

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

REPLACEMENT OF LAKE MERRITT
ADMINISTRATIVE BUILDING MAIN
UNINTERRUPTIBLE POWER SUPPLY

CONTRACT NO.79NK-110

NOTICE IS HEREBY GIVEN that sealed Bids will be received until the hour of 2:00 p.m., Tuesday, **February 2, 2010**, 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 Replacement of Lake Merritt Administrative Building Main Uninterruptible Power Supply, Contract No. 79NK-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 includes:

The procurement and installation on a 400 kVA Uninterruptible Power Supply (UPS) including a new battery system to be installed in the main battery room in the Metro Center Building adjacent to the Lake Merritt Administration Building (LMA). This will include dismantling and disposing of the existing old UPS system and battery system. The Work also includes all the required bus work, switchgear and start-up process as defined in this Contract Book.

The estimated value of this Contract is \$700,000.00 to \$ 850,000.00.

A pre-Bid meeting and site tour will be held on Tuesday, January 19, 2010. The pre-Bid meeting and site tour will convene at 9:00 a.m. at the District's Offices, in Conference Room # 925, 9th Floor, 300 Lakeside Drive, Oakland, California. At the pre-Bid meeting, the District's Disadvantaged Business Enterprise (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 Carl Asbury, telephone 510-464-6545 prior to the date of the scheduled pre-Bid meeting and site tour.

The DBE participation goal for this Contract shall be six percent (6%) of the total Bid Price,

excluding Allowances.

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 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)â \$ 20.00

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 Contract Award, the Bidder must have a valid California State Contractor's license, classification C-10, and be in good standing with the Contractors' State License Board. 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 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 PM 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, 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 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 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 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. 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 29th day of December 2009.

/s/ Kenneth A. Duron
 Kenneth A. Duron, District Secretary
 San Francisco Bay Area
 Rapid Transit District
 1/4/10
CNS-1768151#
DAILY CONSTRUCTION SERVICE

DCS: January 4, 2
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