

SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT
INVITATION TO BID

TWO-STEP SEALED BID

FOR THE EMERGENCY RESTORATION,
PREVENTATIVE MAINTENANCE, NON-
EMERGENCY REPAIR AND SEISMIC
RELOCATION WORK OF THE COMMERCIAL
FIBER OPTIC AND WIRELESS NETWORKS

CONTRACT NO. 6M3059B

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, **December 1, 2009**, 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 **EMERGENCY RESTORATION, PREVENTIVE MAINTENANCE, NON-EMERGENCY REPAIR AND SEISMIC RELOCATION WORK OF THE COMMERCIAL FIBER OPTIC AND WIRELESS NETWORKS**, Contract No. **6M3059B**. The receipt of Bids (Qualification Bids and Price Bids) will be acknowledged at the said hour and date in the 23rd Floor Conference Room No. 2382T, Kaiser Center Building, 300 Lakeside Drive, Oakland, California. The time and place for the public bid opening of Price Bids will be announced at a later date as set forth in Paragraph 9 of the Instructions to Bidders. 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.

The work, in general, consists of, providing all labor, materials, and equipment to perform the Emergency Restoration, Preventive Maintenance, Non-Emergency Repairs and Seismic Relocation Work in accordance with the Summary of Work, Section 01 11 00, of the Contract Specifications.

The Work shall include but are not limited to the following Work:

Emergency Restoration: The work under this agreement includes the immediate mobilization of the CONTRACTOR, upon notification by BART, of interruption in service in any part of its commercial fiber optic or wireless system network due to an accident, derailment, or other unforeseen events in the BART right-of-way.

The contractors designated representative is to be on site within two (2) hours of notification. The Contractor and BART representatives will determine and agree on the required effort for the emergency restoration work before the Contractor mobilizes manpower, materials and equipment to commence the work. Coverage time for the emergency response service shall be seven (7) Days a week and twenty-four (24) hours a day.

Preventative Maintenance, Non-Emergency Repair and Seismic Relocation Work: Preventive maintenance consists of periodic inspections of the fiber and wireless infrastructures. Repair Work will be performed on a non-emergency basis and is defined as work on the commercial fiber optic or wireless network not addressed in the Preventive Maintenance Work. The Seismic Relocation Work will require the relocation of some egress facilities as required by BART's Earthquake Safety Program.

Upon award of this contract, the contractor must be capable of immediately performing any emergency restoration activity within the BART system including restricted areas. Therefore, all bidders are required to successfully pass BART security procedures in accordance with the technical requirements. The security procedures are defined in the Non-Disclosure Agreement for Release of Security Sensitive Information for Construction (NDA or Agreement) which is discussed below. Bidders that fail to pass the required security procedures shall not be considered for award.

The Work shall be authorized on a task basis under a 1-year Contract (base period) subject to the termination provisions of the Contract. The District reserves the option to extend the term of the Contract for up to two additional one-year periods by executing a Change Order pursuant to Article SC.4.1 (Changes) of the Supplementary Conditions. The District does not guarantee that any services will be performed under this Contract.

The Contractor shall furnish a Performance Bond and Payment Bond in an amount of not less than 100 percent of the Contract Price, excluding allowances, for the first year (base period) of the Contract. If the District exercises its Options to extend the term of the Contract, the Contractor shall submit a new Performance Bond and Payment Bond to the District at least sixty (60) calendar Days prior to the beginning of each option period. The new Performance Bond and Payment Bond shall be in an amount of not less than 100% of the total Bid Price for Option Year 1 or Option Year 2, whichever is applicable, as shown in the Bidders original Bid. The Contractor shall not perform any Work during the proposed option period until the District has approved the Bonds and provided a written Notice to Proceed authorization.

Reference Article GC2 (Bonds and Insurance) of the General Conditions.

The estimated value of this Contract is between \$1,560,000 to \$1,950,000

Any prospective Bidder intending to participate in the bidding process must sign a Non-Disclosure Agreement for Release of Security Sensitive Information (SSI) for Construction (NDA or Agreement) with the District. The definition of SSI is defined in the NDA which is included in the Bid Documents or may be obtained from the Office of the District Secretary at the address contained herein.

Prospective Bidders must provide the District with a list of all individuals anticipated to be granted access to Security Sensitive Information (SSI) and/or perform any construction work in restricted areas in the BART system. 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 NDA is required. If the Contract is not executed within the period that the certified check or cashiers check is valid, the prospective Bidder shall, as necessary, extend the effective date of the certified or cashiers check. If the prospective Bidder does not extend the effective date of the certified or cashiers check, the District will cash the certified or cashiers check and hold the cash as a guaranty deposit until all SSI is returned or the Contract is executed.

Prospective Bidders shall attach to the NDA a copy of government issued photo identification (ID), preferably a driver's license, for each listed individual. The executed NDA, the required \$5,000.00 deposit, IDs and the Social Security Numbers (listed only in Exhibit A-1 of the Agreement), must be received by the District Secretary at the address contained herein and submitted with the Bidders Bid.

In order to protect the confidentiality of prospective Bidders confidential information, the prospective Bidder is requested to hand deliver to the District Secretary at the address contained herein, two sealed envelopes as follows: In one sealed and opaque envelope labeled Confidential Information and SSI for Contract No. 6M3059B, enclose the IDs and Exhibits A-1 and A-2 to the NDA. In the other sealed and opaque envelope labeled NDA and check for Contract No. 6M3059B, enclose the certified or cashiers check and the NDA (excluding the IDs, and Exhibits A-1

and A-2).

Prospective Bidders attention is directed to Section 6 of the NDA 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 SSI for Construction (Third Party NDA) and complete a security screening. The Third Party NDA is included in the Bid Documents or may be obtained from the Office of the District Secretary at the address contained herein and submitted prior to the Bid date.

Such third party must provide the District with a list of all individuals anticipated to be granted access to SSI and/or perform any construction work in restricted areas in the BART system. The third party shall attach to the Third Party NDA a copy of government issued photo identification (ID), preferably a driver's license, for each listed individual. The executed Third Party NDA, IDs and the Social Security Numbers (listed only in Exhibit A-1 of the Third Party NDA), must be received by the District Secretary at the address contained herein and submitted with the Bidders Bid.

In order to protect the confidentiality of the third party's confidential information, the third party is requested to hand deliver to the District Secretary at the address contained herein, two sealed envelopes as follows: In one sealed and opaque envelope labeled Confidential Information and SSI for Contract No. 6M3050B, enclose the IDs and Exhibits A-1 and A-2 to the Third Party NDA. In the other sealed and opaque envelope labeled Third Party NDA for Contract No. 6M3059B, enclose the Third Party NDA (excluding the IDs, Exhibits A-1 and A-2).

The District will protect all confidential information from unauthorized disclosure. The IDs, and Social Security Numbers 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/or perform any construction work in restricted areas in the BART system. It is anticipated that within fourteen (14) calendar Days after receipt of the executed NDA and Third Party NDA, if applicable, IDs and Social Security Numbers, the District will notify the prospective Bidders and third parties about the results of the Security Clearance. Such notification will be sent to the address provided by the prospective Bidder and third party in Exhibit A-2 of the NDA and Third Party NDA in a manner that provides verification of receipt. The District will include Exhibit A-2 with the notification. The District will return the \$5,000.00 deposit

to prospective Bidders who have not passed the Security Clearance. The District will destroy confidential information provided by prospective Bidders and third parties following completion of the Security Screening process.

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 thirty (30) calendar Days from the date of the request. The District will return the \$5,000.00 deposit to unsuccessful Bidders upon return of the SSI to the District and verification of a firm's compliance with the terms of the Agreement.

A pre-Bid meeting will be held on Tuesday, **November 10, 2009**. The pre-Bid meeting will convene at **10:00 a.m.** at the District's offices, located at 300 Lakeside Drive, 15th Floor Conference Room 1500, Oakland, California. At the pre-Bid meeting the District's Non-Discrimination Program for Subcontracting will be explained. Prospective Bidders are requested to make every effort to attend this only scheduled pre-Bid meeting. Interested prospective Bidders are requested to confirm their intention to attend by notifying the Districts Contract Administrator, Gary Leong, telephone (510) 287-4717 prior to the date of the scheduled pre-Bid meeting.

The Availability Percentages for this Contract are, for Minority Business Enterprises (MBEs) **23%** and for Women Business Enterprises (WBEs) **12%**.

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. The location of these plan rooms may be obtained by calling the District's Contract Administrator at the telephone number set forth above.

Bid 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:

Contract Book (Includes forms for submittal of Bids) \$50.00
BART Facilities Standards, Standard Specifications, Release R2.0, dated September 2008 (BFS):
 BFS Compact Disc (CD) \$ 20.00
 Full Size Drawings, per sheet.. \$ 2.50

Copies of BART Facilities Standards, Standard Specifications, Release R2.0, dated September 2008 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 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 Electrical License**, and be in good standing with the Contractors' State License Board. 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(ies) in which the Work is to be performed and has copies available upon request from the Procurement Department, 300 Lakeside Drive, 17th Floor, Oakland, CA 94612.

Special attention is directed to Article GC7.1.2 of the General Conditions 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, 18th 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.

Each Bid shall be accompanied by a Bidder's Security equal to at least 10 percent of the total Bid Price for the Base Bid which shall remain in full force and effect for the period of time stated in the Instructions to Bidders, Paragraph 19.C. The Bidders Security must be in the form of cash, a cashiers check, a certified check, a Bidders 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 100 percent of the Contract Price excluding allowances, for the base period of the Contract as discussed above. 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 28th day of October 2009.

/s/ Patricia K. Williams
 Kenneth A. Duron, District Secretary
 San Francisco Bay Area Rapid Transit District
 11/2/09
CNS-1726952#
DAILY CONSTRUCTION SERVICE

DCS: November 2, 2009

**SAN FRANCISCO BAY AREA RAPID
 TRANSIT DISTRICT
 CONTRACT NO. 15TF-120**

**EXTENSION OF TIME FOR RECEIPT OF
 BIDS**

NOTICE IS HEREBY GIVEN that the General Manager of the San Francisco Bay Area Rapid Transit District has extended the time for receipt

of Bids until the hour of 2:00 p.m., Tuesday, November 10, 2009, at the District's Offices, 23rd Floor Receptionist, 300 Lakeside Drive, Oakland, CA 94612 (by Hand Delivery), or to the District Secretary's Office, P.O. Box 12688, Oakland, CA 94604-2688 (by U.S. Mail), for Wayside Fence Rehab, A-Line, as more fully described in the Contract Documents. Thereafter, Bids will either be accepted or rejected by the District.

Dated at Oakland, California, this 30th day of October, 2009.

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

11/4/09
CNS-1729390#
DAILY CONSTRUCTION SERVICE

DCS: November 4, 2009

**SAN FRANCISCO BAY AREA RAPID
 TRANSIT DISTRICT
 INVITATION TO BID
 FOR**

**REHABILITATION OF LINE VENT FANS
 SYSTEMWIDE**

CONTRACT NO. 15BN-110

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, December 09, 2009, 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 REHABILITATION OF LINE VENT FANS SYSTEMWIDE, Contract No. 15BN-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.

The Work of this Contract includes, but is not limited to, furnishing all labor, equipment, materials and services required to overhaul forty six (46) Emergency Ventilation Fan Assemblies

located throughout the BART system.

The estimated value of this Contract is \$ 3 Million to \$ 3.5 Million.

Although there is no Disadvantaged Business Enterprise (DBE) Participation Goal for this Contract, Bidders are encouraged to take all steps necessary to provide an equal opportunity for DBEs to participate.

A pre-Bid meeting and site tour will be held on Monday, November 16, 2009. The pre-Bid meeting will convene at 9.00 a.m. at the District's offices, in Conference Room No. 1700, 17th Floor at 300 Lakeside Drive, Oakland, California. At the pre-Bid meeting the District's DBE participation policy will be explained and DBE opportunities discussed. A conducted inspection tour of the Jobsite will immediately follow the pre-Bid meeting. 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.

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. The location of these plan rooms may be obtained by calling the District's Contract Administrator, at the telephone number set forth above.

Bid 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 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

BART Facilities Standards, Standard Specifications, Release R2.0, dated September 2008 (BFS):
 BFS Compact Disc (CD)...\$ 20.00

Full Size Drawings, per sheet... \$ 2.50

Copies of BART Facilities Standards, Standard Specifications, Release R2.0, dated September 2008 may be purchased as described above or

may be downloaded from the District website: www.bart.gov.

Copies of the Standard Specifications of the Department of Transportation, State of California, dated May 2006, 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.

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.

At the time of Contract Award, the Bidder must have a valid California State Contractor's license, classification A (General Engineering) or C-10 (Electrical), and be in good standing with the Contractors State License Board. 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(ies) 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. 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.

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 Alameda, Contra Costa and San Francisco Counties 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 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.

Bidders attention is directed to the Supplementary Conditions which set forth the District's DBE participation policy for this

Contract. Inquiries regarding the DBE participation policy shall be directed to the District's Office of Civil Rights at the address for the District indicated in this Invitation for Bids, or at telephone (510) 464-6100.

Bidders attention is directed to the Instructions to Bidders Paragraph 6.J entitled Financial Contribution Limitations. This Paragraph details Bidders 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.

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 13.C Time of Award. The Bidders Security must be in the form of cash, a cashiers check, a certified check, a Bidders Bond, or a combination thereof. The Bidder to whom the Contract is awarded shall furnish specified Certificates of Insurance. Such Bidder shall furnish a Performance Bond and a Labor and Materials Bond (Payment Bond), each in an amount not less than 100 percent 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 30th Day of October 2009.

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

11/4/09

CNS-1729398#

DAILY CONSTRUCTION SERVICE

DCS: November 4, 2009