

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

**MEETING DATE:** 12/14/2022

**Staff Report No.** 22-642

**TO:** AC Transit Board of Directors  
**FROM:** Michael A. Hursh, General Manager/Chief Executive Officer  
**SUBJECT:** Construction Contract Award

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

**RECOMMENDED ACTION(S):**

Consider approving the award of a contract to MarinShip Development Interest, LLC (of San Francisco) for the installation of a stormwater bioswale at the San Leandro Transit Center/San Leandro BART Station/BRT Southern Terminus.

Staff Contact:  
Ramakrishna Pochiraju, Executive Director of Planning & Engineering

**STRATEGIC IMPORTANCE:**

Goal - Environmental Improvement  
Initiative - Infrastructure Modernization

The installation of this stormwater treatment bioswale project was a condition of the BART permit to upgrade the San Leandro Transit Center to accommodate the East Bay BRT line at the system's southern terminus. The installation of this bioswale ensures BART compliance with the existing Municipal Separate Storm Sewer System (MS4) compliance permit.

**BUDGETARY/FISCAL IMPACT:**

The contract will be funded by a combination of Low Carbon Transit Operations Program (LCTOP) state funds and District funds.

**BACKGROUND/RATIONALE:**

In July of 2019, BART issued 'Permit to Enter' which approved the construction modifications to the intermodal area to accommodate the East Bay BRT line and to construct an Operator Breakroom/Restroom. The permit required, among other conditions, that AC Transit construct new bioswale improvements in the BART parking area to treat surface water per the BART MS4 permit. This permit requirement was further codified in the Maintenance Agreement executed July 21, 2022, confirming AC Transit's continued use of the Intermodal and Operator Breakroom. The Maintenance Agreement established a required construction completion date of June 30, 2023, for the MS4 permit compliance issues.

The size and the water treatment volume of the bioswale were determined by the quantity of impervious surfaces installed by the intermodal upgrade project. BART and AC Transit collaboratively determined that the best locations would be two (2) slender bioswale strips along San Leandro Boulevard, south of the intermodal area, one north of Parrott Drive and one south of Parrott Drive. These two areas will collectively satisfy the requirements of the existing MS4 permit.

This fixed price construction contract was procured using the standard Invitation for Bid (IFB) process. The District received four (4) timely bids that were all deemed to be both responsive and responsible. The bid amounts ranged within 25% from the lowest to the highest establishing a clear competitive range. The Bids were:

<u>Construction Bidder</u>	<u>Grand Total Bid</u>	<u>Variance from Low Bid</u>
Marinship Development Interest, LLC	\$748,317	0%
MacGuire & Hester	\$821,000	10%
Bay Construction	\$843,000	13%
Ray's Electric	\$944,919	25%

The bid form for MarinShip Development Interest, LLC indicated an SBE/DBE participation of 78% which exceeds the project goal of 15%.

Procurement Timeline:

Issue for Bid (IFB)	10/04/2022
Pre-Bid Conferences	10/13/2022 and 10/24/2022
Bid Opening	11/14/2022

**ADVANTAGES/DISADVANTAGES:**

The installation of these bioswales at the San Leandro Transit Center will complete the transformation of the transit center into the BRT Southern Terminus. These bioswales will ensure site compliance with permit requirements. Completion of these MS4 mitigation measures are required for the continued use of the Intermodal and the Operator Breakroom. Staff did not identify any disadvantages to implementing the bioswale improvements.

**ALTERNATIVES ANALYSIS:**

Deferring these improvements into a future fiscal year is not recommended because the requirements exist in both the original permit and the maintenance agreement with BART. Delaying or cancelling these improvements may risks AC Transit use of the Intermodal and/or the Operator's Breakroom.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

SR 15-210 - Authorization to Advertise the Invitation for Bid (IFB)  
SR 15-210a - Award IFB 2016-1354 Infrastructure and Station Platform Construction  
Board Policy 465 - Procurement

**ATTACHMENTS:**

None

**Prepared by:**

Joe Callaway, Director of Capital Projects

**In Collaboration with:**

Michael Hass, Senior Project Manager

Evelyn Ng, Capital Planning and Grants Manager

**Approved/Reviewed by:**

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Fred Walls, Director of Procurement and Materials

Chris Andrichak, Chief Financial Officer

Jill A. Sprague, General Counsel/Chief Legal Officer