SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
INVITATION FOR BID (IFB)

IFB NO. 8987

BID OPENING: NOT LATER THAN 2:00 P.M., LOCAL TIME, TUESDAY, January 19th, 2016

SEALED BID RESPONSES are invited to be delivered to the District at the said hour and date for the following articles or services and under the conditions stated below. Bid response shall be submitted to either of the following addresses:

For Special Delivery or Hand Delivery:
Purchasing Division
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, 17th Floor
Oakland, CA 94612-3534

Refer questions to: Robert Cifelli, **Buyer** Tel. No.: **(510) 464-6357**
Email: rcifell@bart.gov

THIS IS NOT AN ORDER!

ADVERTISED DATE: **December 30th, 2015** RC

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION	BIDDERS USE THIS COLUMN FOR PRICING
			Regulators, Ballast, 66" Wide Gauge	$ 898,588.00

Submission of a bid constitutes bidder's acceptance of the General Provisions and Special Provisions contained herein, as well as the Contract Documents, which include all documents listed in the Table of Contents of this IFB.

DELIVERY: **BART**
LOCATION: **601 E. 8th Street**
Oakland, CA 94606

Submit proposal on Bid Form.

DO NOT INCLUDE excise or sales taxes in price.

F.O.B Point DESTINATION

Name (Print) Robert E. Powell

Signature [signature]

Company Progress Rail Services Corporation

Address 1600 Progress Drive

City Albertville

State AL Zip Code 35950

Email rchubaty@progressrail.com

Fax No. 256-505-6460 Tel. No 800-476-8769

INVITATION FOR BID Continuation Sheet

AN FRANCISCO BAY AREA
APID TRANSIT DISTRICT

IFB NO. 8987

ITEM NO.	ESTIMATED QUANTITY	UNIT	DESCRIPTION	BIDDERS USE THIS COLUMN FOR PRICING Unit Price	Item Total
1	2	Ea.	Regulator, Ballast, 66" Wide Gauge per Specifications "Sixty Six-Inch (66") Wide Gauge Ballast Regulator".	$ 449,294.00	$ 898,588.00

Progress Rail Services Corporation
(Company Name)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

CERTIFICATION REGARDING FINANCIAL CONTRIBUTIONS

(Submit with Bid)

rtification to be executed by Bidder and each proposed first-tier Subcontractor or Subsupplier whose Subcontract ceeds $100,000. Make additional copies of the Certification as necessary.

dder must use its best efforts to collect the Certification from each first-tier subcontractor or subsupplier ıose subcontract exceeds $100,000 and submit such Certifications along with its own to the District on the Bid ıte.

dder is advised that all Certifications must be submitted on the Bid date unless there is reasonable cause for lay; however, Bidder is cautioned that unless all Certifications are submitted within five (5) calendar days ter the date Bids are due, the Bid may be considered non-responsive.

The undersigned certifies that:

1. It will not make any monetary or in-kind contribution (including loans) to any BART Director, or any candidate for Director, in excess of $1,000 from the date Bids are opened by the District until the Award of the Contract.

2. It understands that the term "contribution" shall have the same meaning as defined in Government Code Section 82015 and implementing regulations adopted by the Fair Political Practices Commission.

Progress Rail Services Corporation
Name of Firm

1-18-2016
Signature Date

Robert E. Powell Vice President
Print Name and Title

Buy America Certification Instructions.

Buy America Requirements. This Contract is subject to the "Buy America" requirements 49 USC § 5323(j), and 49 CFR Part 661, as may be amended from time to time, and applicable federal regulations. The following is a general summary of the "Buy America" provisions. It does not relieve the Bidder of the responsibility to comply with official interpretations of the cited statutes or any other governing regulation on the subject:

A. All iron, steel and manufactured products used in this Contract must be produced in the United States unless an exception is granted by the Federal Transit Administration (FTA) or Paragraph D below applies.

B. The Bidder whose Bid exceeds $100,000 must execute the appropriate "Buy America" certification in the Bid Documents. Failure to do so will make the Bid non-responsive. **The two signature blocks on the Buy America Certificate(s) are mutually exclusive. Bidder shall sign only one signature block on the Certificate. Signing both signature blocks will make the Bid non-responsive.** A false certification is a criminal act in violation of 18 USC 1001.

1. The Bidder who has submitted an incomplete "Buy America" certificate or incorrect certificate of non-compliance through inadvertent or clerical error (but not including failure to sign the certificate, submission of certificates of both compliance and non-compliance, or failure to submit any certification), may submit to the FTA Chief Counsel within ten (10) Days of Bid opening a written explanation of the circumstances surrounding the submission of the incomplete or incorrect certification in accordance with 28 USC §1746, sworn under penalty of perjury, stating that the submission resulted from inadvertent or clerical error. The Bidder will also submit evidence of intent, such as information about the origin of the product, invoices, or other working documents. The Bidder will simultaneously send a copy of this information to the District Secretary.

2. The FTA Chief Counsel may request additional information from the Bidder, if necessary. The District may not make Contract Award until the FTA Chief Counsel issues his/her determination, except as provided in 49 CFR Part 661.15(m).

3. Certification based on ignorance of proper application of the "Buy America" requirements is not an inadvertent or clerical error.

C. A waiver from the "Buy America" provisions will be sought by the District from the FTA if the grounds for a waiver exist. The Bidder seeking a waiver must submit to the District a timely request in writing, which shall include the facts and justification to support the granting of the waiver. Such waiver from the "Buy America" provisions may be granted if the FTA determines that:

1. Their application would be inconsistent with the public interest;

2. Materials are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

3. Inclusion of domestic material will increase the cost of the overall Contract by more than 25 percent.

D. In the case of the procurement of rolling stock (including train control, communication and traction power equipment), Paragraph A above does not apply if the cost of components which

are produced in the United States is more than 60 percent of the cost of all components and final assembly takes place in the United States.

E. Any party may petition the FTA to investigate a successful Bidder's compliance with the "Buy America" certification. The procedures are set out in 49 CFR Part 661.15. If the FTA determines the evidence indicates noncompliance, the FTA will require the District to initiate an investigation. The successful Bidder has the burden of proof to establish compliance with its certification. If the successful Bidder fails to so demonstrate compliance, the successful Bidder will be required to substitute sufficient domestic materials without revision of the original Contract terms. Failure to do so will be a breach of the Contract and may lead to the initiation of debarment proceedings under 49 CFR Part 29.

BUY AMERICA CERTIFICATE

Certification requirement for procurement of buses, other rolling stock and associated equipment.

(Submit with Bid)

(Bidder's attention is directed to Special Provision A. This Buy America Certificate shall be executed by Bidder whose Bid exceeds $100,000 and submitted with the Bid. Failure to do so will make the Bid non-responsive.)

NOTE: The two signature blocks below are mutually exclusive; Bidder shall sign only one signature block for either the Certificate of Compliance or the Certificate of non-Compliance. Signing both signature blocks shall make the Bid non-responsive.

Certificate of Compliance With 49 USC § 5323(j)(2)(C)

The Bidder hereby certifies that it will comply with the requirements of 49 USC § 5323(j)(2)(C), and the applicable regulations in 49 CFR Part 661.

Date 1-18-2016

Signature

Company Name Progress Rail Services Corporation

Title Vice President

WARNING!!! BIDDER SHALL SIGN ONLY ONE CERTIFICATE – EITHER THE CERTIFICATE OF COMPLIANCE ABOVE OR THE CERTIFICATE OF NON-COMPLIANCE BELOW. SIGNING BOTH CERTIFICATES SHALL MAKE THE BID NON-RESPONSIVE.

Certificate of Non-Compliance With 49 USC § 5323(j)(2)(C)

The Bidder hereby certifies that it cannot comply with the requirements of 49 USC § 5323(j)(2)(C), but it may qualify for an exception to the requirements pursuant to 49 USC § 5323(j)(2)(B) or (j)(2)(D) and applicable regulations in 49 CFR Part 661.7.

Date _____

Signature _____

Company Name _____

Title _____

(Applicable to Suppliers and Subsuppliers of any tier seeking a Subcontract exceeding $100,000. Bidder's attention is directed to Special Provisions A 1.12.)

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Orders 12549 and 12689. You may contact the District's Procurement Department, email **rcifell@bart.gov**, for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is disbarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List by contacting the District's Procurement Department, email **rcifell@bart.gov**, for assistance.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

(Bidder's attention is directed to Special Provisions A 1.22 of the Contract, Certification Regarding Lobbying. The Certification shall be executed by the Bidder and by applicable Subcontractors or Subsuppliers of any tier receiving an amount in excess of $100,000 and submitted by the Bidder either with the Bid or within the time frame specified in the Instructions to Bidders or before commencement of Subcontract work, as specified in the Instructions to Bidders.)

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including Subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Progress Rail Services Corporation
Name of Firm

By: Robert E. Powell
Please print name of signator:

Title: Vice President

DESIGNATION OF SUBSUPPLIERS, DBEs, AND SBEs FORM

All first-tier Subsuppliers to be used must be listed on this form regardless of dollar value of each transaction.

To assist the District in evaluating DBE and SBE participation, Bidder shall list on this form the name and address of all first-tier Subsuppliers to whom Bidder proposes to subcontract. Bidder shall indicate description, and total dollar amount of the portions of the work or services subcontracted.

In the columns provided for DBE and for SBE designation, indicate if the Subcontractor listed is a DBE and/or an SBE as defined in the Special Provision B.

Attach additional copies of this form if more space is needed and paginate the forms (i.e., Page __ of __).

Name and Address	DBE (Check if DBE) and Insert DBE Cert. No.	SBE (Check if SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
I. All first-tier Subsuppliers (DBEs, Non-DBEs, and SBEs).				
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No.** _____	**SBE Cert. No.** _____		
Name:_____ _____ Address_____ _____ _____ Phone Number:_____	**DBE Cert. No.** _____	**SBE Cert. No.** _____		
Name:_____ _____ Address_____ _____ _____ Phone Number:_____	**DBE Cert. No.** _____	**SBE Cert. No.** _____		

Name and Address	DBE (Check if DBE) and Insert DBE Cert. No.	SBE (Check if SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
II. Subsuppliers who are: Manufacturers (100% credit).				
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		

Name and Address	DBE (Check if DBE) and Insert DBE Cert. No.	SBE (Check if SBE) and Insert SBE Cert. No.	Description of Portion of Work or Services Subcontracted	Total Dollar Amount of Subcontracted Work or Services
III. Subsuppliers who are Regular Dealers: (If DBE or SBE Regular Dealers (60% credit). See Special Provision B 1.1.3 D.3 for definition of Regular Dealer).				
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		
Name:_____ _____ Address:_____ _____ _____ Phone Number:_____	**DBE Cert. No. _____**	**SBE Cert. No. _____**		

FAIR EMPLOYMENT PRACTICES CERTIFICATION

TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

The undersigned in submitting a Bid for performing the following work by Contract, hereby certifies that it has or will meet the standards of affirmative compliance with the Fair Employment Practices Requirements of the Contract.

IFB NO. 8987

Regulator, Ballast, 66" Wide Gauge

Progress Rail Services Corporation
Name of Bidder

By: [signature]
Signature of Bidder

Robert E. Powell Vice President
Print Name and Title of Person Signing

1600 Progress Drive, Albertville, AL 35950
Business Address

Albertville, AL
Place of Residence

BIDDERS DBE AND SBE QUESTIONNAIRE

Is Bidder a DBE? ___ YES ✓ NO
(See Special Provisions
B 1.1.1 for definition of DBE)

CUCP Certified? ___ YES ✓ NO

If YES, enter Certification Date: _____

Is Bidder a BART Certified SBE? ___ YES ✓ NO
(See Special Provisions B for definition of SBE)[1]

If YES, enter Certification Date: _____

Is Bidder a Joint Venture with DBE or SBE Partners? ___ YES ✓ NO

If YES, are Joint Venture Forms attached? ___ YES ___ NO

Percentage (%) of DBE or SBE participation in joint venture: _____ %

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1 If the Bidder is a joint venture, only the portion of the total dollar value of the Contract equal to the distinct, clearly defined portion of the work that is performed solely by the DBE's or SBE's own forces can be counted toward DBE or SBE participation. If the work is not clearly delineated between the DBE and/or SBE and the joint venture partner, only the portion of the work equal to the DBE's and/or SBE's percentage ownership interest in the joint venture will be counted. See Special Provisions B 1.1.3