SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INVITATION TO BID

FOR

RAIL PROCUREMENT

CONTRACT NO. 15CQ-200A

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, **January 30, 2018**, at the District Secretary’s Office, 23rd Floor, 300 Lakeside Drive, Oakland, California 94612 by Special Delivery or Hand Delivery for **Rail Procurement**, Contract No. **15CQ-200A**. Such Bids will be opened publicly and announced at the said hour and date in the 23rd Floor Conference Room No. 2382T, Kaiser Center Building, 300 Lakeside Drive, Oakland, California. Bids will thereafter be accepted or rejected by the District. The Bidders are responsible to ensure their Bids are received at the time and location specified.

The time for receipt of Bids may be extended by the District's General Manager, or authorized representative, from the above-stated Bid Opening date. Notice of such extension will be published at least once in a newspaper of general circulation in the District, which publication will be at least ten (10) Days before Bids are formally received and opened.

**This Contract is subject to the District’s Small Business (SB) Participation Program that includes a preference for Bidders who meet or exceed the SB Subsupplier participation goal of 8% of the total Bid Price excluding Allowances and Option Bid items, established for this Contract.**

**Bidders that meet or exceed the SB Subsupplier participation goal will be eligible for a Bid preference of 5% of the Bid Price of the lowest responsible Bidder up to a maximum of $1 million, only during evaluation for determining Award of the Contract. However, the actual Contract awarded will be for the amount of the original Bid. Bidders that do not meet the SB Subsupplier participation goal will not be eligible for the preference.**

**Bidder’s attention is directed to the Instructions to Bidders, Paragraphs 7.G and 14.B.1 and Supplementary Conditions Article SC7.7 that more fully describe the terms of the Small Business Participation Program.** Inquiries regarding the District’s Small Business Program shall be directed to the District’s Office of Civil Rights, 300 Lakeside Drive, 16th Floor, Oakland, CA 94612, Telephone at (510) 464-6100, or to BART’s Website at: [**www.bart.gov/ocr**](http://www.bart.gov/ocr)**.**

**REQUIRED REGISTRATION ON THE BART PROCUREMENT PORTAL**

**Prospective Bidders or Interested Parties (including prospective Subcontractors of any tier) who are not currently registered on the BART Procurement Portal to do business with BART are required to register on the BART Procurement Portal on line at https//suppliers.bart.gov in order to download the Contract Documents (including Contract Drawings and Contract Specifications), updates, and any Addenda issued on line and be added to the On-Line Planholders List for this solicitation.**

**If a Prospective Bidder is a joint venture or a partnership, such entity must register on the BART Procurement Portal with the entity’s Tax Identification Number (TIN) and download the Contract Documents so as to be listed as an On-Line Planholder under the entity’s name prior to submitting its Bid, in order for the entity to be eligible for award of this Contract.**

**Prospective Bidders or Interested Parties may also purchase printed copies of the Contract Documents from the District Secretary’s Office by downloading the Contract Documents’ Order Form from the BART Procurement Portal website and submitting the completed Contract Documents’ Order Form to the District Secretary’s Office. Prospective Bidders or Interested Parties must be registered on the BART Procurement Portal to do business with BART in order to be able to download the Contract Documents’ Order Form. Downloading the Contract Documents’ Order Form will automatically make a Prospective Bidder or Interested Party an On-Line Planholder. In order to be an On-Line Planholder and be eligible for award of this Contract, a Prospective Bidder must either: i) download the Contract Documents for this solicitation from the BART Procurement Portal or ii) download the Contract Documents’ Order Form with which to purchase the Contract Documents directly from the District Secretary’s Office.**

**BIDDERS WHO HAVE NOT REGISTERED ON THE BART PROCUREMENT PORTAL PRIOR TO SUBMITTING A BID AND DID NOT OBTAIN THE CONTRACT DOCUMENTS FOR THIS SOLICITATION EITHER ON LINE OR DIRECTLY THROUGH THE DISTRICT SECRETARY’S OFFICE IN ORDER TO BE LISTED AS AN ON-LINE PLANHOLDER FOR THIS SOLICITATION, WILL NOT BE ELIGIBLE FOR AWARD OF THIS CONTRACT.**

**BIDDERS MAY OBTAIN INFORMATION ON THE STATUS OF THE AWARD OF THIS CONTRACT BY CHECKING THE BART WEBSITE: http://www.bart.gov/bod/meetings.aspx FOR CONTRACTS SCHEDULED TO BE PRESENTED BY STAFF TO THE BART BOARD FOR AWARD CONSIDERATION.**

The procurement under this Contract, in general, consists of:

The procurement under this Contract, in general, consists of the Supplier shall provide the District with 119RE Premium Head Hardened (HH) Rail and all Special Trackwork Steel Components as described in the Contract Documents.

This is a Requirements Contract for a five (5) year term at a price based on indices.

The estimated value of this Contract is **$15,000,000** to $**19,000,000**

A pre-Bid meeting will be held on **Wednesday**, **January 10, 2018**. The pre-Bid meeting will convene at **11:00 a.m.** at the District's Offices, in Conference Room #1600, 16th Floor, 300 Lakeside Drive, Oakland, CA. At the pre-Bid meeting, the District’s Non-Discrimination Program for Subcontracting and the District’s Small Business Program will be explained. Interested prospective Bidders are requested to confirm their intention to attend by notifying the District’s Contract Administrator Carl Asbury, telephone 510-464-6545, email casbury@bart.gov prior to the date of the scheduled pre-Bid meeting.

The Availability Percentages for this Contract are, for Minority Business Enterprises (“MBEs”) 2.2%, for Women Business Enterprises (“WBEs”) 1.1% and for a Small Business Goal of 8%.

Bids shall be submitted in accordance with, and subject to, the conditions contained in the Instructions to Bidders contained in the Contract Book to which prospective Bidders are referred.

**Prospective Bidders or Interested Parties that elect to purchase printed copies of the Contract Documents, must first download the Contract Documents’ Order Form from the BART Procurement Portal website and then submit the completed Contract Documents’ Order Form to the District Secretary’s Office, San Francisco Bay Area Rapid Transit District, 23rd Floor, 300 Lakeside Drive, Oakland, California 94612. Such printed copies of the Contract Documents shall be purchased with either cash, check, or postal money order drawn in favor of the San Francisco Bay Area Rapid Transit District in the following amount, which includes any applicable sales tax, and is not refundable:**

**Contract Book and Contract Drawings (Includes forms for submittal of Bids) $100.00**

**Full Size Drawings, per sheet $ 2.50**

Bidders are informed that all of these documents will be required in the preparation of Bids. Each Bid shall be on a prescribed Bid Form and shall be for the entire Contract including all Bid Items.

The District may reject any and all Bids.

All work shall be performed in accordance with the laws of the State of California.

Special attention is directed to General Conditions Article P7.11 outlining Supplier's responsibilities for affirmative action relating to Fair Employment Practices.

The District hereby notifies all Bidders that it is the policy of the San Francisco Bay Area Rapid Transit District to ensure that Suppliers who contract with the District do not discriminate or give a preference in the award of Subsuppliers on the basis of race, national origin, color, ethnicity, or gender.

Bidder’s attention is directed to the Supplementary Conditions which set forth the District’s Non-Discrimination Program for Subcontracting for this Contract. Inquiries regarding only the District’s Non-Discrimination Program for Subcontracting shall be directed to the District’s Office of Civil Rights at 300 Lakeside Drive, 16th Floor, Oakland, CA 94612, or telephone (510) 464-6100.

Bidder's attention is directed to the Instructions to Bidders Paragraph 6.E entitled Financial Contribution Limitations. This Paragraph details Bidder’s responsibility for complying with BART Board of Directors Rule regarding financial contribution limitations.

Bidder's attention is directed to General Conditions Article P9.2.1 which permits the substitution of securities by Supplier for any monies retained by the District to insure performance under this Contract.

Each Bid shall be accompanied by a Bidder's Security equal to at least Ten Percent of the Total Bid Price which shall remain in full force and effect for the period of time stated in the Instructions to Bidders, Paragraph 13.C Time of Award. The Bidder’s Security must be in the form of cash, a cashier’s check, a certified check, a Bidder’s Bond, or a combination thereof. The Bidder to whom the Contract is awarded shall furnish specified Certificates of Insurance. Such Bidder shall also furnish a Performance Bond or Letter of Credit in an amount not less than Two Million Dollars ($2,000.000) or One percent of the Contract Price, whichever is greater. Bond shall be on forms provided by the District and shall be executed as surety by a corporation or corporations authorized to issue surety bonds in the State of California, as an admitted surety insurer and acceptable to the District. Letter of Credit shall be on forms provided by the District and such instrument shall be an Irrevocable Standby Letter of Credit drawn on and FDIC insured Bank in the United States and must contain the language of the sample Letter of Credit provided with the Bid Documents or otherwise be approved by the District.

Dated at Oakland, California, this 18thday of December 2017.

Kenneth A. Duron, District Secretary

San Francisco Bay Area

Rapid Transit District