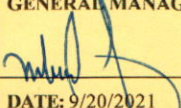
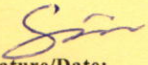

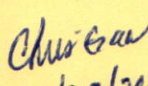
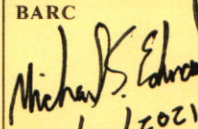




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  10/20/21		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 9/20/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jin Cao Dept: Strategic Engineering  Signature/Date: 10/19/2021	General Counsel  10/20/2021 []	Controller/Treasurer  10/20/2021 []	District Secretary []	BARC  10/20/2021 []

Change Order "Extended Overhead Cost for Time Extension at Richmond Yard" and "Bid Item Actuals" to Contract No. 54RR-270, Richmond Yard Fire Protection

PURPOSE

To authorize the General Manager to execute Change Orders #18 and #27, "Extended Overhead Cost for Time Extension at Richmond Yard" and "Bid Item Actuals", to Contract 54RR-270 Richmond Yard Fire Protection in the amount of \$1,615,103.

DISCUSSION:

On December 5th, 2019, the District awarded Contract 54RR-270 Richmond Yard Fire Protection (the "Contract") to DMZ Builders Inc. of Concord, CA in the amount of \$4,467,950.

The Contract scope of work requires the Contractor to replace the water distribution infrastructure, expand, and repair several domestic water, sanitary sewer, and industrial waste pipelines at the Richmond Yard. The work consists of mobilization, demolition, underground utility scanning, excavation, removal of excess material, and site clean up.

To date, the District has issued Change Orders to this contract in the amount of \$1,052,976 which is 24% of the original contract value.

Project staff has identified two (2) Change Orders in the total amount of \$1,615,103.

Summary	Amount	% of the Base Bid
Total Base Bid Amount	\$4,467,950	
Agreed/Executed Change Orders	\$1,052,976	24%
Change Orders in this EDD	\$1,615,103	36%
Revised Contract Amount	\$7,136,030	

Change Order #18 in the amount of \$570,000 consist of 209 days of extended overhead related to incorporating gas line system replacement work into the scope of this project. This includes underground utility scanning, design of new gas line, and submittals, SSWPs and RFI responses.

Change Order #27 in the amount of \$1,045,103 consists of increases to the actual quantity of bid items. The increases were the result of the difference between the estimate units and the actual quantity of bid items such as demolition, installation of piping, conduits, wiring, and backflow preventers. Payment of overruns is at the established Unit price.

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:

Funding in the amount of \$1,615,103 for Contract No. 54RR-270 Change Order No. 18 and Change Order No. 27 is included in the total project budget for FMS# 54RR270 – Fire Services Yard ORY.

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 802A/B/C – Measure RR GOB	\$10,593,374
TOTAL	\$10,593,374

As of October 13, 2021, \$10,593,374 is the total budget for this project. BART has expended \$7,018,701, committed \$1,202,110, and reserved \$74,652 to date. This action will commit \$1,615,103, leaving an available fund balance of \$682,808 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 orders, however, this may result in claims and litigation against the District.

RECOMMENDATION:

Staff recommends that the Board approve the following Motion:

MOTION:

The General Manager is authorized to execute Change Orders #18 and #27, "Extended Overhead Cost for Time Extension at Richmond Yard" and "Bid Item Actuals" in the amount of \$1,615,103 to Contract No. 54RR-270 Richmond Yard Fire Protection.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: DMZ Builders
Contract No./NTP: 54RR-270/ March 1, 2020
Contract Description: Richmond Yard Fire Protection
Percent Complete as of 03/21/2021 100%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount:			\$4,467,950
Change Orders:	24%	\$1,052,976	
Other than Board Authorized COs:	5%	\$224,307	
Pending Change Order (Multiple)	36%	\$1,615,103	
Subtotal of all Change Orders:	60%	\$2,668,079	
Revised Contract Amount:			\$7,136,030

SCHEDULE

Original Contract Duration: 330 days
Time Extension to Date: 40 days
Time Extension Due to Pending COs: 209 days
Revised Contract Duration: 579 days

SUMMARY REASON FOR THIS CHANGE ORDER:

Cost impact due to increases in final quantities of bid items (e.g. trench footage, conduit), design modifications, additional scope of work and time extensions etc.