

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
NOTICIE TO BIDDERS  
FOR

RAIL GRINDER UPGRADE AND REPAIR

CONTRACT NO. 15TD-260

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, January 29, 2019, at the District Secretary's Office, 23<sup>rd</sup> Floor 300 Lakeside Drive, Oakland, California 94612 (mailing address: P.O. Box 12688, Oakland, California, 94604-2688) for RAIL GRINDER UPGRADE AND REPAIR, Contract No. 15TD-260. Such Bids will be opened publicly and announced at the said hour and date in the 23<sup>rd</sup> 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.

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

- 1) Refurbishing two (2) Rail Grinders to working condition that meets the BART Technical Specification for Production Rail Grinder Upgrade and Repair. This includes. replacement of any defective parts (as required) to ensure the two (2) rail grinders are repaired to reliable and working/operating condition.
  - a. **Deliverable:** Two (2) fully refurbished reliable and working/operating rail grinders.
- 2) The Contractor shall perform delivery and shipment that will meet BART's requirement noted in BART Technical Specification for Production Rail Grinder Upgrade and Repair.
  - a. **Deliverable:** Transport the two (2) district rail grinders for repair and deliver working rail grinders to District once repaired is complete.
- 3) The total cost of this contract includes Crane, Freight/Transport, Labor (including commissioning) and Parts (including any software/computer upgrade (e.g. installing optical rail profile, latest factory software), replacement of parts) for the two (2) District rail grinders as well as training.
  - Defective parts that are replaced will be itemized (i.e. including cost per item)
  - a. **Deliverable:** Upgrade software/computer (e.g. installing optical rail profile), perform commissioning and replacement of parts for the two (2) District rail grinders to reliable and working/operating conditions.
- 4) Contractor shall provide not less than ten (10) Operator training shifts in two (2) phases. Each training session shall be conducted during eight (8) hour shifts for Rail Grinders operation and operations maintenance per BART Technical Specification for Production Rail Grinder Upgrade and Repair.
  - a. **Deliverable:** Issued training certificate to BART employee once training is completed.
- 5) Contractor is accountable to repair and/or service at no charge the rail grinders if these two (2) machines broke or failed to function within six (6) months after Notice of Completion.
  - a. **Deliverable:** Three (3) months repair/service warranty or guaranty of work after notice of completion.

The estimated value of this Contract is \$ 3.7 Million to \$ 4.0 Million.

A pre-Bid meeting will be held on January 8, 2019. The pre-Bid meeting will convene at 9:00 a.m. at the District's offices, at 300 Lakeside Drive, 18<sup>th</sup> floor, Main Conference Room #1800, Oakland, CA 94612. At the pre-Bid meeting the District's Disadvantaged Business Enterprise (DBE) and Small Business Entity (SBE) participation policy will be explained and DBE and SBE opportunities discussed. Interested prospective Bidders are requested to confirm their intention to attend by notifying the District's Contract Administrator Sunni Gunawardena, telephone 510 464 6550 prior to the date of the scheduled pre-Bid meeting and site tour.

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

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, 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) .....\$50.00**

**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.

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 (hereinafter called "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. Supplier 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 P7.11 outlining Supplier's responsibilities for affirmative action relating to Fair Employment Practices.

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 et seq. 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 Supplier and its Subsuppliers shall not discriminate on the basis of race, color, national origin, or sex in the performance of the Contract. The Supplier and its Subsuppliers 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 Supplier is a material breach of the Contract and may be subject to sanctions, including termination of the Contract, as appropriate.

Bidder's attention is directed to the Supplementary Conditions which set forth the District's DBE and SBE participation policy for this Contract. Inquiries regarding the District's DBE and SBE participation policy shall be directed to the District's Office of Civil Rights at the address for the District indicated in this Invitation to Bid, or at telephone (510) 464-6100.

Bidder's attention is directed to the Instructions to Bidders Paragraph 7.I 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 P9.3.1 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 10 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 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 in an amount not less than 100 percent of the total Bid 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 5<sup>th</sup> day of December 2018.

/s/ Patricia Williams

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