

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 9/13/2023

Staff Report No. 22-176a

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

ACTION ITEM

AGENDA PLANNING REQUEST: ☐

RECOMMENDED ACTION(S):

Consider approving the award of a firm fixed price construction contract for \$3,293,851 to Ray's Electric of Oakland, California for the construction of the AC Transit Rapid Corridors Telegraph Avenue Project segment.

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

STRATEGIC IMPORTANCE:

Goal - Convenient and Reliable Service
Initiative - Service Quality

The proposed project intends to improve reliability and reduce travel time along the Telegraph Avenue corridor. This is one of three corridors scheduled for capital improvements for transit performance under the Rapid Corridors Project.

BUDGETARY/FISCAL IMPACT:

The total budget for the proposed project including San Pablo and Telegraph Rapid Corridors is \$12 million and is funded by various federal, state, and regional agencies including the Metropolitan Transportation Commission (MTC), Alameda County Transportation Commission (ACTC) and the California Department of Transportation (Caltrans). The project is fully funded by grants. Staff does not anticipate any District contribution other than staff time. The award of this contract is proposed in the amount of \$3,293,851 including the bid alternates and allowance items.

CONTRACT AWARD SUMMARY:

| | |
|---------------------------------|-----|
| Vendor Outreach Summary: | |
| No. DBE/SBEs: | 311 |
| No. Registered Vendors: | 351 |
| | |
| Contract Summary: | |

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|----------------------------------|--|
| No. Proposals/Bids Received: | 2 |
| Award Type: | Low Apparent Bid |
| Independent Cost Estimate Range: | \$3 - 3.5M |
| Recommended for Award: | Ray's Electric |
| Small Business Type: | SBE |
| DBE/SBE Utilization %:** | Greater than the 10% goal, specific % to be finalized. |

** The District sets Small Business Enterprise (SBE) goals on contracting opportunities. The Federal Transit Administration (FTA) may authorize a Disadvantaged Business Enterprise (DBE) goal; however, SBE goals may result in DBE awards and utilization.

Levine Act Disclosure

California Government Code § 84308, commonly referred to as the "Levine Act," precludes an Officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract. This prohibition applies to contributions to the Officer, or received by the Officer on behalf of any other Officer, or on behalf of any candidate for office or on behalf of any committee. The Levine Act also requires disclosure of such contributions by a party to be awarded a specified contract.

BACKGROUND/RATIONALE:

On March 23, 2022, the Board of Directors approved the release of a construction services solicitation for the Rapid Corridors improvement project on Telegraph Avenue within Berkeley and Oakland. The District released an Invitation for Bids soon after which resulted in no bids. The District reviewed the specifications with the assistance from the engineer of record and the construction management team. A new solicitation was issued on April 10, 2023. This resulted in two disparate bids. Because of the disparity, the apparent low bidder was treated as a single bid and District staff performed a thorough cost analysis. This analysis used cost information from the independent cost estimate, the single bid, the second bid and market index prices to identify fair and reasonable pricing for each line item on the bid schedule. District staff determined that a majority of the bid line items were fair and reasonable while six (6) bid line items submitted were beyond the fair and reasonable range. The resulting proposed award includes only the line items that the District was able to determine were fair and reasonable. To complete the work of the remaining line items, the District has the option to solicit this work separately, engage the construction management team or offer the work to Ray's Electric under a time and materials change order.

The Rapid Corridors Project is intended to improve transit operations along Telegraph Avenue, San Pablo Avenue and Grand Avenue, as well as provide a mechanism to design and build the Dana Complete Street Pilot Project.

The Telegraph Avenue construction contract includes the following:

- Replace existing equipment: The project would replace 15-year-old infrared Transit Signal Priority (TSP) equipment on traffic signals along Telegraph Avenue, with more reliable, easier to maintain and monitor, modern Global Positioning System (GPS) technology.
- Bus stop optimization: Bus stop spacing will be optimized on Telegraph Avenue to take advantage of TSP and to create a Rapid system on the corridor, where buses will stop approximately every four blocks. In addition, the contract allows for minor bus stop improvements along Grand and West Grand

Avenue.

- The Dana Complete Street Pilot Project: It is a part of the project to improve Line 6 performance. It will include a two-way, parking protected cycle-track, and a transit-boarding island on Dana Street at Haste Street.

The level of effort required for the Rapid Corridors Project is complex because it involves multiple jurisdictions, novel traffic signal priority technology, and various types of civil work. Permitting and traffic control within the project's jurisdictions have proven the most difficult items to manage.

ADVANTAGES/DISADVANTAGES:

The advantage to the project is that it will improve transit reliability and reduce travel time along the Telegraph Avenue corridor.

Staff has not identified any disadvantages to awarding this contract.

ALTERNATIVES ANALYSIS:

Staff considered deferring an award of the contract until more funding was identified to award the full lower bid received. However, this approach is not recommended because deferring the project to re-bid for a third time will cause more delays and only further escalate the costs. It is more advantageous for the District to award the key parts of the construction while working to find more funding for the remaining items in parallel.

PRIOR RELEVANT BOARD ACTION/POLICIES:

SR 22-176-Solicitation approval of construction services

SR 22-108 - Rapid Corridors San Pablo Avenue Construction Contract Award

Board Policy 465 - Procurement Policy

ATTACHMENTS:

None

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