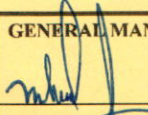
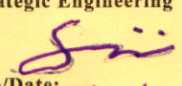
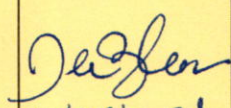
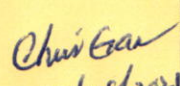
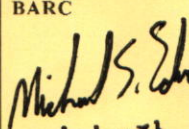




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 5/28/2021		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 5/28/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jin Cao Dept: Strategic Engineering Signature/Date:  10/28/21	General Counsel  10/28/2021 [ ]	Controller/Treasurer  10/28/2021 [ ]	District Secretary [ ]	BARC  11/9/2021 [ ]

### To Authorize the Award of Contract No. 54RR-260 Hayward Yard Fire Protection

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 54RR-260 Hayward Yard Fire Protection to Con-Quest Contractors, San Francisco, CA for the Bid amount of \$5,896,050.

#### DISCUSSION:

This contract will replace the water distribution infrastructure at the Hayward Yard (OHY), and expand and repair several domestic water, sanitary sewer, and industrial waste pipelines. The replacement system will provide a more efficient fire protection system that meets current National Fire Protection Association (NFPA) standards and will require less maintenance than the current system.

On April 1, 2021, the District provided an Advance Notice to Bidders to one-hundred-fifty-six (156) prospective bidders who received electronic version of the Contract book, including forms to submit, from the District's Vendor Portal. Plans were sent to six (6) Plan Rooms.

On April 5, 2021, the Contract was advertised in local publications. A total of sixty-three (63) firms downloaded the Contract Documents from the District's Vendor Portal. A pre-Bid meeting was conducted via ZOOM teleconference on April 29, 2021, with approximately thirty (30) prospective Bidders attending. One addendum was issued during the bid period.



A total of four (4) Bids were received and publicly opened on June 1, 2021. Tabulation of the bids, including the Engineer's Estimate is indicated as follows:

	Bidder	Bid (Excluding Option 1)	Total Bid (Including Option 1)
1	RANGER PIPELINES San Francisco, CA 94124	\$5,845,800	\$6,845,600
2	CON-QUEST CONTRACTORS San Francisco CA 94124	\$5,896,050	\$6,937,450
3	DMZ BUILDERS, Concord CA 94520	\$7,070,800	\$7,992,100
4	CLARK CONSTRUCTION Irvine CA 92612	\$7,564,900	\$8,729,900
	Engineer's Estimate	\$4,381,304.74	\$4,994,923

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference, up to a maximum of \$150,000, for this Contract 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. Pursuant to the contract, the low responsive bid was determined based on the total bid price, which included the Base Bid plus the Option Bid. The difference between the Engineer's Estimate and the final bid is mainly resulted from the impact of material price inflation, increasing shipping cost and supply chain constraint.

The apparent low Bidder, Ranger Pipelines, is not a certified Local Small Business; Therefore is not eligible for the 7% Small Business Prime Preference. The apparent second low Bidder, Con-Quest Contractors, is a certified Local Small Business, making it eligible for the 7% Local Small Business Prime Preference (up to a maximum of \$150,000) for this Contract for evaluation purposes. After review by the Office of Civil Rights, and application of the Local Small Business Prime Preference, the Bid submitted by the apparent second low Bidder, Con-Quest Contractors, is now the lowest responsive Bidder. Staff determined that the second low Bid price submitted by Con-Quest Contractors is fair and reasonable. A review of their business experience and financial capabilities has resulted in a determination that it is a responsible Bidder, and that the Bid is responsive to the requirements of the Contract Book. Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.3% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). The Bidder, Con-Quest



Contractors, committed to 0% MBE and 12.9% WBE participation. The Bidder, Con-Quest Contractors, did not meet the MBE Availability Percentage; therefore, the Bidder was requested to provide the Office of Civil Rights with supporting documentation to determine if it discriminated on the basis of race, national origin, color, or ethnicity. Based on the review of the information submitted by the Bidder, Con-Quest Contractors, the Office of Civil Rights found no evidence of discrimination.

#### **FISCAL IMPACT:**

Funding in the amount of \$5,896,050 for Contract No. 54RR-260 is included in the total project budget for FMS# 54RR260 – Fire Service Yard – OHY.

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	7,130,217
TOTAL	7,130,217

As of September 15, 2021, \$7,130,217 is the total budget for this project. BART has expended \$519,489, committed \$0, and reserved \$0 to date. This action will commit \$5,896,050, leaving an available fund balance of \$714,678 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. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

#### **ALTERNATIVES:**

Reject all bids and re-advertise the Contract. It is staff's opinion that rejecting the Bids and re-advertising the Contract is not likely to result in better bid pricing and would delay the facility improvement for Hayward Yard.

#### **RECOMMENDATION:**

It is recommended that the Board adopt the following Motion:



**MOTION:**

The General Manager is authorized to Award Contract No. 54RR-260 Hayward Yard Fire Protection to Con-Quest Contractors, San Francisco, CA for an amount not to exceed \$5,896,050 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.