

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INVITATION FOR PROPOSALS

FOR THE

PROCUREMENT OF eBART VEHICLES

BACKGROUND

The eBART Project will introduce a new rail passenger service between the existing Pittsburg/Bay Point BART Station and a new station in the City of Antioch. The eBART Project will use independently propelled railcars known as Diesel Multiple Units (DMUs) that operate on a standard gauge rail guideway to be constructed and owned by the San Francisco Bay Area Rapid Transit District ("BART" or the "District"). The guideway will be on an exclusive right-of-way located in the median of State Route 4 (SR4) for the exclusive use of eBART. The eBART Project is subject to regulation by the California Public Utilities Commission (CPUC) and is subject to other regulations, standards, and codes as indicated but is not subject to regulation by the Federal Railroad Administration (FRA).

NOTICE IS HEREBY GIVEN that sealed Proposals will be received until the hour of 2:00 p.m., Tuesday, **February 19, 2013** 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 the Procurement of eBART Vehicles, Request for Proposals ("RFP") No. 04SF-140. Such Proposals will thereafter be accepted or rejected by the District. The Proposers are responsible to ensure their Proposals are received at the time and location specified. This procurement will be based on competitive negotiation procedures as provided in California Public Contract Code Section 20229.1.

This Contract is subject to the District's Small Business (SB) Program that includes a preference for Proposers who meet or exceed the SB Subsupplier participation goal of 1% of their Total Base Order Proposal Price excluding Allowances and Option Proposal Items, established for this Contract.

Proposers that meet or exceed the SB Subsupplier participation goal will be eligible for a preference in their price in an amount equal to 3% of the lowest Total Base Order Proposal Price received from a responsive, responsible Proposer, up to a maximum of \$1 million, only for the purpose of evaluation and determining Award of the Contract. If the District should issue a Request for Best and Final Offers (BAFOs), the District will reevaluate the eligibility of the Proposers for the SB preference and will recalculate the amount of the SB preference based on the BAFOs. However, the actual Contract awarded will be for the amount of the initial Proposal or the negotiated BAFO, as applicable. Proposers that do not meet the SB Subsupplier participation goal will not be eligible for the preference.

Proposer's attention is directed to the Instructions to Proposers, Paragraphs 7.B.5 and 16.A.4 and Supplementary Conditions Article SC7.5 that more fully describe the terms of the Small Business Program. Inquiries regarding the District's Small Business 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 to BART's Website at: www.bart.gov/ocr.

The time for receipt of Proposals may be extended by the District's General Manager, or authorized representative, from the above-stated Proposal due 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 Proposals are formally received.

PROPOSERS MAY OBTAIN INFORMATION ON THE STATUS OF THE AWARD OF THIS CONTRACT BY CHECKING THE BART WEBSITE: www.bart.gov/about/bod/meetings.aspx, UNDER AGENDA

&MINUTES, FOR CONTRACTS SCHEDULED TO BE PRESENTED BY STAFF TO THE BART BOARD FOR AWARD CONSIDERATION.

The Work under this Contract, in general, consists of providing the design, engineering, manufacture, assembly, testing, delivery, materials, Spare Parts, tools, equipment, performance and acceptance testing for eight (8) new Service Proven, lightweight low-floor DMU railcars or vehicles ("Vehicles") ready for Revenue Service as more fully described in the Contract Documents. Additionally, there is one Option for two (2) additional Vehicles and one Option for four (4) additional Vehicles, for a total of up to fourteen (14) Vehicles.

The District, to the extent not inconsistent with applicable statutory or regulatory requirements, encourages Proposers to maximize the use of components and subcomponents that are produced or assembled in the United States of America.

A pre-Proposal meeting will be held on **November 13, 2012**. The pre-Proposal meeting will convene at 2:00 pm at the District's offices at the Kaiser Center 20th Street Mall, Third Floor, 344 20th Street, Oakland, CA. At the pre-Proposal meeting, the District's Non-Discrimination Program for Subcontracting and the District's Small Business Program will be explained. Interested prospective Proposers are requested to confirm their intention to attend by notifying the District's Contact Person, Mr. Gary Leong, email address: gleong1@bart.gov (telephone number (510) 287-4717) at least seven (7) Days prior to the date of the scheduled pre-Proposal meeting.

The Availability Percentages for this Contract are, for Minority Business Enterprises ("MBEs") 10% and for Women Business Enterprises ("WBEs") 12%.

Proposals shall be submitted in accordance with, and subject to, the conditions contained in the Instructions to Proposers to which prospective Proposers are referred.

RFP Documents may be obtained from the District Secretary's Office, San Francisco Bay Area Rapid Transit District, in person on the 23rd Floor at 300 Lakeside Drive, Oakland, California 94612, or by mail at P.O. Box 12688, Oakland, California 94604-2688. Documents requested by mail will be packaged and sent postage paid. Requests must be accompanied 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:

RFP Documents (Includes forms for submittal of Proposals and a Compact Disk (CD ROM)).....\$75.00
CD ROM only.....\$10.00

Proposers are informed that all of these documents will be required in the preparation of Proposals. Each Proposal shall be submitted on the prescribed Proposal Forms and shall be for the entire Contract including all Proposal Items.

The District may reject any and all Proposals.

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 the Supplier's responsibilities for affirmative action relating to Fair Employment Practices.

The District hereby notifies all Proposers 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 Subcontracts on the basis of race, national origin, color, ethnicity, or gender.

Proposer'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-

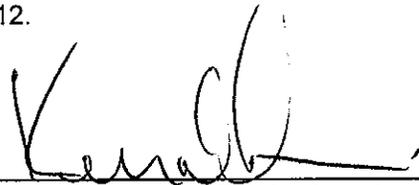
Discrimination Program for Subcontracting shall be directed to the District's Office of Civil Rights at 300 Lakeside Drive, 18th Floor, Oakland, CA 94612, or telephone (510) 464-6195.

Proposer's attention is directed to the Instructions to Proposers Paragraph 7.B.6 entitled Certification Regarding Financial Contributions. This Section details the Proposer's responsibility for complying with BART Board of Director's Rule regarding financial contribution limitations.

Proposer's attention is directed to General Conditions Article P9.3.1 which permits the substitution of securities by Supplier for any monies retained by the District to insure performance under this Contract.

Each Proposal shall be accompanied by a Proposer's Security in an amount equal to Three Million Dollars (\$3,000,000) which shall remain in full force and effect for the period of time stated in the Instructions to Proposers, Paragraph 16.D Award of the Contract. The Proposer's Security must be in the form of a cashier's check, a certified check, a Proposer's Bond, or a combination thereof, and payable to the San Francisco Bay Area Rapid Transit District. The Proposer to whom the Contract is awarded shall furnish specified Certificates of Insurance. Such Proposer shall also furnish a Base Order Performance Bond or Letter of Credit in an amount not less than 100 percent of the Total Base Order 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. If a Letter of Credit is provided, it shall be a Negotiable, Transferable, Irrevocable Standby Letter of Credit drawn on a FDIC insured bank in the United States and must contain the language of the sample Letter of Credit provided with the RFP or language otherwise approved by the District.

Dated at Oakland, California, this 24th day of October, 2012.



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