Department of General Services
Procurement Division

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION
ADM 3007 (CT 10/08/03)

For PD Use only
NCB #:

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

For use on all information technology (IT) and non-IT goods and services acquisitions.
Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information

Agency: Business, Transportation & Housing Agency	**Agency Secretary/Immediate Next Ranking Official:** DALE BONNER
Department: Department of Transportation	**Director/Immediate Next Ranking Official:** WILL KEMPTON
Institution (if applicable):	

Department Contact Information

Contact Name: Andrew Rice	**Street Address:** 4050 Taylor Street San Diego, CA 92110
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E-Mail: andrew_rice@dot.ca.gov	

Required Contract Information

Contractor Name: Barrier Systems Inc.

Contractor Address: 180 River Road, Rio Vista, CA-94571

Original Contract Amount:*	Amendment Amount:*	New Contract Amount: *	Has work commenced?
$9,437,500 (before 2-29-08) $10,250,000 (after 2-29-08) (*Includes original contract and previously approved amendments)	(if applicable) $ (*Current amendment only)	$9,437,500 (before 2-29-08) $10,250,000 (after 2-29-08) (*Includes original contract and all amendments, including current amendment)	☐ Yes ☒ No **Have goods been acquired?** ☐ Yes ☒ No Attach explanations for any "Yes" answers.

Provide a brief description of the acquisition, including all goods and/or services the contractor will provide:

Concrete Reactive Tension Moveable Barrier: 12,500 meters @ $755/meter + tax (if purchased before 2-29-08). After 2-29-08 an 8.6% increase is in effect.

Contract Type and Term

Contract Type:	Contract Term:	Type of Award:	Will this transaction be financed?
Select One: ☒ Non-IT Goods ☐ Non-IT Service ☐ IT Goods* ☐ IT Service* ☐ IT Goods & Services*	Begin: _____ End: _____ Explain late contract submittal (services only):	CMAS: _____ Master: _____ Competitive: _____ Form 42: _____	No __X__ Yes _____ If yes, attach the Statement of Compliance to the State Financial Marketplace to this form

Required Approvals

Department	Agency	Dept. of General Services
☐ Approved ☐ Denied	☐ Approved Denied	☐ Approved ☐ Denied
Director/Date	Agency Secretary/Date	Director or Designee/Date

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Director's Office Tracking # _____

Contract or Purchase Order # _____

Complete responses must be provided for all of the following items. Use additional sheets if necessary.

A. THE GOOD/SERVICE REQUESTED IS RESTRICTED TO ONE SUPPLIER FOR THE REASONS STATED BELOW:

1. **Why is the acquisition restricted to this good/service/supplier?**

Currently, there is no other supplier of moveable barrier technology or any other similar product on the market that will match and inter-member with the Department of Transportations' (Department) existing inventory of movable concrete barriers and the Barrier Transfer Machine used to safely adjust the number of lanes on the roadway under traffic.

As part of the I-15 Managed Lanes Corridor Project, the Department will be joining the additional 41,010 lineal feet of moveable concrete barrier with over 42,000 lineal feet of existing moveable concrete barrier purchased in 2006 from Barrier Systems Inc. (BSI).

The BSI moveable concrete barrier system has been approved by the Federal Highway Administration (FHWA). The Department must comply with the established safety standards in accordance with the National Cooperative Highway Research Program (NCHRP) Report 350 which represents uniform guidelines for conducting full-scale crash tests for permanent and temporary highway safety features along with recommended evaluation criteria to access the test results. Products addressed in NCHRP 350 include longitudinal barriers, transitions, end terminals, crash cushions, breakaway/yielding supports, truck mounted attenuators and work zone traffic control devices. The crash performance is judged on structural adequacy, occupant risk and vehicle trajectory. The in-service evaluations of these devices are also addressed in NCHRP 350. The BSI moveable barrier complies with NCHRP 350.

2. **Provide the background of events leading to this acquisition.**

The Department has a multi-stage project in San Diego to construct managed lanes on I-15 between State Route 163 and State Route 78. The I-15 Managed Lanes Project constructs four additional lanes within the existing freeway median, separated by fixed concrete barrier from the general purpose lanes. A machine is used under traffic in these four lanes to move a moveable barrier to adjust the number of lanes in each direction in accordance with the traffic demands. In the morning, traffic is heavy southbound so the moveable barrier will be moved to provide three lanes in the southbound direction and one lane in the northbound direction. In the afternoon, traffic is heavy northbound so the moveable barrier will be moved to provide three lanes in the northbound direction and one lane in the southbound direction.

The Project Study Report for the Managed Lanes Project was approved by the Department in September of 1998. The Project Report was approved by the Department in February of 2003 and the Environmental Document was approved by the Department and Federal Highways Administration in March of 2003. FHWA approved a Public Interest Finding (PIF) for the purchase of the movable barrier on the middle segment on September 9, 2005.The PIF for the south segment was submitted on October 1, 2007 but was not needed because Federal Funds are not being used for the construction of the I-15 Managed Lanes South Segment. Construction will begin on the south segment of the Managed Lanes Project that is between State Route 163 and State Route 56, in the spring of 2008.
Note: The PIF is the federal equivalent of a Non Competitive Bid.

3. **Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)**
The unique performance factors for movable concrete barriers:
   - Must match and inter-member with existing movable concrete barrier system.
   - Must match and inter-member with existing Barrier Transfer Machine the Department uses to safely transport and set the movable concrete barriers on the roadway.
   - Remain compliant with federal testing requirements – NCHRP 350
     In order to remain compliant with the federal standards as directed by the NCHRP Report 350, the installed system must meet the established NCHRP Report 350 as originally tested. Failure to match and inter-member with existing movable concrete barriers invalidates the NCHRP 350 test requirements and exposes the State and its motoring public to potentially volatile legal and safety risks.
   - Meet the safety needs of the motoring public.
   - Must be moved daily to reconfigure opposing directions of traffic while traffic lanes are open to the public.
   - Must be a positive barrier between opposing traffic and have minimal deflection upon impact due to the lack of inside shoulders.
   - Barrier system includes concrete sections of barrier connected by steel sections called Variable Length Barriers (VLB) that give it the reactive tension aspect.

4. **What are the consequences of not purchasing the good/service or contracting with the proposed supplier?**

By not purchasing the moveable barrier from Barrier Systems Inc., the Department could not manage the configuration of lanes on the I-15 corridor (i.e.: adjust the number of lanes in the northbound and southbound directions according to the demand). Consequently, the purpose and need of the project would not be met. To provide the same level of service without managed lanes, the Department would have to conduct additional widening outside the right of way, which would result in millions of dollars of increased cost for acquisition and delays in schedule for environmental clearance and condemnations.

5. **What market research was conducted to substantiate no competition, including evaluation of other items considered?**

The California Department of Transportation has contacted FHWA and other Departments of Transportation and there is a general consensus that there is no other similar product on the market or any other supplier capable of providing the moveable barrier technology. An Internet research reached the same conclusion. There is no other comparable system in the world.

B. PRICE ANALYSIS

1. **How was the price offered determined to be fair and reasonable?**

The cost of the barrier is consistent with other federally approved projects in the US. Hawaii DOT purchased 5,000 m of reactive tension moveable barrier in 2005 from Barrier Systems for their Zipper Lane project at $860/m. Caltrans purchased 12,300 m of reactive tension moveable concrete barrier in 2006 from Barrier Systems Inc. for the Managed Lanes Middle Segment for $755/m.

2. **Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier**

The cost savings realized in using moveable barrier technology include: maximizing use of the existing right of way, reducing congestion and delays, minimizing environmental impacts. The economic benefit of this project to the region has been estimated to be about $40 million/year.

APPROVED BY:

DIVISION CHIEF FORMAL DESIGNEE SIGNATURE	TITLE	DATE
DEPUTY DIRECTOR FORMAL DESIGNEE SIGNATURE	TITLE	DATE
DISTRICT DIRECTOR FORMAL DESIGNEE SIGNATURE PEDRO ORSO-DELGADO	TITLE DISTRICT 11, DISTRICT DIRECTOR	DATE