# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INVITATION TO BID

FOR

TRACTION POWER SUBSTATION REPLACEMENT – ASL/KTE INSTALLATION

CONTRACT NO. 15EK-120

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00p.m., Tuesday, November 4, 2014, at the District Secretary’s Office, 23rd Floor, 300 Lakeside Drive, Oakland, California 94612 (mailing address: P.O. Box 12688, Oakland, California, 94604-2688) for, Traction Power Substation Replacement – ASL/KTE Replacement,Contract No.15EK-120.  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 includes requirements related to Disadvantaged Business Enterprise (DBE) Participation that include a DBE Goal of nine percent (9%) of the total Bid Price excluding any Allowance and Option Bid Items, if applicable. Bidders are required to meet the DBE Participation Goal or demonstrate sufficient good faith efforts to do so as a condition of being eligible for Award of this Contract.

Bidders’ attention is directed to the Instructions to Bidders, Paragraph 7.B and Supplementary Conditions Articles SC7.1 that more fully describe the terms of the District’s DBE Participation requirements. Inquiries regarding the District’s DBE Program shall be directed to the District’s Office of Civil Rights, 300 Lakeside Drive, 18th Floor, Oakland, CA 94612, Telephone at (510) 464-6100, or the BART’s Website at: [www.bart.gov/ocr](http://www.bart.gov/ocr).

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

The Work includes, but is not limited to, providing all labor, equipment, materials and services required to replace BART traction power substation ASL (TPSS ASL) on San Leandro Street, and TPSS KTE near the Bay Tube East Station, both located in the City of Oakland. This work shall include installation and testing of equipment at six (6) locations all as described in the Contract Drawings and Contract Specifications. The major TPSS equipment will be procured and delivered under a separate Procure Contract No. 15EK-210. The work of this contract also includes coordination with Contract No. 15EK-210, Procurement of Traction Power Substations, Phase 1.

The estimated value of this Contract is $4,500,000 to $5,000,000.

**NOTE: THIS CONTRACT BOOK AND THE ACCOMPANYING CONTRACT DRAWINGS ARE AVAILABLE FOR PURCHASE SOLELY BY THOSE PROSPECTIVE BIDDERS WHO HAVE SUCCESSFULLY COMPLETED THE SECURITY CLEARANCE REQUIREMENTS DESCRIBED BELOW, WHICH WERE INITIALLY SET FORTH IN THE INVITATION TO BID ISSUED BY THE DISTRICT ON JUNE 25, 2014**

**Any prospective Bidder intending to participate in the bidding process must sign a Non-Disclosure Agreement for Release of Security Sensitive Information for Bidding Purposes (Agreement) with the District. The Security Sensitive Information as defined in the Agreement includes but is not limited to the Bid Documents. The Agreement may be obtained from the Office of the District Secretary by submitting a written request, in the form of Attachment 1 to this Invitation to Bid, to the District Secretary by fax to (510) 464-6011 or by mail at the mailing address: Office of the District Secretary, San Francisco Bay Area Rapid Transit District (BART), P.O. Box 12688, Oakland, CA 94604-2688.**

**In order to participate, this written request must be received by the District Secretary by 4:00 PM on Wednesday, July, 16, 2014.**

**Prospective Bidders must provide the District with a list of all individuals anticipated to be granted access to Security Sensitive Information (SSI) and/or who will participate in the mandatory pre-Bid meeting and site tour. A deposit in the form of a certified or cashier's check, valid for at least six (6) months, drawn in favor of the San Francisco Bay Area Rapid Transit District in the amount of five thousand dollars ($5,000) as guarantee of compliance with the conditions of the Agreement is required. If the Contract is not executed within the period that the certified check or cashier’s check is valid, the prospective Bidder shall, as necessary, extend the effective date of the certified or cashier’s check. If the prospective Bidder does not extend the effective date of the certified or cashier’s check, the District will cash the certified or cashier’s check and hold the cash as a guaranty deposit until all SSI is returned by unsuccessful Bidders or the Contract is executed.**

**Prospective Bidders shall attach to the Agreement a copy of a government issued photo identification (ID),preferably a driver's license, for each listed individual. The executed Agreement, the required $5,000.00 deposit, IDs and the Social Security Numbers or Passport Numbers (listed only in Exhibit A-1 of the Agreement), must be received by the District Secretary at the address contained herein by 4 PM on Wednesday, August 6, 2014.**

**In order to protect the confidentiality of prospective Bidder’s confidential information, the prospective Bidder is requested to hand deliver to the District Secretary at the address contained herein, two sealed envelopes as follows: In one sealed and opaque envelope labeled “Confidential Information and SSI for Contract No. 15EK-120, TRACTION POWER SUBSTATION REPLACEMENT – ASL/KTE INSTALLATION”, enclose the ID’s and Exhibits A-1 and A-2 to the Agreement. In the other sealed and opaque envelope labeled “Agreement and check for Contract No. 15EK-120, TRACTION POWER SUBSTATION REPLACEMENT – ASL/KTE INSTALLATION”, enclose the certified or cashier’s check and the Agreement (excluding the IDs, and Exhibits A-1 and A-2).**

**Prospective Bidders attention is directed to Section 6 of the Agreement that requires, before prospective Bidder discloses any SSI to a third party (Subcontractors, Suppliers, Consultants and other third parties), such third party must execute the Third Party Non-Disclosure Agreement for Release of Security Sensitive Information for Bidding Purposes (Third Party NDA for Bidding) and complete a security screening. The Third Party NDA for Bidding may be obtained from the Office of the District Secretary by submitting a written request, in the form of Attachment 2 to this Invitation to Bid, to the District Secretary by fax to (510) 464-6011 or by mail at the mailing address: Office of the District Secretary, San Francisco Bay Area Rapid Transit District (BART), P.O. Box 12688, Oakland, CA 94604-2688.**

**Such third party must provide the District with a list of all individuals anticipated to be granted access to SSI and/or who will participate in the mandatory pre-Bid meeting and site tour. The third party shall attach to the Third Party NDA for Bidding a copy of a government issued photo identification (ID),preferably a driver's license, for each listed individual. The executed Third Party NDA for Bidding, IDs and the Social Security Numbers or Passport Numbers (listed only in Exhibit A-1 of the Third Party NDA for Bidding), must be received by the District Secretary at the address contained herein by 4 PM on Wednesday, August 6, 2014.**

**In order to protect the confidentiality of the third party’s confidential information, the third party is requested to hand deliver to the District Secretary at the address contained herein, two sealed envelopes as follows: In one sealed and opaque envelope labeled “Confidential Information and SSI for Contract No. 15EK-120, TRACTION POWER SUBSTATION REPLACEMENT – ASL/KTE INSTALLATION”, enclose the ID’s and Exhibits A-1 and A-2 to the Third Party NDA for Bidding. In the other sealed and opaque envelope labeled “Third Party NDA for Bidding for Contract No. 15EK-120, TRACTION POWER SUBSTATION REPLACEMENT – ASL/KTE INSTALLATION”, enclose the Third Party NDA for Bidding (excluding the IDs, Exhibits A-1 and A-2).**

**The District will protect all confidential information from unauthorized disclosure. The IDs, and Social Security Numbers or Passport Numbers will be used only for a law enforcement check to compare the names against a Terrorist Watch List. Only individuals who pass the Security Clearance will be allowed access to the SSI and participation in the mandatory pre-Bid meeting and site tour. It is anticipated that within fourteen (14) Days after receipt of the executed Agreement/Third Party NDA for Bidding, the $5,000.00 deposit, IDs and Social Security Numbers or Passport Numbers, the District will notify the prospective Bidders/third parties about the results of the Security Clearance. Such notification will be sent to the address provided by the prospective Bidder/third party in Attachment 1 or 2 to this Invitation to Bid in a manner that provides verification of receipt. The District will include Exhibit A-2 with the notification. The notification to the prospective Bidder/third party who has passed the Security Clearance will set forth the date and time of the mandatory pre-Bid meeting and site tour. The District will return the $5,000.00 deposit to prospective Bidders who have not passed the Security Clearance. The District will destroy confidential information provided by prospective Bidders/third parties following completion of the Security Screening process.**

**The District retains ownership of all SSI. Following execution of the Contract, the District will notify all unsuccessful Bidders of this action and request that all SSI be returned to the District within the next thirty (30) Days. The District will return the $5,000.00 deposit to unsuccessful Bidders upon return of the SSI to the District and verification of a firm's compliance with the terms of the Agreement.**

Following receipt of notification that the prospective Bidder has passed the Security Clearance, the prospective Bidder’s representative who has passed the Security Clearance shall purchase and pick up the Bid Documents from the District Secretary’s office, San Francisco Bay Area Rapid Transit District, on the 23rd Floor at 300 Lakeside Drive, Oakland, California. **Documents will not be mailed**. Payment for the Bid Documents will be made by 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) $ 75.00

Full Size Drawings, per sheet $ 2.50

BART Facilities Standards, Standard Specifications, Release R3.0, dated January 2013 (BFS):

BFS Compact Disc (CD) $ 20.00

Copies of BART Facilities Standards, Standard Specifications, and Release R3.0, dated January 2013. may be purchased as described above or may be downloaded from the District website: [**www.bart.gov**](http://www.bart.gov)**.**

Copies of the current edition of the Standard Specifications of the Department of Transportation, State of California, can be purchased at the Caltrans Office, located at 1900 Royal Oaks Drive, Sacramento, California, telephone (916) 654-2852 or by written request to: Department of Transportation, Publication Unit, 1900 Royal Oaks Drive, Sacramento, CA 95815 or by visiting the following website, [**www.dot.ca.gov**](http://www.dot.ca.gov)**.**

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 Contract Documents will not be available at public and private plan rooms. A Bidder who has passed the Security Clearance but does not wish to purchase the Contract Documents may view them by arrangement at BART’s offices at 300 Lakeside Drive, Oakland. A request for such viewing shall be directed to the Contract Administrator, Leo Berry-Lawhorn, at (510) 464-7546 or email lberryl@bart.gov. Viewing sessions are limited to two hours in duration. Additional sessions may be available but are not guaranteed.

**It is anticipated the mandatory pre-Bid meeting and mandatory site tour will occur in mid-September 2014. Persons wishing to attend the mandatory pre-Bid meeting and mandatory site tour must pre-register no later than September 12, 2014 with the Contract Administrator, Leo Berry-Lawhorn, by email lberryl@bart.gov or by fax at (510) 874-7441. Perspective Bidders shall specify which of their representatives attending the pre-Bid meeting will also participate in the mandatory site tour.** Any Bidder that fails to send a representative to the mandatory pre-Bid meeting and the mandatory site tour will be disqualified from bidding.

Only individuals that have passed the Security Clearance will be allowed to participate in the mandatory pre-Bid meeting and mandatory site tour. At the mandatory pre-Bid meeting the District’s DBE Participation policy will be explained and DBE opportunities discussed. In addition, the District’s requirements related to bidding on this Security Sensitive Contract will be explained. The mandatory site tour will be conducted immediately following the pre-Bid meeting.

Bidders are encouraged to have all of their representatives and all third parties that have successfully completed the Security Clearance attend the mandatory pre-Bid meeting and mandatory site tour in order to better prepare the Bids.

The District will allow a second opportunity for **third parties** to submit Third Party NDAs for Bidding following the mandatory pre-Bid meeting and mandatory site tour. Such additional third parties must submit their completed Third Party NDAs for Bidding by **4 PM on Wednesday, October 1, 2014**

**For those third parties that have completed the Security Clearance after the initial mandatory site tour it is anticipated that a second mandatory site tour may be conducted in mid-October. This mandatory site tour would be solely for those third parties that have completed the security clearance after the initial mandatory site tour.**

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

The District may reject any and all Bids.

At the time of Contract Award, the Bidder must have a valid State Contractor's license, Classification C‑10 - California Electrical License as well as a Classification A - General Engineering Contractor or Classification B - General Building Contractor License, and be in good standing with the Contractors’ State License Board. If the Bidder is a joint venture, each of the joint venturers must have a current, active license in good standing to act separately in the capacity of a Contractor within the State, in accordance with Section 7029 and 7029.1 of the State Business and Professions Code or the Bid may be rejected. Also, if the Bidder is a Joint Venture, the Bidder may submit its valid State Contractor’s license number, classification, and expiration date with the Bid but shall submit such information no later than 2:00 p.m. on Friday of the week following the date of Bid opening to the Contract Administrator at the address indicated in the Instructions to Bidders. Any Bid submitted by a specialty Contractor must be in compliance with Section 7059 of the State Business and Professions Code.

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

Special attention is directed to Division 2, Part 7, Chapter 1, Article 2 of the State Labor Code concerning wages. Contractor and each Subcontractor shall pay to all workers employed on the Work not less than the prevailing rate of wages as determined by the Director of the State Department of Industrial Relations or set out in the wage determination of the U.S. Secretary of Labor, whichever is higher. Pursuant to Section 1773 of the State Labor Code, the District has obtained from the Director of the State Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality in which the Work is to be performed and has copies available upon request from BART Procurement Department, 300 Lakeside Drive, 17th Floor, Oakland California 94612. The wage determination of the U.S. Secretary of Labor is contained in the Contract Book following Supplementary Conditions Article SC10. For a craft or classification not shown on the general prevailing wage determinations, Contractor may be required to pay the wage rate of the most closely related craft or classification shown in such determinations for Contract Work or request a wage determination from the State Department of Industrial Relations for the craft or classification.

Bidder’s attention is directed to the Supplementary Conditions Article SC7.3.1 which provides requirements related to the State Compliance Monitoring Unit (CMU) of the California Department of Industrial Relations (DIR). This Contract is subject to being monitored for compliance with the State Labor Code by the CMU, which is authorized to investigate and enforce any violations found. Among other things, the Contractor will be required to register with the DIR following Award; to pay for costs incurred by the CMU up to a designated cap; submit certified payroll records electronically each month to the DIR; and post specific notices related the CMU in the field.

This Contract is subject to a financial assistance contract between the District and the United States Department of Transportation. This Contract is partially funded under a grant from the Federal Transit Administration (FTA). All Bidders and certain proposed Subcontractors and subsuppliers will be required to certify that they and any such proposed Subcontractors and subsuppliers have not been debarred, suspended or declared ineligible to participate in U.S. Government contracting activity. Contractor will be required to comply with all applicable Equal Employment Opportunity Laws and Regulations.

Attention is directed to the Bid Form where all Bidders and any proposed Subcontractors or subsuppliers of any tier receiving an amount in excess of $100,000 under this Contract will be required to execute the "Certification Regarding Lobbying". The Bidder is responsible for forwarding all such Certifications to the District within the time frame specified in the Instructions to Bidders.

Special attention is directed to General Conditions Article GC7.1.2 outlining Contractor's responsibilities for affirmative action relating to Fair Employment Practices.

This Contract is subject to Alameda County, Affirmative Action Requirements, Equal Employment Opportunity Area Plans.

The District hereby notifies all Bidders that it will affirmatively ensure that in regard to any Contract entered into pursuant to this Invitation to Bid, DBEs will be afforded full opportunity to submit Bids in response to this invitation and will not be discriminated against on the basis of race, color, sex, or national origin in consideration for an Award.

The San Francisco Bay Area Rapid Transit District, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation, issued pursuant to such Act, hereby notifies all Bidders that it will affirmatively ensure that in any Contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit Bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The Contractor and its Subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Contractor and its Subcontractors shall comply with the applicable requirements of 49 CFR Part 26 in the performance of the Contract. Failure to comply with these requirements by the Contractor is a material breach of the Contract and may be subject to sanctions, including termination of the Contract, as appropriate.

Bidders’ attention is directed to the Instructions to Bidders Paragraph 7.J entitled Financial Contribution Limitations. This Paragraph details Bidder’s responsibility for complying with BART Board of Directors Rule regarding financial contribution limitations.

Bidders’ attention is directed to General Conditions Article GC9.7.1.1 which permits the substitution of securities by Contractor 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 (10%) 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 14.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 and a Labor and Materials Bond (Payment Bond), each in an amount not less than one-hundred percent (100%) of the Contract Price. Bonds 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.

Questions regarding this Invitation to Bid should be directed to the Contract Administrator, Leo Berry‑Lawhorn, at (510) 464-7546 or email lberryl@bart.gov

Dated at Oakland, California, this \_\_\_\_\_\_ day of June, 2014.

 Kenneth A. Duron, District Secretary

 San Francisco Bay Area

 Rapid Transit District