

BART Professional Services Agreements

February 17, 2011



Proposed Procurements for 2011





Agenda

Introductions and Opening Remarks

Oji Kanu

Overview of 9 Upcoming Procurements

Marvin Snow

7 Transit System Development Sponsored Procurements with 14 Awards

Marvin Snow

1 Planning & Budget Sponsored Procurement with 3 Awards

Val Menotti

1 Office of Civil Rights Sponsored Procurement with 2 Awards

Linda Wells-Grogan

BART's Insurance Requirements

Jim Bridgeman

BART's DBE Program and MBE/WBE Program

Linda Wells-Grogan

Questions and Answers

Oji Kanu





Overview of 9 Proposed Professional Services Procurements with 19 Awards

1. **Sustaining Transit Architectural Services for BART Projects (RFSOQ)**
2. **Sustaining Systems Engineering Services for BART Projects (RFSOQ)**
3. **Sustaining Construction Management Services for BART Projects – CM (RFSOQ)**
4. **General Engineering Services for BART Projects (RFP)**
5. **General Construction Management Services for BART Projects – CM (RFP)**
6. **Construction Management Services for Earthquake Safety Program (RFP)**
7. **Small Business Support Services for Warm Springs Extension (RFP)**
8. **General Environmental and Planning Services for BART Projects (RFP)**
9. **District-Wide Ombudsperson Services (RFP)**





Agreement Summary

Contract Title	Target Advertise Date	Target Award Date	Estimated Value (Per Award)	Planned Number of Awards
General Engineering Services for BART Projects (RFP)	March	June	\$20M	3
Sustaining Transit Architectural Services for BART Projects (RFSOQ)	March	June	\$3M	2
Small Business Support Services for WSX (RFP)	March	June	\$1M	1
Sustaining Systems Engineering Services for BART Projects (RFSOQ)	April	July	\$3M	2
General Construction Management Services for BART Projects – CM (RFP)	May	September	\$20M	3
Sustaining Construction Management Services for BART Projects – CM (RFSOQ)	June	September	\$3M	2
District-Wide Ombudsperson Services (RFP)	June	September	TBD	2
General Environmental and Planning Services for BART Projects (RFP)	August	November	\$6M	3
Construction Management Services for Earthquake Safety Program (RFP)	September	December	\$10M	1



Brooks Act Requirements

- The Brooks Act is a United States federal law passed in 1972 that requires that the U.S. Federal Government select engineering and architecture firms based upon their competency, qualifications and experience rather than by price.
- Many states in the U.S. have adopted their own versions of the Federal Brooks Act, commonly referred to as "Little Brooks Acts". California's "Little Brooks Act" is found in: California Government Code Section 4526.
- The California Little Brooks Act specifies procurement of A&E services using State funds as a qualifications based procurement.





Professional Services Agreements Summary of Proposal Evaluation Process - RFSOQ

- Responsiveness Determination
- Evaluation and Scoring of Written Qualification Statements (SF 330)
- Short List for Oral Interviews
- Scoring of Oral Interviews
- Rate Agreement Negotiations with High Scoring Proposer(s)
- Recommendation to BART Board for Award





Contract Terms - RFSOQ

- **Cost Reimbursable Plus Fixed Fee or Fixed Rate**
- **Work Plans Authorized by Purchase Order**
- **Fixed Fee Objectives Base Fee**
 - **8% Fixed Fee**
 - **4% Seconded Personnel**
 - **2% on Subconsultants**
 - **No Fee on ODC's**
 - **No Fee on Overhead >150%**
 - **No Graduated Fee Schedules for Subconsultants**





Professional Services Agreements Summary of Proposal Evaluation Process - RFP

- Responsiveness Determination
- Evaluation and Scoring of Written Proposals
- Short List for Oral Presentations
- Scoring of Oral Presentations
- Rate Agreement Negotiations with High Scoring Proposer(s)
- Recommendation to BART Board for Award





Contract Terms - RFP

- **Cost Reimbursable Plus Fixed Fee**
- **Work Plans Authorized by Purchase Orders**
- **Fee Objectives**
 - **8% Fixed Fee**
 - **4% Seconded Personnel**
 - **2% on Subconsultants**
 - **No Fee on ODC's**
 - **No Fee on Overhead >150%**
 - **No Graduated Fee Schedules for Subconsultants**





Sustaining Transit Architectural Services for BART Projects (RFSOQ)

- **Advertise – March**
- **Award – June**
- **Award Amount– \$3M Per**
- **Number of Awards – 2**
- **Term – 3 Years**
- **Scope – Provide transit architectural services in support of the District’s Capital Program and other projects. Assist the District Architect with various architectural issues including: place making, transit and related facilities, sustainability, computer aided design simulations, and forensic architecture.**
- **Brooks Act Applies**





Sustaining Systems Engineering Services for BART Projects (RFSOQ)

- **Advertise – April**
- **Award – July**
- **Award Amount – \$3M Per**
- **Number of Awards – 2**
- **Term – 3 Years**
- **Scope – Provide systems development, engineering and design services in support of the District's Capital Program and other projects. Includes train control, communications and related technologies.**
- **Brooks Act Applies**





Sustaining Construction Management Services for BART Projects – CM (RFSOQ)

- **Advertise – June**
- **Award – September**
- **Award Amount – \$3M Per**
- **Number of Awards – 2**
- **Term – 3 Years**
- **Scope – Construction management services to support various District construction contracts.**
- **Brooks Act Applies**





General Engineering Services for BART Projects (RFP)

- **Advertise – March**
- **Award – June**
- **Award Amount – \$20M Per**
- **Number of Awards – 3**
- **Term – 5 Years**
- **Scope – Provide general engineering and design services in support of the District's Capital Program and other projects. Assist the District in related activities including project development, advanced technologies, procurement services and computer hardware and software support.**
- **Brooks Act Applies**





General Construction Management Services for BART Projects – CM (RFP)



- **Advertise – May**
- **Award – September**
- **Award Amount – \$20M Per**
- **Number of Awards – 3**
- **Term – 5 Years**
- **Scope – Multi-disciplinary construction management services to support construction and procurement contracts, including technical support, design review, cost and schedule management, and claims mitigation.**
- **Brooks Act Applies**





Construction Management Services for Earthquake Safety - RFP

- Advertise – September
- Award – December
- Award Amount – \$10M
- Number of Award – 1
- Term – 5 Years
- Scope – Construction Management services to support the retrofit of Earthquake Safety retrofits for the aerial guideways and stations along the Fremont line and other ESP contracts as needed, including: constructability reviews, construction management services to administer, monitor, inspect and interface with the construction contractor, administrative tasks, cost management and scheduling, and quality assurance.
- Brooks Act Applies





Small Business Support Services for Warm Springs Extension (RFP)

- **Advertise – March**
- **Award – June**
- **Award Amount – \$1M**
- **Number of Awards – 1**
- **Term – 4 Years**
- **Scope – Provide technical support to small businesses with subcontract agreements to perform construction work on the Warm Springs Extension (WSX). Technical support may include training in subject areas such as invoicing, safety plans, change orders, and other areas identified by the District.**





General Environmental and Planning Services for BART Projects (RFP)

- **Advertise – August**
- **Award – November**
- **Award Amount – \$6M Per**
- **Number of Awards – 3**
- **Term – 5 years**
- **Scope – Assist and advise in environmental, conceptual design, and planning activities associated with the District's station area planning, system expansion, and strategic planning and policy development activities.**
- **Brooks Act Applies**





District-Wide Ombudsperson Services (RFP)

- **Advertise – June**
- **Award – September**
- **Award Amount – TBD**
- **Number of Awards – 2**
- **Term – 5 years**
- **Scope – The Ombudsperson may be directed to investigate complaints by subcontractors of any tier, mediate disputes, and recommend remedies to the Office of Civil Rights.**





BART's Insurance Requirements



BART's Insurance Requirements

- **Consultant Provides Insurance**
 - \$5M General and Professional Liability
 - \$1M Auto Liability and Workers Comp/Employers Liability
 - Pass Down to Subconsultants at "Discretion" of Prime

- **Applies To**
 - General Engineering Services
 - General Construction Management Services





BART's Insurance Requirements

- **Consultant Provides Insurance**
 - \$3M Professional Liability
 - \$1M Auto Liability and Workers Comp/Employers Liability
 - \$1M Occurrence, \$2M Aggregate General Liability
 - Pass Down to Subconsultants at "Discretion" of Prime

- **Applies To**
 - Sustaining Transit Architectural Services
 - Sustaining Systems Engineering Services
 - Sustaining Construction Management Services





BART's Insurance Requirements

- **Consultant Provides Insurance**
 - \$3M Professional Liability
 - \$1M Auto Liability and Workers Comp/Employers Liability
 - \$1M Occurrence, \$2M Aggregate General Liability
 - Pass Down to Subconsultants at "Discretion" of Prime

- **Applies To**
 - General Environmental and Planning Services





BART's Insurance Requirements

- **OCIP**
 - **District Provides \$10M Professional Liability**
 - **Subconsultant Deductible = Practice Policy**
 - **Contractor Provides: \$5M General Liability, \$1M Auto Liability and Workers Comp/Employers Liability**
 - **Contractor Enrolls in Professional Liability OCIP, Removes Cost of OCIP Provided Insurance from Overhead**

- **Applies To**
 - **Construction Management Services for Earthquake Safety Program**





BART's Insurance Requirements

- **Consultant Provides Insurance**
 - \$1M Professional Liability
 - \$1M Auto Liability and Workers Comp/Employers Liability
 - \$1M Occurrence, \$2M Aggregate General Liability
 - Pass Down to Subconsultants at "Discretion" of Prime

- **Applies To**
 - Small Business Support Services
 - District-Wide Ombudsperson Services





BART's Disadvantaged Business Enterprise (DBE) Program



Professional Services Agreements Summary of Current BART DBE Program

- For Federally Funded Agreements
- Race Neutral Goals
- Overall Goal for FY 11 Through FY 14 is 21%
- DBE Participation Anticipated to be, on Average, Consistent with Local Availability of DBE Firms
- DBE Participation will be Monitored Throughout the Term of the Contract





Professional Services Agreements Summary of Current Federal DBE Program, Cont.

- **Certification**

- **California Unified Certification Program**
- **Size Standard Requirements Vary According to Type of Work Performed by the DBE**
- **Personal Net Worth Not to Exceed \$1.32M**
- **Certified DBE Firms in CUCP Database:**

http://www.dot.ca.gov/hq/bep/find_certified.htm





Summary of Current Non Discrimination in Subcontracting Program

- **Non Discrimination in Subcontracting Program**

- **Non-Federally Funded Contracts**

- Small Business Support Services
- Construction Management Services for Earthquake Safety Program

- **Availability Percentages 16% MBE & 20% WBE Based on Subcontract Amount**

- **List of WBE/MBE Firms on BART Website at**

www.bart.gov/ocr





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For a PDF copy of the PowerPoint presentation visit
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