

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
INVITATION TO BID  
FOR

**EMBARCADERO STATION PLATFORM ELEVATOR  
CAPACITY AND REDUNDANCY PROJECT**

**CONTRACT NO. 11FE-110**

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, **October 29, 2019**, by hand delivery or special delivery, at the District Secretary's Office, 23rd Floor, 300 Lakeside Drive, Oakland, California 94612 for **Embarcadero Station Platform Elevator Capacity and Redundancy Project, Contract No. 11FE-110**. 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 the District's Disadvantaged Business Enterprise (DBE) Program including Small Business Elements (SB Elements) as part of its DBE Program that includes a DBE Goal of **22%** 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. There is no Small Business Entity (SBE) Goal for this Contract.

Although there is no SBE Goal for this Contract, Bidders are encouraged to take all steps necessary to provide an equal opportunity for SBEs to participate. Certain provisions will apply to all SBE Subcontractors listed at the time of bid.

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 and SBE Participation requirements. Inquiries regarding the District's DBE Program shall be directed to the District's Office of Civil Rights, 300 Lakeside Drive, 16<sup>th</sup> Floor, Oakland, CA 94612, Telephone at (510) 464-6100, or the 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/about/bod/meetings.aspx> FOR CONTRACTS SCHEDULED TO BE PRESENTED BY STAFF TO THE BART BOARD FOR AWARD CONSIDERATION.**

The Work includes:

Embarcadero Station: Work at this location consists of construction of a traction elevator and elevator machine room including elevator pit walls and shaft construction and stairs at the north side of the station; renovation of the existing hydraulic elevator including construction of a new elevator machine room; a stair at the south side of the station, and mechanical, electrical, communications, architectural finishes, signage, equipment installation, testing, and commissioning, and other work as Indicated. A Bid Option is included to install stairs from the Concourse Level to the MUNI Level.

The estimated value of this Contract is **\$7.5 million** to **\$7.9 million**.

**Pre-Bid meetings and site tours** will be held on **Wednesday, October 2, 2019**. There will be two (2) Pre-Bid meetings and site tours, one in the morning, and one in the afternoon. The morning one will convene at **9:00 a.m.**, in the **17<sup>th</sup> floor conference room**, and the afternoon one at **4:00 p.m.**, in the **14<sup>th</sup> floor conference room**, at **300 Lakeside Dr., Oakland, CA 94612**. At the pre-Bid meetings, the District's Disadvantaged Business Enterprise (DBE) Program will be explained. A conducted inspection tour of the Jobsite will immediately follow each of the Pre-Bid meetings. Interested prospective Bidders are requested to confirm their intention to attend by notifying the District's Contract Administrator Amanda Palmquist, [apalmqu@bart.gov](mailto:apalmqu@bart.gov), prior to the date of the scheduled Pre-Bid meeting and site tour. All prospective Bidders are requested to bring their own personal protective equipment for the site tour.

**Pre-Bid Matchmaking Session**: In accordance with the District's efforts to support the participation of Disadvantaged Business Enterprises (DBEs) and Small Business Entities (SBEs) on District contracts, all Bidders are requested to participate in Matchmaking Session(s) for the Contract. If the Bidder is a sole proprietorship or partnership, the owner(s) or operator(s) should make themselves available for the Matchmaking Session(s). If the Bidder is a corporation, the Bidder should send the project manager, project engineer or estimator assigned to manage the Contract. Qualified DBEs and SBEs will make themselves available to discuss individual subcontracting opportunities with Bidders at the session(s).

There will be one (1) Matchmaking Session for the Contract. The Office of Civil Rights will notify the Bidders of the time, date and location of the Pre-Bid Matchmaking Session.

Within seven (7) Days following notification of the date(s) for the Matchmaking Session(s), the Bidder shall notify BART's Office of Civil Rights (OCR) of the representative (s)' name that will be attending on behalf of the Bidder.

If there are any questions regarding the Matchmaking Session, please contact:

San Francisco Bay Area Rapid Transit District  
Office of Civil Rights  
300 Lakeside Drive, 16<sup>th</sup> Floor  
Oakland, California 94612  
Attention: Stella Becerra  
Telephone: 510-287-4890, Email: [sbecerr@bart.gov](mailto:sbecerr@bart.gov)

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.

Bid Documents may be examined at certain public and private plan rooms. Bid Documents may also be examined free of charge at the District's Offices on or after **September 17, 2019**. The location of these plan rooms and the District's Offices may be obtained by calling the District's Contract Administrator at the telephone number set forth above.

**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, 23<sup>rd</sup> 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**

**BART Facilities Standards, Standard Specifications, Release R3.1.2 dated April 2018:**

**BFS Compact Disc (CD)..... \$ 20.00**  
**Full Size Drawings, per sheet ..... \$ 2.50**

**Copies of BART Facilities Standards, Standard Specifications, Release – R3.1.2 dated April, 2018 may be purchased as described above or may be downloaded from the District website: [www.bart.gov](http://www.bart.gov).**

Copies of the Standard Specifications of the Department of Transportation, State of California, dated July 1992, 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 94815 or by visiting the following website, [www.dot.ca.gov](http://www.dot.ca.gov).

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 A**, 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 1725.5 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 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, 17<sup>th</sup> Floor, Oakland California 94612. The wage determination of the U.S. Secretary of Labor is attached hereto 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 Supplementary Conditions Article SC7.3.1 which describes the State Labor Code Section 1725.5 and Section 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. Among other things, the Contractor and Subcontractors shall comply with the requirements of State Labor Code Section 1777.5 applicable to Apprentices. Furthermore, the Contractor shall post Jobsite notices, as prescribed by regulation. Pursuant to Section 1775 of the State Labor Code, the Contractor and Subcontractors are subject to being assessed a penalty of up to two hundred dollars (\$200) by DIR for each calendar day for each worker who is paid less than the prevailing wage rate for the work or craft in which the worker is employed. Each Contractor and Subcontractor shall furnish the payroll records specified in Section 1776 of the State Labor Code directly to the Labor Commissioner at least monthly and in a format prescribed by the Labor Commissioner. In addition, under Section 1815 of the State Labor Code, workers who perform work in excess of eight (8) hours per Day, or more than forty (40) hours during any week, shall be compensated at no less than 1 ½ times the basic rate of pay for all hours worked in excess of eight (8) hours per Day, and any hours in excess of forty (40) hours during any week. Pursuant to Section 1813 of the State Labor Code, DIR may impose additional penalties of twenty-five dollars (\$25) for each worker employed for each calendar Day during which the worker is required or permitted to work more than eight (8) hours a day or forty (40) hours in a week without paying the required compensation.

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). Attention is directed to the Bid Form where 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 San Francisco 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 and SBEs 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.

Bidder's attention is directed to the Certification of Status as Certified Qualified Conveyance Company, which is included in the Bid Form.

Bidder's attention is directed to the Instructions to Bidders Paragraph 7.E entitled Addendum A to Major Projects Project Stabilization Agreement. This Paragraph refers to Project Hiring Goals for this Contract. Supplementary Conditions Article SC7.9 Project Hiring Goals provides additional information regarding the Major Projects Project Stabilization Agreement executed by the District. Bidder and Subcontractors of any tier shall complete and sign the Addendum A to Major Projects Project Stabilization Agreement Agreement To Be Bound contained 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 and 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.

Dated at Oakland, California, this 10th day of September, 2019.

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Patricia K. Williams, District Secretary  
San Francisco Bay Area Rapid Transit District