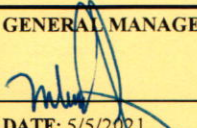
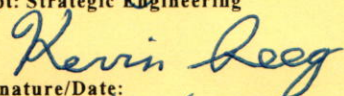
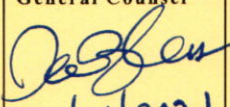
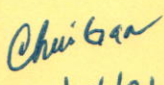
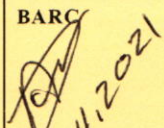




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/14/2021		GENERAL MANAGER ACTION REQ'D: Transmit General Counsel Memo and Procurement Report to the Board		
DATE: 5/5/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Reeg Dept: Strategic Engineering  Signature/Date: 6/14/21	General Counsel  6/14/2021 []	Controller/Treasurer  6/14/21 []	District Secretary []	BARC  6.14.2021 []

To Request Board Authorization to Award Invitation for Bid No. 9098

PURPOSE: To obtain Board authorization for the General Manager to award Invitation For Bid (IFB) No. 9098 for the procurement of special track work to voestalpine Railway Systems Nortrak LLC, Cheyenne, WY for \$2,748,228.86 (including sales tax).

DISCUSSION:

IFB No. 9098 will provide special track work materials required for the Measure RR funded A77 Interlocking track replacement. This procurement will provide concrete ties, plating, fabrication of switch points, frogs, guard rails, and all components required to manufacture One (1) No. 15 Turnout, Two (2) No. 15 Crossovers, One (1) No. 15 Turnout Complex Crossover, One (1) No. 10 Crossover, and Six Hundred (600) Concrete Ties. The new rail and components will replace existing original wood tie turnouts with concrete tie turnouts, reducing maintenance requirements, and providing a smoother, quieter ride for patrons.

On November 17, 2020, this solicitation was uploaded onto the BART Vendor Portal. Nineteen (19) prospective bidders downloaded this IFB.

Bids were opened on April 20, 2021 and two (2) bids were received.

<u>Bidder</u>	<u>Location</u>	<u>Total (Incl. 8.75% Sales Tax)</u>
voestalpine Railway Systems Nortrak LLC	Cheyenne, WY	\$ 2,748,228.86
Progress Rail Services Corporation	Albertville, AL	\$ 2,938,307.55
Engineer's Estimate		\$ 2,881,875.00

NON-DISCRIMINATION PROGRAM:

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this IFB for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The lowest responsive Bidder voestalpine Railway Systems Nortrak LLC is not a certified Local Small Business and, therefore, is not eligible for the 7% Small Business Prime Preference but is still the lowest responsive Bidder.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this IFB are 2.2% for Minority Business Enterprises ("MBEs") and 1.1% for Women Business Enterprises ("WBEs"). voestalpine Railway Systems Nortrak LLC committed to 0% MBE and 0% WBE participation. voestalpine Railway Systems Nortrak LLC did not meet the MBE Availability Percentage and the WBE Availability Percentage; therefore, voestalpine Railway Systems Nortrak LLC 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, gender, or ethnicity. Based on the review of the information submitted by voestalpine Railway Systems Nortrak LLC, the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT:

Funding in the amount of \$2,748,229 for IFB No. 9098 voestalpine Railway Systems LLC is included in the total project budget for 15CQ012, A77 Trackwork Interlocking Replacement.

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:

Fund Source	Amount
Total Measure RR Bond Funds (Track Works)	\$34,338,000

As of May 25, 2021, \$34,338,000 is the total budget for this project. BART has expended \$790,207, committed \$1,250,749, and reserved \$17,352 to date for other actions. This action will commit \$2,748,229, leaving an available fund balance of \$29,531,463.00 in 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:

Reject all bids and re-advertise the contract. However, staff does not believe this would lead to increased competition or lower prices and will result in delay to the replacement of the existing interlocking which is nearing the end of its useful life.

RECOMMENDATION:

Based on the analysis by staff and certified by Controller-Treasurer that the funds are available for this purpose, it is recommended that the board adopt the following motion.

MOTION:

The General Manager is authorized to award Invitation For Bid No. 9098 for the procurement of A77 Interlocking special trackwork to voestalpine Railway Systems Nortrak LLC, Cheyenne, WY for the bid price of \$2,748,228.86 including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest procedure.