

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
INVITATION TO BID
FOR

4.9 GHZ WIRELESS COMMUNICATION ON RAIL

CONTRACT NO. 79HX-400

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, October 25, 2016, 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 4.9 GHZ WIRELESS COMMUNICATION ON RAIL, Contract No. 79HX-400. 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.

Bidders should note that this Contract is subject to the District's Small Business Program that includes a preference of 5% of the Bid Price of the lowest responsible Bidder, up to a maximum of \$250,000, for a certified Small Business Prime Contractor submitting a Bid on this Contract. Bidder's attention is directed to the Instructions to Bidders Paragraphs 7.I and 14.B.1 and Supplementary Conditions Article SC7.4, which set forth the District's Small Business Program requirements. 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.

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.

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

The Work, in general, shall include, but not be limited to, furnishing all labor, materials, equipment and services not furnished by the District but necessary to deploy and support the fully functional 4.9GHz Wireless System. The Work shall also include, but is not limited to, installation of conduit, mounting and connection of equipment, the running of communication cables, and the installation of breakers, all as specified in the Contract Specifications and Contract Drawings.

The estimated value of this Contract is \$450,000.00 to \$485,000.00

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 24, 2016

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 p.m. on Friday, July, 15, 2016.

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. A completed Federal Form W-9 with the Taxpayer ID Number for the prospective Bidder is also required to be provided. The checks from prospective Bidders who have passed the Security Clearance will be cashed once such prospective Bidders pass the Security Clearance. The checks from prospective Bidders that do not pass the Security Clearance will be returned to them uncashed. The District will hold the guaranty deposit from Prospective Bidders that have passed the Security Clearance until the unsuccessful Bidders' SSIH certifies that all SSI documents held by the Bidder and its Subcontractors and third parties have been either destroyed or returned to the District. Such certification shall be provided within thirty (30) Days after the Bidders are notified that the District has executed the Contract with another firm. Failure to certify that all SSI documents held by the Bidder or its Subcontractors and third parties have been destroyed or returned to the District will constitute a violation of the NDA. Violations of the NDA will cause a forfeiture of the \$5,000 guaranty deposit and are grounds for disqualifying such Bidders from participation in District Contracts. The successful Bidder's \$5,000 guaranty deposit will be held by the District until the guaranty deposit required by the Non-Disclosure Agreement for Release of Security Sensitive Information for Construction (NDA for Construction) has been established.

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, a completed Federal Form W-9 with the Taxpayer ID Number for the prospective Bidder, and IDs, must be received by the District Secretary at the address contained herein by 4:00 p.m. on Friday, August 5, 2016.

The prospective Bidder is requested to submit to the District Secretary at the address contained herein, sealed envelope labeled "Personal Information and Agreement for Contract No. 79HX-400, 4.9 GHZ WIRELESS COMMUNICATION ON RAIL", containing the IDs, Exhibit A, the certified or cashier's check, the completed Federal Form W-9 with the Taxpayer ID Number for the prospective Bidder, and the Agreement.

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. The written request form (Attachment 2) can also be downloaded from the BART website: <http://www.bart.gov/about/business/procurement/contractsout.aspx>.

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 and IDs, must be received by the District Secretary at the address contained herein by 4:00 p.m. on Friday, August 5, 2016.

The third party is requested to submit to the District Secretary at the address contained herein, sealed envelope labeled "Personal Information and the Third Party NDA for Contract No. 79HX-400, 4.9 GHZ WIRELESS COMMUNICATION ON RAIL", containing the ID's, Exhibit A, and the Third Party NDA for Bidding.

The District will protect all personal information from unauthorized disclosure. The IDs, 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, the completed Federal Form W-9 with the Taxpayer ID Number for the prospective Bidder, and IDs, 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 with the notification. The notification to the prospective Bidder/third party who has passed the Security Clearance will address the date and time of the mandatory pre-Bid meeting and site tour.

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 following certification by the unsuccessful Bidders' Security Sensitive Information Handler (SSIH) that all SSI documents held by the Bidder and its Subcontractors and third parties have been destroyed or returned to the District.

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, 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
<u>BART Facilities Standards, Standard Specifications, Release R3.0.3, dated January 2016 (BFS):</u>	
BFS Compact Disc (CD)	\$ 20.00

Copies of BART Facilities Standards, Standard Specifications, and Release R3.0.3, dated January 2016. may be purchased as described above or may be downloaded from the District website: www.bart.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 2016. Persons wishing to attend the mandatory pre-Bid meeting and mandatory site tour must pre-register no later than September 9, 2016 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 site tour. At the pre-Bid meeting the District's Non-Discrimination Program for Subcontracting and the District's Small Business Program will be explained. In addition, the District's requirements related to bidding on this Security Sensitive Contract will be explained. The site tour will be conducted immediately following the pre-Bid meeting.

The Availability Percentages for this Contract are, for Minority Business Enterprises (MBEs) 23% and for Women Business Enterprises (WBEs) 12%. If a firm is owned and controlled by a Minority Woman or Minority Women, the firm may be counted towards meeting both the MBE and WBE Availability Percentages.

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 submitting a Bid, the Bidder must have a valid State Contractor's license, Classification C-10 - California Electrical License and either a Classification A - General Engineering Contractor or Classification B - General Building Contractor License, and be in good standing with the Contractors' State License Board. Bidder shall also submit with the Bid, proof of current registration with the State Department of Industrial Relations (DIR) in conformance with the requirements of State Labor Code Section 1775.5 and Section 1771.1. 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 and also be currently registered with the State DIR, 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. 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. 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 Supplementary Conditions Article SC7.3.1 which describes the State Labor Code Sections 1725.5 and 1771.1 that, among other things, require all Contractors and Subcontractors to be registered with the DIR in order to be qualified to bid on this Contract or to be listed as a Subcontractor on any Bid submitted subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of work in this Contract.

Bidders are informed that pursuant to Section 1771.4 of the State Labor Code, this Contract is subject to compliance monitoring and enforcement by the DIR. Furthermore, the Contractor shall post Jobsite notices, as prescribed by regulation. Each Contractor and Subcontractor shall furnish the payroll records specified

in Section 1776 of State Labor Code directly to the Labor Commissioner at least monthly and in a format prescribed by the Labor Commissioner.

Special attention is directed to General Conditions Article GC7.1.2 outlining Contractor'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 Contractors who contract with the District do not discriminate or give a preference in the award of Subcontracts 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, 300 Lakeside Drive, 16th Floor, Oakland, California 94612 or telephone (510) 464-6100.

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

Bidder's 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.

Bidder's attention is directed to the Declaration of Eligibility for Small Business Preference which is included in the Bid Form.

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 13.C. 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 24th day of June, 2016.

Kenneth A. Duron, District Secretary
San Francisco Bay Area
Rapid Transit District