

October 21, 2011



**APPROVE ACTIONS RELATIVE TO THE AWARD OF CONTRACT NO. 2012-FT-3,
M.S. MARIN FERRY STABILITY AND ACCESSIBILITY IMPROVEMENTS,
TO BAY SHIP & YACHT CO.**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve actions relative to the award of Contract No. 2012-FT-3, *M.S. Marin Ferry Stability and Accessibility Improvements*, as follows:

1. Authorize the award of Contract No. 2012-FT-3 to Bay Ship & Yacht Co., of Alameda CA, in the amount of \$581,085.00; and,
2. Authorize a contract contingency in the amount of \$58,915.00, to cover sales tax and unanticipated items that may be discovered once work commences, and authorize the General Manager to issue change orders up to the Contract contingency,

with the understanding that requisite funds are available in the FY 11/12 Ferry Transit Division Capital Budget.

Summary

On September 29, 2011, the District issued Invitation for Bids (IFB) No. 2012-FT-3, *M.S. Marin Ferry Stability and Accessibility Improvements*. By the bid opening date of October 13, 2011, the District received one bid from the local shipyard, Bay Ship & Yacht Co. (BSY). BSY's bid was \$626,599 for all items. District staff, in consultation with the Attorney, reviewed the bid received in response to the IFB, and determined that BSY, the sole bidder, was both responsible and responsive to the IFB requirements in all material respects. As BSY was the sole bidder staff analyzed the detailed bid price breakdown. In response to staff's analysis, BSY resubmitted pricing for 5 items, and the District determined, as permitted by the IFB, not to include certain items within the scope of work. Staff has determined that the revised bid price of \$581,085 is fair and reasonable in comparison to similar work performed for the District as well as a thorough analysis of BSY's detailed budget breakdown.

The scope of work under this Contract covers fuel system modifications and improvements, and solid ballast installations. Accomplishment of these items will be used to increase the passenger capacity on the vessel from 624 to 750. In addition, flooring replacements, storage improvements, accessibility improvements, passenger information/communication systems and ground work for future accessibility improvements will be completed.

No contract-specific Disadvantaged Business Enterprise (DBE) goal was established for this Contract. However, bidders were strongly encouraged to obtain DBE participation and were required to document their activities in the solicitation and selection of subcontractors, subconsultants, and suppliers to ensure that this process was carried out in a nondiscriminatory manner. The DBE Program Administrator has determined that BSY has complied with the DBE requirements applicable to the Contract. At this time, no DBE participation is anticipated during the performance of this Contract.

Fiscal Impact

This project combines the M.S. Marin Capital Upgrades and ADA Improvements project budget with a portion of the Spaulding Solid Ballasts project budget. The M.S. Marin Capital Upgrades and ADA Improvements project is included in the FY 11/12 Ferry Division Capital Budget in the amount of \$717,000; \$573,600 Federal Transit Administration (FTA) (80%) and \$143,400 District (20%) funds. The Spaulding Solid Ballasts project is included in the FY 11/12 Ferry Division Capital Budget in the amount of \$150,000 and is 100% District funded. The combined budgets includes not only the stability, accessibility and capital improvements in this Contract, but the procurement of the professional services and the phase 2 improvements to passenger accessibility items on the vessel. Sufficient funds are available to support the award of this Contract.