a California Environmental Quality Act (CEQA) Notice of Determination and National Environmental Policy Act (NEPA) Record of Decision as well as a Final Business Case.

In moving this program forward, BART conducted a virtual Industry Outreach event on July 14, 2020 with information about the upcoming Request For Proposals (RFP) and catalyze early teaming discussions between potential prime consultants and Disadvantaged Business Enterprise/Small Business Entity (DBE/SBE) subconsultants.

On September 14, 2020 BART issued a RFP to provide Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing, BART RFP No. 6M6146. A Notice to Proposers was emailed on September 14, 2020 to approximately 2,366 representatives from various firms with expertise in the pertinent technical fields. The RFP was formally advertised in ten (10) publications from September 16, 2020 through September 24, 2020. Approximately 205 firms downloaded the RFP from the BART Procurement Portal. A virtual RFP Pre-Proposal meeting was held on September 29, 2020 with approximately 230 representatives from 134 firms present at the meeting. The Pre-Proposal meeting was also recorded and made available for later viewing to any interested parties through a posting on the BART Procurement Portal. On October 6, 2020 a virtual networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights, with 206 participants.

The RFP indicated that the District intends to award four Agreements for professional services, one for each of the following service categories: SC1 - Engagement and Outreach, SC2 - Travel Demand and Land Use, SC3 - Planning and Engineering, and SC4 - Environmental. The initial term for each of the four (4) Agreements entered into pursuant to this RFP for the performance of Phase 1 will be six (6) years, with one (1) option at the discretion of the District to extend the term each of the agreements for up to an additional ten (10) years, for performance of Phase 2.

The total maximum cost for all of the Agreements, with all options exercised, shall not exceed Six Hundred Million Dollars (\$600 Million). However, there is no guaranteed minimum level of compensation. Estimated compensation for each service category shall not exceed the values shown as follows:

Table 1: Agreement NTE Estimated Total Cost

Phase	Service Category			
	Engagement and Outreach (SC1)	Travel Demand and Land Use (SC2)	Planning and Engineering (SC3)	Environmental (SC4)
1 – Program Identification	\$30 Million	\$10 Million	\$55 Million	\$30 Million
2 – Project Selection*	\$105 Million	\$20 Million	\$210 Million	\$140 Million
Not-to-Exceed (NTE) Estimated Cost Totals	\$135 Million	\$30 Million	\$265 Million	\$170 Million

** Awarded Agreements for each service category will have an initial maximum compensation for Phase 1 only. It is at the discretion of the District to extend the term each of the agreements for up to an additional ten (10) years, for performance of Phase 2.*

On November 10, 2020, thirteen (13) timely proposals were received from the following Proposers (listed in alphabetical order) across the four (4) service categories:

1. Service Category 1: Engagement and Outreach
 - a. Bonnie Hall Fine Art Asset Management
 - b. Circlepoint
 - c. Davis And Associates (D&A) Communications, Inc.
 - d. HDR Engineering, Inc.
 - e. Katz & Associates
 - f. Next Steps Marketing
2. Service Category 2: Travel Demand and Land Use
 - a. Cambridge Systematics, Inc.
 - b. Fehr & Peers
3. Service Category 3: Planning and Engineering
 - a. AECOM Technical Services, Inc.
 - b. ARUP/WSP JV (Joint Venture between ARUP North America Ltd. and WSP USA Inc.)
 - c. Partners for an Equitable Transbay Crossing (Joint Venture among PGH Wong, Nelson/ Nygaard, and McMillen Jacobs)
 - d. Parsons Transportation Group Inc.
4. Service Category 4: Environmental
 - a. ICF Jones & Stokes, Inc.

All timely submitted Proposals were evaluated by procurement staff to determine their

responsiveness to the requirements of the RFP and the responsibility of the Proposers. A Proposal was considered responsive only if it complied in all material respects to the requirements of the RFP. A Proposer's organization was considered responsible only if it had, or has indicated that it could obtain, the financial resources successfully to fulfill the requirements of the awarded Agreement and possesses the ability to successfully perform under the terms and conditions of an awarded Agreement. All timely submitted proposals were deemed responsive and responsible.

All proposals were then reviewed by a Selection Committee consisting of BART staff from Link21 (Planning and Development), Design and Construction, Office of Civil Rights, and the Procurement Department, as well as representatives from the Capitol Corridor Joint Powers Authority, Central Contra Costa Transit Authority (County Connection), and the California State Transportation Agency Department of Mass Transit and Rail.

As stated in the RFP, the selection process included two phases (listed below), and the top three scoring teams for the written proposal would be invited for an oral presentation.

- Phase 1) evaluation of the written proposal (60%)
- Phase 2) evaluation of oral presentations (40%)

Based on the cumulative evaluation scores from selection processes Phase 1 and Phase 2, the Selection Committee determined the most qualified Proposer in each of the Service Categories. Although there was only one Proposer in the Environmental Service Category, that Proposer was determined to be highly qualified and was held to the same standards of evaluation as with the other Service Categories.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were DBE subcontracting opportunities, therefore, the following DBE subcontracting goals were set for each service category:

1. Engagement and Outreach service category: 30% DBE subcontracting goal
2. Travel Demand and Land Use service category: 12% DBE subcontracting goal
3. Planning and Engineering service category: 30% DBE subcontracting goal
4. Environmental service category: 30% DBE subcontracting goal

All selected Proposers have committed to meeting the applicable DBE subcontracting goal. For the Engagement and Outreach Agreement, HDR Engineering committed to meeting a 30% DBE subcontracting goal. For the Travel Demand and Land Use Agreement, Cambridge Systematics committed to meeting a 22.5% DBE subcontracting goal. For the Planning and Engineering Agreement, Arup/WSP Joint Venture committed to meeting a 30% DBE subcontracting goal. For the Environmental Agreement, ICF Jones & Stokes committed to meeting a 30% DBE subcontracting goal. The Office of Civil Rights will monitor the actual DBE participation attained based on individual work plans issued and

amounts actually paid to DBE firms. The Agreements require the Consultants to ensure that DBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Work Plans under the Agreement will define periodic assignments, subject to funding availability. Each Work Plan will have its own scope, schedule and budget. Accordingly, staff recommends that under RFP No. 6M6146, the following Proposers be awarded the agreement for the Not-to-Exceed (NTE) for Phase 1 for a six-year performance period (indicated below), with an option for the NTE amount for phase 2 (indicated below) for an additional ten-year performance period.

Table 2: Recommended Agreement Awards

Service Category	Firm	Phase 1 NTE Cost	Phase 2 NTE Cost	Total NTE Cost
		<i>Six (6) years</i>	<i>Ten (10) years</i>	
1. Engagement and Outreach	HDR Engineering, Inc.	\$30 Million	\$105 Million	\$135 Million
2. Travel Demand and Land Use	Cambridge Systematics, Inc.	\$10 Million	\$20 Million	\$30 Million
3. Planning and Engineering	ARUP/WSP JV	\$55 Million	\$210 Million	\$265 Million
4. Environmental	ICF Jones & Stokes, Inc.	\$30 Million	\$140 Million	\$170 Million

** Awarded Agreements for each service category will have an initial maximum compensation for Phase 1 only. The Agreement Maximum Compensation can be increased by the addition of Phase 2 compensation as exercised by change order. BART reserves the right to execute the option for Phase 2 at its own discretion.*

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit for each phase as shown in Table 2 above. These agreements have a total combined limit not to exceed \$600,000,000. District obligations will be subject to a series of Work Plans. Each Work Plan will have a defined scope of services, and a separate schedule and budget. Any Work Plan assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each Work Plan. Each Work Plan will be subject to the availability of funding in the Planning Department budget, or other department budgets as requested, for future years.

ALTERNATIVES: The District could reject all of the proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact planning activities underway in the advancement of the Link21 Program per the projected timeline and would not likely result in better quality proposals.

RECOMMENDATION: It is recommended that the Board adopt the following motion:

MOTION: The General Manager is authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed agreements to provide Professional Services for the Program Identification and Project Selection for the New Transbay Rail Crossing - for the Not-to-Exceed Amounts identified below for a six (6) year base period (Phase 1) for all agreements with an option to extend the term of all agreements for an additional ten (10) years (Phase 2), pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests.

- Agreement No. 6M6146-SC1, Service Category 1 (SC1) – Engagement and Outreach to HDR Engineering, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$105 Million for the Phase 2 option
- Agreement No. 6M6146-SC2, Service Category 2 (SC2) – Travel Demand and Land Use to Cambridge Systematics, Inc., in an amount Not-to-Exceed \$10 Million for Phase 1, and an amount Not-to-Exceed \$20 Million for the Phase 2 option
- Agreement No. 6M6146-SC3, Service Category 3 (SC3) – Planning and Engineering to ARUP/WSP JV, in an amount Not-to-Exceed \$55 Million for Phase 1, and an amount Not-to-Exceed \$210 Million for the Phase 2 option
- Agreement No. 6M6146-SC4, Service Category 4 (SC4) – Environmental to ICF Jones & Stokes, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$140 Million for the Phase 2 option