

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 16-17, 2025

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8b.(5), Action Item

Prepared By: Dee Lam, Chief
Division of Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR A TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM COMPONENT, PER TIRCP ALLOCATION POLICY WAIVER 25-178**

ISSUE:

Should the California Transportation Commission (Commission) extend the period of contract award for the Transit and Intercity Rail Capital Program (TIRCP) (2022:03) East Bay Transit-Oriented Development Mobility Enhancement Project (Lake Merritt UPS Relocation) component (PPNO CP099), in Alameda County, for the time period as identified in the attachment?

RECOMMENDATION:

The California Department of Transportation recommends that the Commission extend the period of contract award for the TIRCP (2022:03) East Bay Transit-Oriented Development Mobility Enhancement Project (Lake Merritt UPS Relocation) component (PPNO CP099), in Alameda County, for the time period as identified in the attachment.

BACKGROUND:

In May 2025, the Commission allocated \$12,900,000 for the Construction (CON) phase of the TIRCP (2022:03) East Bay Transit-Oriented Development Mobility Enhancement Project (Lake Merritt UPS Relocation) component (PPNO CP099). The responsible agency has been unable to award a third-party contract per the Timely Use of Funds (TUF) policy.

The current TIRCP Allocation Policy stipulates that the agency implementing a project component may request a time extension if the project component will not be awarded within the specified timeline. Under the TUF policy, an extension can be requested for up to

20 months for each delivery milestone, where permissible by statute. The attachment describes the details of the project component and the explanation for the delays.

Attachment

**Time Extension/Waiver – Contract Award
Transit and Intercity Rail Capital Program**

Project Number: 1
Applicant: Bay Area Rapid Transit District
County: Alameda
District: 04
PPNO: CP099
Allocation Amount: \$12,900,000
Phase: Construction
Allocation Date: 05/16/2025
Allocation Resolution: TIRCP-2425-63
Number of Months Requested: 6 Months
Extended Deadline: 05/31/2026
Department Recommendation: Support

**(2022:03) East Bay Transit-Oriented Development Mobility Enhancement Project
(Lake Merritt UPS Relocation)**

The Bay Area Rapid Transit District (BART) requests a 6-month time extension for the period of contract award for the Construction (CON) phase of the (2022:03) East Bay Transit-Oriented Development Mobility Enhancement Project (Lake Merritt UPS Relocation) component. BART has experienced unanticipated delays in awarding the third-party contract.

The project component proposes the replacement and relocation of the BART Uninterruptible Power Supply (UPS) system in Alameda County. The UPS system provides emergency power to the BART Transit Operations Facility, a facility that controls infrastructure and technology to support the BART system. As part of the East Bay Transit-Oriented Development Mobility Enhancement Project, BART must relocate the UPS system from its current location in the Metropolitan Building, which is scheduled for demolition.

While BART is fully committed to delivering this project in a timely manner, the process of contractor selection has proven to be more complex and time-consuming than anticipated. Bids for the Lake Merritt UPS Project have been received and advanced through BART's internal review process. It is now in the final approval stage, with the contract award recommendation scheduled to be presented to the BART Board of Directors on September 25, 2025. The procurement process experienced a few minor delays due to the need to issue addenda and respond to bidder questions to ensure a fair and competitive process. These steps, while necessary, pushed the timeline beyond the original estimate. With Board approval expected on September 25, BART anticipates awarding the contract by November 14, 2025. This timeline will give the chosen contractor time to submit the necessary bonds, insurance certificates, and other documents to properly execute the contract. This extension request is a precautionary measure to ensure BART can complete the final contract

award process without risk of non-compliance in the event of challenges or protests, which could further delay the project. Granting this extension will protect the integrity of the procurement process, reduce legal and financial risks, and help ensure the timely completion of this vital capital project. This extension is especially important in the event of a protest, which could delay the contract award timeline and cause BART to miss the current deadline.

Therefore, BART is requesting a 6-month time extension for the period of contract award for the CON phase from November 30, 2025 to May 31, 2026.