

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

**BOARD MEETING AGENDA**

March 10, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 10, 2016, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of February 11, 2016 (Regular); February 11, 2016 (Special); and February 25, 2016.\* Board requested to authorize.
- B. Proposed Revisions to 2016 Standing Committee and Special Appointments.\* Board requested to ratify. (President Radulovich's request.)
- C. Delegation of Authority to Make and Certify Determinations of Industrial Disability for Safety Members for CalPERS and Authority to Make Applications for Disability Retirement to CalPERS on Behalf of Disabled Miscellaneous or Safety Member Employees.\* Board requested to authorize.
- D. Award of Contract No. 15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building.\* Board requested to authorize.
- E. Award of Contract No. 15RY-110, Lake Merritt Station Customer Service Center.\* Board requested to authorize.
- F. Sole Source Procurement with Marvin Manufacturing for Purchase of Inspection Port Closure Assemblies for the Transbay Tube.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- G. Award of Invitation for Bid No. 8984, Resistors, MA17-G02.\* Board requested to authorize.
- H. Award of Invitation for Bid No. 8994, Track Crew Trucks.\* Board requested to authorize.
- I. Reject All Bids for Invitation for Bid No. 8980, Generator, Standby Mobile Engine with Trailer.\* Board requested to reject.
- J. Fiscal Year 2016 Second Quarter Financial Report.\* For information.

\* Attachment available

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Leases on BART-Owned Properties in the Cities of Daly City, Oakland, and San Leandro.\* Board requested to authorize.
- B. BART Major Projects Stabilization Agreement.\* Board requested to authorize.
- C. Workforce Development and Human Resources Modernization Initiatives Update.\* For information.
- D. Proposed San Francisco State University Fare Discount Program.\* For information.
- E. Small Business Initiatives and Payment Information Update.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 15IF-130, Powell Street Station Ceiling Upgrades.\* Board requested to authorize.
- B. Award of Invitation for Bid No. 8922, Transit Rail Car Switchers – A, B & C Cars.\* Board requested to authorize.
- C. Authority to Enter into Agreements for Temporary Bus Bridge Services.\* Board requested to authorize.
- D. Station Maintenance and Cleaning Report.\* For information.
- E. Elevator and Escalator Issues and Solutions Report.\* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

NO ITEMS.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Proposed Revisions to Rules of the Board of Directors.\* For information. (Director Keller's request.)
- B. Proposed Ordinance to Prohibit Patrons from Utilizing More Than One Seat If to Do So Will Prevent Other Riders from Being Able to Be Seated within the Train Car.\* First Reading. (Director Keller's request.)
- C. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- D. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- E. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

9. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

10. CLOSED SESSION (Room 303, Board Conference Room)

- A. PUBLIC EMPLOYMENT:  
Title: Independent Police Auditor  
Government Code Section: 54957
- B. CONFERENCE WITH NEGOTIATORS:  
Designated Representatives: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, and Saltzman  
Title: Controller/Treasurer  
Government Code Section: 54957.6

11. OPEN SESSION

- A. Compensation and Benefits for Controller/Treasurer.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,753rd Meeting  
February 11, 2016

A regular meeting of the Board of Directors was held February 11, 2016, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich announced that the order of order of agenda items would be changed; that Items 5-A, Escalator Status Report, and 5-B, Station Maintenance Standards, would be continued to a future meeting; and that Item 2-F, Award of Invitation for Bid No. 8982, would be removed from Consent Calendar at the request of a member of the public.

Director Mallett requested that Approval of the Minutes of the Regular Meeting of January 14, 2016, be removed from Consent Calendar, as he was not present and would abstain from approval.

Mr. Jason Bezis addressed the Board on Item 2-F.

Item 2-F was replaced onto Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 28, 2016 (Regular); January 28, 2016 (Special); and February 4, 2016 (Special).
2. Resolution Authorizing the Execution of a Project Application for the Fiscal Year 2015-16 Low Carbon Transit Operations Program.
3. Award of Contract No. 15NU-110, Station Access, Parking, Path, and Wayfinding Improvements North Concord and Pittsburg/Bay Point Stations.
4. Award of Invitation for Bid No. 8974, Truck, Track Crew.
5. Award of Invitation for Bid No. 8978, Lining, Brake, Bonded Assembly.
6. Award of Invitation for Bid No. 8982, Motor, Condenser Fan A2/B2.
7. Award of Invitation for Bid No. 8986, Truck, Weld, Heavy Duty.

8. Award of Invitation for Bid No. 8987, Regulators, Ballast, 66" Wide Gauge.
9. Award of Invitation for Bid No. 8988, Turnouts, Concrete, Tie, #10.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meetings of January 28, 2016 (Regular); January 28, 2016 (Special); and February 4, 2016 (Special), be approved.
2. Adoption of Resolution No. 5309, In the Matter of Authorizing the Execution of a Project Application for the Fiscal Year 2015-2016 Low Carbon Transit Operations Program Additional Rail Cars Project.
3. That the General Manager be authorized to award Contract No. 15NU-110, Station Access, Parking, Path and Wayfinding Improvements, North Concord and Pittsburg/Bay Point, to Sposeto Engineering, Inc., for the Bid price of \$1,331,500.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
4. That the General Manager be authorized to award Invitation for Bid No. 8974, for the procurement of Truck, Track Crew, four (4) each, to Golden Gate Truck Center, Oakland, California, in the amount of \$1,267,682.90, including all applicable sales tax, pursuant to notification to be issued by the General Manager.
5. That the General Manager be authorized to award Invitation for Bid No. 8978, an estimated quantity contract, for Lining, Brake, Bonded Assembly, to Carisle Brake & Friction, for the bid price of \$882,667.20, including sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8982, for the procurement of Motor, Condenser Fan A2/B2, to Dahl-Beck Electric, for the bid price of \$542,850.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
7. That the General Manager be authorized to award Invitation for Bid No. 8986, for the procurement of Truck, Weld, Heavy Duty, to Golden Gate Truck Center, Oakland, California, in the amount of \$1,436,720.24, including applicable sales tax, pursuant to notification to be issued by the General Manager.
8. That the General Manager be authorized to award Invitation for Bid No. 8987, for the procurement of Regulators, Ballast 66" Wide Gauge,

two (2) each, to Knox Kershaw Inc., Montgomery, Alabama, in the amount of \$978,720.60, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

9. That the General Manager be authorized to award Invitation for Bid No. 8988, for the procurement of 5 turnouts, to Voestalpine Nortrak Inc., of Cheyenne, Wyoming, in the amount of \$873,508.87, including sales tax, pursuant to notification by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

(The foregoing six motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Radulovich brought the matter of Approval of the Minutes of January 14, 2016, before the Board. Director Blalock moved that the Minutes of the Meeting of January 14, 2016, be approved. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain - 1: Director Mallett.

President Radulovich called for Public Comment.  
Jason Bezis addressed the Board.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of BART Major Projects Stabilization Agreement before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

The following individuals addressed the Board.

Andrew Slivka  
Andreas Cluver  
Dante Johnson  
Jason Bezis  
Art Shanks

The item was discussed.

Director Saltzman brought the matter of Warm Springs/ South Fremont BART Station Parking Fees before the Board. Director Raburn moved adoption of Resolution No. 5310, In the Matter of Adopting Parking Fees for the BART Warm Springs/South Fremont Station. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Parking Control Fees at Coliseum Station during Events at O.Co Coliseum and Oracle Arena before the Board. Director Blalock moved adoption of Resolution No. 5311, In the Matter of Adopting Parking Control Fees for the Coliseum BART Station. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Modifications to Parking Citation Fines at BART District Parking Facilities before the Board. Mr. Bob Franklin, Department Manager, Customer Access, presented the item. Director Saltzman requested that increasing the daily fee parking violation fine be delayed until the new parking tracking system was implemented.

Director Mallett exited the Meeting.

Director Blalock moved adoption of Resolution No. 5312, In the Matter Amending Board Resolution No. 2495 (as amended by subsequent Resolutions of the Board of Directors) to Establish Citation Amounts Applicable to Vehicle Parking in District Parking Facilities and to Prohibit the Display of a Fraudulent or Falsified Parking Permit, and that increasing the daily fee parking violation fine be delayed until the new parking tracking system was implemented. President Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Mallett.

Director Keller exited the Meeting.

Director Mallett re-entered the Meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2016 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager - Operations, presented the report and noted the District's performance during the recent National Football League SuperBowl 50 Events. The report was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Warm Springs/South Fremont BART Station West Side Access Bridge before the Board. Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Mr. John Rennels, Principal Property Development Officer, presented the item. The item was discussed.

Ms. Jessica von Borck, Assistant City Manager, City of Fremont, addressed the Board.

Director Blalock moved that the General Manager or her designee be authorized to execute an Agreement with the City of Fremont in connection with the Design, Funding, Construction, Ownership, Operation and Maintenance of the Warm Springs/South Fremont BART West Side Access Bridge and Plaza Project. Discussion continued. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Keller.

Director Raburn brought the matter of 2016 State and Federal Legislative Goals before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, Mr. Paul Fadelli, Legislative Officer, and Mr. Tim Schott, Schott and Lites, presented the District's 2016 State Legislative Advocacy Program. The item was discussed.

Jason Bezis addressed the Board.



Director Saltzman moved that the Board approve the 2016 state advocacy program as presented by staff. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Keller.

Mr. Lee, Mr. Fadelli, and Ms. Emily Bacque, CJ Lake, LLC, presented District's 2016 Federal Legislative Advocacy Program. The item was discussed. Director Saltzman moved that the Board approve the 2016 federal advocacy program as presented by staff. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Keller.

Director Raburn brought the matter of Development Opportunities at Balboa Park Station before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Mr. Tim Chan, Manager of Planning, presented the item. Ms. Teresa Yanga and Mr. Kevin Kitchingham, from the San Francisco Mayor's Office of Housing & Community Development, addressed the Board.

Jason Bezis addressed the Board.

The item was discussed.

The Board Meeting recessed at 12:40 p.m.

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The Board Meeting reconvened in open session at 1:16 p.m.

Directors present: Directors Blalock, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None. Directors Josefowitz, Keller, and Mallett entered the Meeting later.

Director Raburn brought the matter of 2016 Regional and Local Funding Opportunities and Efforts before the Board.

Directors Josefowitz and Mallett entered the Meeting.

Mr. Michael Tanner, Manager, Grant Development and Compliance, and Ms. Deidre Heitman, Manager, Special Projects, presented the item.

Director Keller entered the Meeting.

The item was discussed.

Jason Bezis addressed the Board.

Director Raburn brought the matter of Draft Bond Expenditure Program 2016 before the Board. General Manager Grace Crunican, Ms. Tamar Allen, Chief Maintenance and Engineering

Officer, Mr. Robert Mitroff, Chief Planning and Development Officer, and Ms. Rose Poblete, Interim Controller/Treasurer, presented the item. The item was discussed.

The following individuals addressed the Board.

Joel Ramos  
Jason Bezis

President Radulovich called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, reiterating the excellent performance by District employees and the system during SuperBowl week.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of February 17, 2016.

President Radulovich brought the matter of Policy Regarding Divestment from Investments in Thermal Coal before the Board. Director Saltzman requested the term "thermal coal" be replaced by "fossil fuels." Director Raburn moved adoption of the policy as presented. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich called for Board Member Reports.

Director McPartland reported he had gone to Washington, DC, to give a presentation on the District's earthquake early warning system at the White House, and that he attended regularly scheduled underground safety drills.

Director Blalock reported he had attended the San Joaquin Joint Powers Authority meeting in Modesto.

Director Raburn reported he had attended the League of Women Voters Bay Area Transportation Day event and BART's Lunar New Year celebration.

Jason Bezis addressed the Board.

President Radulovich called for Roll Call for Introductions and In Memoriam.

Director Saltzman requested consideration of implementation of a system like See-Click-Fix in the budget process. Director Josefowitz seconded the request, and Director Raburn was a third endorsement of the request.

Director McPartland requested that staff conduct a survey of rail transit agencies similar to BART to determine information on facilities they provide to public safety agencies for incident command post operations; and that once completed the information be shared with the Fire Liaison Committee, and if appropriate, solicit recommendations. Director Raburn seconded the request.

Jason Bezis addressed the Board.

Director Mallett requested a peer review how other rail transit systems provide and communicate connections to/from stations with an out of service platform elevator, vet ideas with BART Accessibility Task force, and summarize practices/options for BART. Director Keller seconded the request.

Jason Bezis addressed the Board.

President Radulovich announced that the Board would enter into closed session under Items 10-A, 10-B, 10-C (Conference with Legal Counsel – Existing Litigation), Item 10-D (Public Employee Employment/ Appointment), and Item 10-E (Conference with Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 3:52 p.m.

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The Board Meeting reconvened in closed session at 3:58 p.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director Blalock. Director Josefowitz entered the Meeting later.

Director Josefowitz entered the Meeting.

The Board Meeting recessed at 5:16 p.m.

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The Board Meeting reconvened in open session at 5:17 p.m.

Directors present: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director Blalock.

President Radulovich announced that the Board had concluded its closed session on Items 10-A through 10-E and that there were no announcements to be made on Items 10-A, 10-B, and 10-C.

President Radulovich announced that on the matter of Item 10-D, the Board had voted to appoint Russell Bloom as Interim Independent Police Auditor, effective Monday, February 15, 2016. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Blalock.

Mr. Bloom addressed the Board.

President Radulovich brought the matter of Compensation and Benefits for Interim Independent Police Auditor before the Board. Director Raburn moved that the base salary of Russell Bloom while serving as Interim Independent Police Auditor shall be at the annual rate of \$125,502.41; and that during this appointment, the Interim Independent Police Auditor's benefits will be those applicable to non-represented manager, generally. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Blalock.

The Meeting was adjourned at 5:20 p.m.

Kenneth A. Duron  
District Secretary

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,754th Meeting  
February 11, 2016

A special meeting of the Board of Directors was held February 11, 2016, convening at 5:21 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director Blalock.

President Radulovich called for Public Comment on Item 3 only. No comments were received.

President Radulovich announced that the Board would enter into closed session under Item 3-A (Conference with Real Property Negotiator) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 5:21 p.m.

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The Board Meeting reconvened in closed session at 5:22 p.m.

Directors present: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director Blalock.

The Board Meeting recessed at 5:29 p.m.

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The Board Meeting reconvened in open session at 5:29 p.m.

Directors present: Director Radulovich.

Absent: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had concluded its closed session under Item 3-A of the Special Meeting agenda, and that there were no further announcements to be made.

The Meeting was adjourned at 5:30 p.m.

Kenneth A. Duron  
District Secretary

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,755th Meeting  
February 25, 2016

A regular meeting of the Board of Directors was held February 25, 2016. The meeting was a Board Workshop. The meeting convened at 8:10 a.m. in the Twin Peaks Room, Palace Hotel, 2 New Montgomery Street, San Francisco, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich.

Absent: Directors Blalock and Josefowitz. Director Murray entered the Meeting later.

President Radulovich called for Public Comment. No comments were received.

President Radulovich announced that the Board would enter into closed session under Item 2, (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 8:11 a.m.

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The Board Meeting reconvened in closed session at 8:13 a.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Blalock and Josefowitz.

The Board Meeting recessed at 9:07 a.m.

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The Board Meeting reconvened in open session at 9:12 a.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Blalock and Josefowitz.

President Radulovich announced that the Board had concluded its closed session on Item 2 and that there was no announcement to be made.

The workshop was held.

General Manager Grace Crunican; Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction; Ms. Abigail Thorne-Lyman, Principal Planner; Ms. Pamela Herhold, Department Manager, Financial Planning; and Mr. Carter Mau, Assistant General Manager, Administration and Budgets, gave a presentation on Bay Area Region and BART Financial Outlook. The presentation was discussed.

Mr. Paul Oversier, Assistant General Manager, Operations; Mr. David Hardt, Chief Mechanical Officer, Rolling Stock and Shops; and Mr. John McCormick, Department Manager, Operations and Support, gave a presentation on System Capacity, Challenges, and Opportunities: Rail Car Fleet Modernization Strategy. The presentation was discussed.

The Board Meeting recessed at 10:37 a.m.

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The Board Meeting reconvened in open session at 10:47 a.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Blalock and Josefowitz.

Mr. Powers; Mr. Robert Mitroff, Chief Planning and Development Officer; Mr. McCormick; and Mr. Val Menotti, Department Manager, Planning, gave a presentation on System Capacity, Challenges, and Opportunities: Embarcadero and Montgomery Street Stations, and Potential Incentives to Shift and Improve Off-Peak Ridership. The presentation was discussed.

Ms. Crunican; Ms. Tamar Allen, Chief Engineering Officer; Ms. Lori Lovett, Assistant Chief Maintenance and Engineering Officer; Mr. Mitroff; Ms. Kerry Hamill, Assistant General Manager, External Affairs; and Mr. Powers gave a presentation on Potential 2016 Funding Measure for District Infrastructure: Draft Bond Expenditure Program 2016.

The Board Meeting recessed at 11:58 a.m.

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The Board Meeting reconvened in open session at 12:15 p.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Blalock and Josefowitz.

The presentation was discussed.

Mr. Aaron Weinstein, Department Manager, Marketing and Research; and Ms. Maureen Wetter, Principal Research Projects Analyst, gave a presentation on 2015 Station Profile Survey. The presentation was discussed.

Director Saltzman exited the Meeting.

Mr. Powers and Mr. Menotti gave a presentation of Station Access Policy. The presentation was discussed.

The Board Meeting recessed at 2:33 p.m.

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The Board Meeting reconvened in open session at 2:48 p.m.

Directors present: Directors Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Directors Blalock, Josefowitz, and Saltzman.

Mr. Powers, Mr. Sean Brooks, Department Manager, Real Estate and Property Development, Ms. Thorne-Lyman, and Mr. Menotti gave a presentation on Transit Oriented Development Policy. The presentation was discussed.

Director Keller exited the Meeting.

Ms. Crunican, Ms. Hamill, Mr. Oversier, and Mr. Ravi Misra, Chief Information Officer, gave a presentation on Customer Service and Satisfaction. The presentation was discussed.

Director Mallett exited the Meeting.

The Meeting was adjourned at 4:45 p.m.

Kenneth A. Duron  
District Secretary



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

**TO:** Board of Directors **DATE:** March 4, 2016  
**FROM:** President  
**SUBJECT:** 2016 Standing Committee and Special Appointments – Proposed Revisions

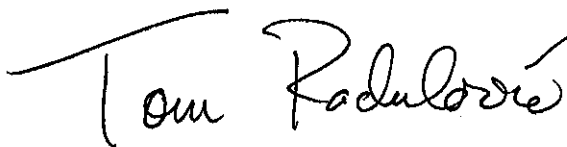
Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, I am bringing the proposed revisions to the 2016 Standing Committee and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on March 10, 2015.

I am proposing the following:

- Retirement of the Personnel Recruitment Ad Hoc Committee, as the recruitment has been completed.
- Retirement of the Emeryville-Berkeley-Oakland Transportation Study Policy Advisory Committee, as the Study has been completed

Should you have any questions about the recommended actions, please contact the District Secretary at your convenience.



Tom Radulovich

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**MOTION:**

That the Board of Directors ratifies the proposed revision to the Standing Committee and Special Appointments for 2016: Retirement of the Personnel Recruitment Ad Hoc Committee and the Emeryville-Berkeley-Oakland Transportation Study Policy Advisory Committee.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/2/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Compensation and Analytics/Labor	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature/Date: 2/24/16	<i>[Signature]</i> 3/1/16 [ ]	<i>[Signature]</i> 2/1/16 [ ]	<i>[Signature]</i> 03-01-16 [ ]	<i>[Signature]</i> 2-29-16 [ ]

TITLE:

### **Delegation of Authority to Make and Certify Determinations of Industrial Disability for Safety Members for CalPERS and Authority to Make Applications for Disability Retirement to CalPERS on Behalf of Disabled Miscellaneous or Safety Member Employees**

NARRATIVE:

#### PURPOSE

To obtain Board approval to adopt a resolution as required by the California Public Employees Retirement System (CalPERS) in order to delegate the authority to make and certify determinations of industrial disability for safety members and the authority to make applications for disability retirement on behalf of disabled miscellaneous or safety member employees to the General Manager.

#### DISCUSSION:

In April 1987, the Board approved Resolution No. 4189 which delegated the authority to make and certify determinations of industrial disability retirement for safety members and authority to make applications for disability retirement on behalf of disabled miscellaneous or safety member employees to the Department Manager–Employee Relations. Over time the organizational functions and job titles have changed. The job title of Department Manager– Employee Relations no longer exists and the Assistant General Manager, Employee Relations has been approving/initiating these actions. CalPERS staff has notified the District that they will no longer accept these actions because the job title of the signatory does not match the original resolution.

To address this issue, staff is proposing that a new resolution be submitted to delegate this authority to the General Manager and his/her designee. It is less likely that this job title would change. This also provides maximum flexibility to the General Manager to designate this responsibility within the organization.

#### FISCAL IMPACT:

There is no fiscal impact related to this item.

#### ALTERNATIVES:

Delegation of Authority to Make and Certify Determinations of Industrial Disability

The Board could designate this authority to another job classification but would need to amend the resolution if the job classification or job title changed in the future.

The Board could take no action and the District would no longer have the authority to approve industrial disability retirements for safety members or the ability to initiate disability applications on behalf of employees.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolution for delegation of authority to the General Manager to make and certify determinations of industrial disability for safety members for CalPERS and authority to make applications for disability retirement to CalPERS on behalf of disabled miscellaneous or safety member employees and authorize the Board President to sign the resolution on behalf of the Board.

**BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY  
AREA RAPID TRANSIT DISTRICT**

In the Matter of delegating to the  
General Manager and his/her designee authority  
to make and certify determinations of industrial disability  
for safety members and authority to make applications  
for disability retirement to the Public Employees Retirement  
System on behalf of disabled miscellaneous or safety  
members

Resolution No. \_\_\_\_\_

WHEREAS, the San Francisco Bay Area Rapid Transit District hereinafter referred to as Agency is a local contracting agency of the California Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, the Public Employees' Retirement Law allows a contracting agency to apply for disability retirement on behalf of the member employee, if the public agency believes the member to be disabled; and

WHEREAS, the Agency's Board of Directors has determined upon legal advice that it may delegate authority under Government Code Section 21173 to make such determinations to the incumbent of the office of General Manager or his/her designee;

NOW, THEREFORE, BE IT RESOLVED, that the Agency's Board of Directors hereby delegates to the incumbent of the position of General Manager and his/her designee, the authority to make determinations of disability on behalf of the Agency under Government Code Section 21156 and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System; and

BE IT FURTHER RESOLVED, that the Agency's Board of Directors hereby delegates to the incumbent of the position of General Manager and his/her designee, the authority to make applications on behalf of the Agency pursuant to Government Code Section 21152 (c) for disability retirement for all employees and to initiate requests for reinstatement of such employees who are retired for disability; and

BE IT FURTHER RESOLVED, that Resolution Number 4189 is superseded by this resolution.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this \_\_\_ day of \_\_\_\_\_ 2016.

Signed: \_\_\_\_\_  
Board President

Attest: \_\_\_\_\_  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wahag Dehbuger</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to March 10, 2016 E&O Committee Meeting			
DATE: <i>3/24/16</i>		BOARD INITIATED ITEM: No			
Originator/Prepared by: Hamed T Tafaghodi Dept: M&E <i>Hamed Tafaghodi</i> Signature/Date: <i>2/24/16</i>	General Counsel <i>[Signature]</i> Signature/Date: <i>2/24/16</i>	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>2/24/16</i>	District Secretary <i>[Signature]</i> Signature/Date: <i>[ ]</i>	BARC <i>[Signature]</i> Signature/Date: <i>[ ]</i>	<i>2/1/16</i>

TITLE:

### Award of Contract No. 15QJ-170 Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building

**NARRATIVE:**

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No.15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building to Stronger Building Services of Hayward, California.

**DISCUSSION:** This Contract is to provide all labor, equipment, materials, and services required for removing and replacing the waterproof roofing membranes of the Concord Station platform canopy and the lower roof of the Concord shop building. The Work also includes waterproofing the metal roof of the supervisor's building located on the Concord Station platform. The existing roofs have reached the end of their useful lives, allowing rain water to leak through the roofs and into the facilities.

An Advance Notice to Bidders was e-mailed on November 19, 2015 to 115 prospective Bidders. Contract Books were mailed to twenty two (22) plan rooms. The Contract was advertised on November 22, 2015 in a number of trade publications. A pre-Bid meeting was held on December 3, 2015 with six (6) prospective Bidders attending the meeting. Six (6) Bids were received on January 5, 2016:

No.	BIDDER	LOCATION	TOTAL BID	SMALL BUSINESS	RESPONSIVE
1	Andy's Roofing Co., Inc.	San Leandro, CA	\$408,881.00	NO	NO
2	Reva Murphy Associates, Inc.	Oakland, CA	\$456,500.00	YES	NO
3	Roofing Constructors Inc. dba Western Roofing Service	San Leandro, CA	\$460,620.00	NO	YES
4	Stronger Building Services	Hayward, CA	\$480,000.00*	YES	YES
5	Best Contracting Services, Inc.	Gardena, CA	\$511,513.00	NO	YES
6	Pioneer Contractors Inc.	San Francisco, CA	\$527,900.00	YES	YES
	Engineer's Estimate		\$485,650.00		

**\*Bidder received Small Business Prime Preference.**

Andy's Roofing Co. (Andy's) submitted the apparent low Bid but was later found to be non-responsive to the solicitation due to Andy's failure to comply with the requirements of BART's Non-Discrimination Program for Subcontracting. District staff also determined that the Bid submitted by Reva Murphy Associates, Inc. (Reva) was non-responsive to the solicitation due to Reva's failure to acknowledge receipt of Addendum No. 1 as required in the Instructions to Bidders.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. Although Roofing Constructors Inc.'s Bid (\$460,620.00) was the lowest remaining responsive Bid, the next lowest Bid submitted by Stronger Building Services (Stronger), a certified Small Business, was eligible for the 5% Small Business prime preference. For Bidding purposes, Stronger's Bid of \$480,000.00 equated to \$456,969.00 after applying the 5% preference, giving Stronger a lower Bid than that submitted by Roofing Constructor's Inc.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Since Stronger will not be subcontracting any of the Work and will do all the Work with its own forces, the District's Non-Discrimination Program for Subcontracting will not apply to Stronger.

Staff has determined that Stronger's Bid of \$480,000.00 is responsive to the solicitation and is fair and reasonable based on the Engineer's Estimate. Furthermore, staff's review of Stronger's license, business experience and financial capabilities has resulted in a determination that Stronger is a responsible Bidder.

In addition, staff has determined that the Contract Work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

**FISCAL IMPACT:**

Funding of \$480,000.00 for the award of Contract # 15QJ-170 is included in the total project budget for FMS # 15QJ000 – Reroof Structures SWD. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts the funding being used for the referenced project and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed. as of February 9, 2016, \$2,881,602.00 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
850W	BART	FY00-06 Capital Alloc	9,749.00
850Z	BART	Capital Mainten. Alloc	1,329.02
851W	BART	FY07-11 Capital Alloc	958,991.76
8524	BART	FY2012 Operating Cap Alloc	500,000.00
8525	BART	FY2013 Operating Cap Alloc	288,532.00
8526	BART	FY2014 Operating Cap Alloc	473,000.00
8529	BART	FY2015 Operating Cap Alloc	650,000.00
		Total	2,881,601.78

BART has expended \$1,806,984.00, committed \$251,778.00 and reserved \$0.00 to date for other actions. This action will commit \$480,000.00, leaving an available fund balance of \$342,840.00 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:** The Board may elect to reject all Bids and authorize staff to rebid the Work of this Contract. There is no assurance, however, that a new solicitation would result in Bids lower than the amount of the current Bids received. A new solicitation would also delay the reroofing work.

**RECOMMENDATION:** On the basis of analysis by staff and certification by the Controller-Treasurer that funding is available for this purpose, it is recommended that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to award Contract No. 15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building to Stronger Building Services of Hayward, California for the Bid Price of \$480,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Valeria Delbrige</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the March 10, 2016 E&O Committee Meeting		
DATE: <i>3/2/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shrenik Shah Dept: Planning, Development and Construction	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i>
Signature/Date: <i>Shrenik Shah 2/26/16</i>	<i>[Signature] 2/24/16 [ ]</i>	<i>[Signature] 2/26/16 [ ]</i>	[ ]	<i>[Signature] 3/2/16 [ ]</i>

### Award of Contract No. 15RY-110, Construction of Lake Merritt Station Customer Service Center

#### NARRATIVE:

**PURPOSE:** To obtain the Board's authorization for the General Manager to award Contract No. 15RY-110 Lake Merritt Station Customer Service Center, to T. Amaral's Done Right Construction of Livermore, CA.

#### DISCUSSION:

Contract No. 15RY-110 is for the modernization of BART's Lake Merritt Station Customer Service Center and to create, a more convenient, more enjoyable and safer customer service center experience. The Contract Scope of Work consists of demolition of the existing wall, windows, casework, electrical outlets and installation of new LED lighting and outlets, new signage, new casework and bullet proof windows. The Contract Scope of Work also includes furnishing and installation of new photo chairs and window intercom systems.

On December 16, 2015, the Advance Notice to Bidders was mailed to 135 prospective Bidders, and Contract Documents were sent to 23 plan rooms. The Contract was advertised on December 23, 2015 in local publications. A total of six (6) firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour was conducted on January 11, 2016, with six (6) prospective Bidders attending. Two (2) Bids were received and opened publicly on February 9, 2016. The Bids received and the Engineer's Estimate are shown below:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BID PRICE</u>
T. Amaral's Done Right Construction	Livermore, CA	\$298,000.00
Southland Construction	Pleasanton, CA	\$344,897.00
<b><u>Engineer's Estimate:</u></b>		\$275,400.00

The apparent low Bidder is T. Amaral's Done Right Construction (T. Amaral). After review by District staff, T. Amaral's Bid was determined to be responsive to the solicitation. Examination of T. Amaral's business experience and financial capabilities has resulted in a determination that

the Bidder is responsible and its Bid Price of \$298,000 is fair and reasonable.

Staff has determined that this action, involving safety and public access improvements along with other minor repairs and modifications to an existing facility, is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Sections 15301-(c) and (e).

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. T. Amaral committed to 0% MBE and 0% WBE. T. Amaral did not meet the MBE and WBE percentages; therefore, T. Amaral was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by T. Amaral, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive low Bidder, T. Amaral, is a certified Small Business making it eligible for the preference. Since T. Amaral is the lowest responsive Bidder and is eligible for the 5% Small Business preference, the application of the Small Business Program will not alter the award to T. Amaral.

**FISCAL IMPACT:**

Funding of \$298,000 for Purchase Requisition #11118 will come from project budget 15RY001 Conceptual & Integrative Projects In Advance of Station Modernization (Project). The following table depicts funding assigned to the Project since 08/01/2013, and is included in its totality to track the funding history against spending authority. Funds needed to meet this request will be expended from the sources listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of February 22, 2016 funding for Project 15RY001 is available from the following fund sources:

Fund	Description	Amount
535A	FY2010-11 PROP 1B-PTMISEA	\$6,902,000.00
8528	Stations & Access from Pkg Rev	\$300,000.00
	<b>Total</b>	<b>\$7,202,000.00</b>

BART has previously expended \$3,529,139.78 and committed \$1,117,416.82 to date for other

actions related to the Project. This action will commit an additional \$298,000.00 leaving an uncommitted balance of \$ 2,257,443.40 in this fund source.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVE:** The Board may decline to authorize award of the Contract, in which case the balance of the remaining grants may need to be cancelled. In such a case, BART's Lake Merritt Station Customer Service Center would remain in its current condition.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to award Contract No. 15RY-110, Construction of BART's Lake Merritt Station Customer Service Center to T. Amaral's Done Right Construction for the Bid price of \$298,000.00 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Charles DeBourgen</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: <i>3/4/16</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Tracy Johnson Dept: Maintenance & Engineering	General Counsel <i>V. B. N. S.</i>	Controller/Treasurer <i>Michelle</i>	District Secretary <i>Paul Jensen</i>
Signature/Date: <i>Tracy Johnson 3/4/16</i>	<i>3/4/16</i>	<i>3/4/16</i>	<i>3/3/16</i>
TITLE:			

### Sole Source Procurement of Inspection Port Closure Assemblies for Transbay Tube (Two-Thirds Vote Required)

NARRATIVE:

**PURPOSE:** To obtain Board authorization, in accordance with Public Contract Code Section 20227, for the General Manager to negotiate and award a sole source contract with Marvin Manufacturing for the purchase of inspection port closure assemblies for the Transbay Tube (TBT), in an amount not to exceed \$203,500.00, plus applicable taxes.

**DISCUSSION:** Since 1994, M&E has maintained inspection ports in the Transbay Tube (TBT). These ports are used for regular monitoring of the condition of the steel skin plate around the exterior of the TBT. Each of these inspection ports is sealed with a rubber plug to keep out dirt and moisture. These plugs have reached the end of their useful life and need to be replaced.

As part of the Earthquake Safety Program (ESP), Marvin Manufacturing was hired to design, develop and manufacture five (5) specialized closure assemblies. District staff worked closely with Marvin Manufacturing to ensure that the strict specifications and performance requirements for the TBT's unusual and unique site conditions were met. Development of these closure assemblies required comprehensive testing to ensure that the assemblies would be capable of performing satisfactorily in the TBT. These closure assemblies were deployed in April 2014 and have been in use since that time. The five assemblies have performed as designed since their installation.

BART M&E has determined that the best course of action for procuring new closure assemblies is to make use of the design, development and testing already performed by Marvin Manufacturing for the ESP.

FTA Circular 4220.1F, Chapter VI, Subparagraph 3.i(1)(b) provides that the recipient may make a sole source award under certain circumstances, including where not utilizing that sole source would result in either "Unacceptable Delay" or "Substantial Duplication Costs." The purchase of closure assemblies from Marvin Manufacturing falls under both of these provisions justifying a sole source contract.

Development of alternate closure assemblies from other manufacturers to satisfy BART's stringent specifications and performance criteria would require a significant amount of time.

This, in turn, may result in an unacceptable delay in the installation of these new closure assemblies and may also create a scheduling conflict with ESP Contract No. 09AU-120, Internal Retrofit of the Transbay Tube.

Furthermore, procurement of alternative closure assemblies would entail a significant expenditure of funds which would duplicate costs previously incurred by BART for the design, development and testing of the closure assemblies previously produced by Marvin Manufacturing.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use.

Staff has determined that Marvin Manufacturing is a responsive, responsible supplier, with a fair and reasonable pricing based upon the independent cost estimate by BART staff.

Staff is now seeking to enter into direct negotiations with Marvin Manufacturing in order to award a sole source contract for the purchase of 37 inspection port assemblies at a cost not to exceed \$203,500.00, plus applicable taxes. The contract would be subject to approval as to form by the Office of the General Counsel. Pursuant to the DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Procurement contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:** Funding of \$203,500.00 plus applicable sales tax (\$20,350.00) is included in the total budget for Project 15TC000, funded with the following funding sources.

<b>Fund Group</b>	<b>Total Awarded</b>
Various FTA Grant sources	16,219,643.00
Local Area Bridge tolls including RM2	636,409.67
BART Operating allocation to Capital	3,419,009.09
<b>Grand Total</b>	<b>20,275,061.76</b>

The Controller/Treasurer certifies that funds are currently available to meet this obligation. Capital Development and Control certifies the eligibility of identified funding sources for payment of the Contract.

As of February 22, 2016, the total project budget is \$20,275,061.76 for Project 15TC000. BART has expended \$17,264,276.86, committed \$377,140.83 and reserved \$9,000.00 to date for other actions. This action will commit \$223,850.00, including applicable sales tax cost of \$20,350.00 estimated, leaving an uncommitted balance of \$2,400,794.07.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:** Based on the sole source for purchase of inspection port closure assemblies for the Transbay Tube, there is no feasible alternative. Developing inspection port closure assemblies different from the closure assemblies currently in use in the TBT through a Request for Proposal (RFP) process is not necessary and would be time consuming and very costly.

**RECOMMENDATION:** On the basis of analysis by staff and the Controller/Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**MOTION:** Pursuant to Public Contract Code Section 20227, the Board finds that Marvin Manufacturing is the single source for the purchase of inspection port closure assemblies for the Transbay Tube that would duplicate equipment currently in use by the District. The Board authorizes the General Manager to negotiate and award a contract to Marvin Manufacturing for the purchase of inspection port closure assemblies for an amount not to exceed \$203,500.00, plus applicable taxes.

Two-thirds vote required.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeWiegman</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>3/2/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Randy Labaske Dept. Rolling Stock And Shops <i>R Labaske</i> <i>2/29/16</i>	General Counsel <i>[Signature]</i> <i>2/29/16</i> ( )	Controller/Treasurer <i>[Signature]</i> <i>3/1/16</i> ( )	District Secretary ( )	BARG <i>[Signature]</i> <i>3/2/16</i> ( )
Status: Approved		Date Created: 02/17/2016		

## Invitation for Bid No. 8984 Resistors, MA17-G02

NARRATIVE:

### PURPOSE:

To request Board Authorization to award Invitation for Bid (IFB) No. 8984 to Bombardier Transportation of Pittsburgh, PA in the amount of \$127,600.00 (including all taxes) for the purchase of Resistors, MA17-G02.

### DISCUSSION:

Each of the District's revenue vehicles has an advanced propulsion system that regenerates energy back into BART's electric 3rd rail system under normal braking conditions. If the 3rd rail system is not receptive and unable to absorb this energy, however, each rail car has a brake resistor assembly that will alternatively absorb this energy, effectively converting it to heat. Over time, the constant cycle of heating and cooling of the resistor assemblies results in metal fatigue, causing the resistor assemblies to crack and fail.

This IFB is for the routine replenishment of these resistors through the award of a two (2) year estimated quantities Contract. Pursuant to the District's standard provisions for estimated quantities Contracts, the District is required to purchase a minimum of 50 percent of the Contract Bid price from the Supplier during the term of the Contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the Contract Bid price, subject to the availability of funding.

A notice requesting Bids was published on January 8, 2016 and mailed to four (4) prospective Bidders. The public Bid opening for this IFB was held on January 26, 2016 and one (1) was received:

### Bidder

Unit Price  
Grand Total including  
500 each  
10% Sales Tax

Bombardier Transportation

\$232.00

\$127,600.00

Independent Cost Estimate: \$127,000.00  
(including 10% sales tax)

The District's Non Discrimination for Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts, Contracts under \$50,000 or to any IFB. Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5 percent (%) prime preference for this Contract. The responsive bidder is not a small business and therefore is not eligible for the 5% small business preference.

Pursuant to the IFB provisions, Bombardier Transportation shall submit First Articles of Resistors, MA17-G02 to the District within thirty (30) days following a Notice of Award of this Contract. Upon the District's testing and approval of the First Articles, the first delivery of one hundred and twenty five (125) resistor assemblies shall take place within sixty (60) days of that date. Following the first delivery, one hundred and twenty five (125) resistor assemblies shall be delivered every three (3) months throughout the duration of the Contract.

**FISCAL IMPACT:**

Funding for this Contract in the amount of \$127,600.00, including sales tax, will be funded initially by the General Fund, Material & Supply Inventory build up account (#140-010). Once the assemblies are issued to Operations, subsequent funding for this Contract will be provided under the Rolling Stock and Shops (RS&S) Maintenance, Repair and Other account (#680-230). Funding for the out year portions of the Contract will be requested in future RS&S operating budgets and proposed expenditures, which will be subject to future Board approval.

**ALTERNATIVE:**

The alternative to awarding this Contract would be to reject the Bid received and re-advertise the Contract. Staff does not believe that re-advertising the Contract will result in lower prices or increased competition.

**RECOMMENDATION:**

It is recommended the the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award IFB No. 8984, an estimated quantities Contract for Resistors, MA17-G02 to Bombardier Transportation of Pittsburgh, PA for the Bid price of \$127,600. including all taxes, pursuant to notification to be issued by the General Manager.





### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeVore</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/2/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon Dept: <i>Henry</i>	General Counsel <i>MB</i>	Controller/Treasurer <i>3/2/16</i>	District Secretary <i>( )</i>	BARC <i>Paul</i> <i>3/2/16</i>
Signature/Date: <i>3/2/16</i>				
Status: Routed		Date Created: 02/26/2016		

TITLE:

### Award of IFB No. 8994, Truck, Track Crew

NARRATIVE:

**PURPOSE:**

To request Board Authorization to Award Invitation For Bid (IFB) No. 8994 to Golden Gate Truck Center, Oakland, CA, in the amount of \$1,267,682.90, including all applicable sales tax, for the purchase of four (4) additional Track Crew Trucks.

**DISCUSSION:**

Track Crew Trucks are used by the Right of Way, Track, and Structures Departments to move crew and materials to various work sites throughout the District. They deliver tools, equipment, cranes and power generation systems essential for performing right of way maintenance projects, to job sites. These multi-purpose rubber tire and rail wheel (hi-rail) vehicles are critical to completing track and infrastructure replacement and rebuilds which contribute to maintaining BART track network structures in a state of good repair. On February 11, 2016 the Board approved the purchase of four (4) Track Crew Trucks. This contract is for an additional four (4) trucks.

The truck consists of a crew cab with front and rear seats providing room for a driver and up to four additional crew members, a heavy duty frame structure with truck bed, a four-thousand pound capacity crane with twenty foot boom extension, and a diesel power-take-off system (PTO) for running an onboard generator and air compressor. The PTO system supplies power to a hydraulic tool circuit for running track tools, such as rail saws, drills, spike guns and pullers. The air compressor powers small pneumatic tools like impact guns, track wrenches and concrete coring drills used during track and tie replacement activity. Mounted to the rear truck bed is a four thousand (4,000) pound capacity crane that can assist with loading and unloading heavy tools, and materials like kegs of rail spikes and bolts, and grease buckets. All required safety lighting and bumper level scene lighting is included and the vehicle is propelled by a tier four (4) final diesel engine, equipped with air pollution and exhaust emission control apparatus that meets all Federal and State of California requirements. The only alternative fuel options currently available for class seven (7) original equipment manufacturer (OEM) vehicles are: compressed natural gas (CNG), liquified natural gas (LNG) and renewable natural gas (RNG). The use of any of these alternative fuels within BART's underground tunnels would violate standing tunnel safety orders issued by the Division of Industrial Safety which prohibits the use of fuel-burning or internal combustion engines for mobile equipment underground except for diesel engines, and

then only under conditions specified in accordance with Federal regulations. (See 8 California Code of Regulations Section 8470.)

The District currently owns fourteen (14) Track Crew Trucks ranging in age from twenty-five (25) to fifteen (15) years old. They have reached the end of their operating life cycle, are no longer feasible to maintain, and are experiencing excessive down time.

A notice requesting bids was published on February 9, 2016 and bid requests were mailed to five (5) prospective bidders. Bids were opened on February 23, 2016 and one (1) bid was received. Other potential bidders who declined to bid responded they were unable to meet BART's wide gauge and on track clearance requirements for a small quantity order for this vehicle.

<u>Bidder</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Golden Gate Truck Center	\$316,920.72	4	\$1,267,682.90

The independent cost estimate by BART staff is: \$ 1,160,700.00, including 9.5% sales tax.

Staff has determined that the apparent low bidder, Golden Gate Truck Center, Oakland CA, submitted a responsive bid. Staff has also determined the price to be fair and reasonable based upon a market survey of qualified suppliers and the independent cost estimate by BART staff. The price is the same as the prior purchase.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:**

Funding of \$1,267,682.90 necessary for the purchase of these Crew Trucks (PR 11639) is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

<u>Fund Group</u>	<u>Total Awarded</u>
Various FTA Grants	37,099,023.67
Local Area Bridge tolls including RM2	3,926,217.83
BART Operating allocation to Capital	8,041,239.20
<b>Grand Total</b>	<b>49,066,480.70</b>

As of February 25, 2016, \$49,066,480.70 is the total budget for this project. BART has expended \$13,489,333.96, has committed \$8,798,700.51 and has reserved \$24,589,067.79 to date for other actions. This action will commit \$1,267,682.90, thus leaving an available balance of \$921,695.54 remaining in fund resources for this project.

**ALTERNATIVE:**

Reject the Bid and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having to rely on antiquated equipment, generating high maintenance cost, production inefficiencies and unacceptable down time.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Invitation For Bid No. 8994 for the procurement of Truck, Track Crew, four (4) each, to Golden Gate Truck Center, Oakland, CA in the amount of \$1,267,682.90, including all applicable sales tax, pursuant to notification to be issued by the General Manager.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia delBueno</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>3/2/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon Dept: <i>Henry L. Leon</i> Signature/Date: <i>3/2/16</i>	General Counsel <i>MB</i> <i>3/2/16</i>	Controller/Treasurer <i>[Signature]</i> <i>3/2/16</i>	District Secretary <i>[ ]</i>	BARC <i>[Signature]</i> <i>3/2/16</i>
Status: Routed		Date Created: 02/29/2016		

### Reject the Single Bid for IFB 8980, Generator, Standby Mobile Engine with Trailer

NARRATIVE:

**PURPOSE:**

To request Board authorization to reject the single bid for Invitation For Bid (IFB) No. 8980 for the procurement of two (2) sets of Generators, Standby Mobile Engine with Trailer.

**DISCUSSION:**

On February 9, 2016, IFB No. 8980 for the procurement of two (2) sets of generators, standby mobile engine with trailer was advertised. The generator sets were to be auto synchronized and configured to run in parallel so together they could provide a combined load of four hundred kilowatts (400 kW) when needed for emergency power. The District relies on portable standby mobile engine generators to provide emergency backup power to operate lights and electrical equipment in stations and other structures throughout the District.

A notice requesting bids was published on February 9, 2016 and bids were mailed to five (5) prospective bidders. Bids were opened on February 23, 2016 and one (1) bid was received. Other potential bidders declined to bid stating they were unable to redesign their generator and trailer to meet the weight limitation for a small quantity order. The single bid is shown below along with the independent cost estimate:

<u>Bidder</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Cummins Pacific, LLC San Leandro, CA.	\$116,480.63	2 sets	\$232,961.25

The independent cost estimate by BART Staff is: \$500,000, including 9.5% sales tax.

Upon review of the bid submitted, and comparison to the independent cost estimate and market survey data, it appears to Staff that there was misinterpretation as to what was required to meet the Technical Specification for IFB 8980. Staff believes revising the IFB and Technical Specification will ensure that bid requirements are clear and unambiguous.

In Staff's opinion, it is in the District's best interest to reject the bid to allow for revision of the

bid documents to clarify the technical requirements constituting a "set." Staff intends to promptly re-advertise this acquisition, with an increase in the quantity of sets required due to the recent availability of additional funds. This increased quantity may also increase the number of bidders.

**FISCAL IMPACT:**

There is no fiscal impact resulting from rejection of the single Bid.

**ALTERNATIVE:**

The alternative is to award this contract to the single Bidder and assume the risk of disputes and delay in its performance.

**RECOMMENDATION:**

On the basis of analysis and evaluation by Staff, it is recommended that the Board adopt the following motion.

**MOTION:**

The single Bid for Invitation For Bid No. 8980 for the procurement of two (2) sets of Generators, Standby Mobile Engine with Trailer, is rejected and the General Manager is authorized to re-advertise the acquisition.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** March 4, 2016

**FROM:** General Manager

**SUBJECT:** FY16 Second Quarter Financial Report

The FY16 Second Quarter Financial Report (October - December 2015) is attached. The net result for the quarter was basically on budget, finishing \$0.2M unfavorable. Although the year-to-date (YTD) net operating result remains favorable to budget by \$10.3M, this result is expected to decline by year-end, due to budget timing and some negative revenue impacts not yet booked.

### Operating Sources

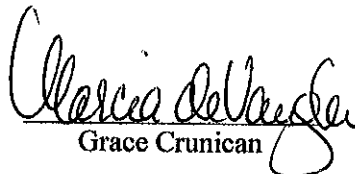
**Total Ridership** was 0.9% under budget for the second quarter, despite a record breaking October. At 446,008 average weekday exits, October was the highest month in BART's history with Oracle Open World and Warriors games. The quarter ended with weekday trips 0.9% above budget and weekend/holiday trips 8% below budget. The weekend/holiday decline is partly due to fewer special events than 2015, including no Giants playoffs. Weekday rider growth for the first half of FY16 is just 2.5% above FY15, much lower than the 6 to 7% annual increases seen in prior years, so ridership trends need to be closely watched. Transbay ridership drove the weekday growth and these higher fare trips helped bring passenger revenue \$0.9M (0.8%) over budget for the second quarter.

**Sales Tax** revenue results in the second quarter were under budget and showed further slowing, up just 2.9% from one year ago, but under the 4% budget assumption. Through the first half of the year, sales tax revenue is \$0.9M (0.7%) under budget.

### Operating Uses

**Total Expense** for the quarter was essentially on budget, finishing \$0.6M or 0.1% unfavorable. Labor and benefits were \$0.3M or 0.3% favorable, and total non-labor was also very close to budget. As expected there was some catch up in expenses that were behind the budget due to timing, but total expense remains \$8.0M favorable YTD. Of the favorable YTD variance, \$2.1M (0.9%) is due to labor and benefits including vacant positions budgeted for the Warm Springs Extension, and the balance is non-labor that is mainly due to budget timing. As the year progresses and vacant positions are filled, the labor budget will tighten.

Second quarter results are on budget, however, the continued slowing growth in ridership and sales tax along with anticipated reductions in State Transit Assistance and Low Carbon Transit Operations Program funds point to very tight financial results this year.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**Quarterly Financial Report**  
**Second Quarter**  
**Fiscal Year-2016**

	Current Quarter			Year to Date		
	Budget	Actual	Var	Budget	Actual	Var
<b>Revenue</b>						
Net Passenger Revenue	117.4	118.3	0.8%	237.9	241.5	1.5%
Parking Revenue	7.7	8.1	6.0%	15.3	16.4	7.2%
Other Operating Revenue	6.6	5.8	-11.9%	13.3	11.3	-15.2%
<b>Total Net Operating Revenue</b>	<b>131.7</b>	<b>132.3</b>	<b>0.5%</b>	<b>266.5</b>	<b>269.2</b>	<b>1.0%</b>
<b>Expense</b>						
Net Labor	116.6	116.9	-0.3%	234.3	232.2	0.9%
OPEB Unfunded Liability	0.6	0.6	10.6%	1.2	1.1	10.6%
Electric Power	9.8	9.1	6.4%	20.1	18.7	7.0%
Purchased Transportation	6.7	6.5	2.0%	13.3	13.2	1.0%
Other Non Labor	29.5	30.6	-3.8%	58.5	54.2	7.3%
<b>Total Operating Expense</b>	<b>163.1</b>	<b>163.7</b>	<b>-0.4%</b>	<b>327.4</b>	<b>319.4</b>	<b>2.4%</b>
<b>Operating Surplus (Deficit)</b>	<b>(31.4)</b>	<b>(31.4)</b>	<b>0.1%</b>	<b>(60.9)</b>	<b>(50.2)</b>	<b>17.5%</b>
<b>MTC Rail Fund Car Swap</b>						
	(13.2)	(21.2)	-61.1%	(26.3)	(50.2)	-90.5%
<b>Taxes and Financial Assistance</b>						
Sales Tax	62.2	61.6	-1.0%	122.7	121.8	-0.7%
Property Tax, Other Assistance	18.7	20.6	10.5%	21.2	23.3	9.8%
MTC Rail Fund Car Swap	13.2	21.2	61.1%	26.3	50.2	90.5%
State Transit Assistance	4.1	0.0	-99.9%	4.1	0.0	-99.9%
Debt Service	(14.1)	(11.9)	15.8%	(22.1)	(19.9)	10.1%
Capital and Other Allocations	(40.4)	(40.0)	0.9%	(88.9)	(88.4)	0.5%
OPEB Unfunded Liability Offset	0.6	0.6	10.6%	1.2	1.1	10.6%
<b>Net Financial Assistance</b>	<b>44.3</b>	<b>52.1</b>	<b>17.6%</b>	<b>64.7</b>	<b>88.1</b>	<b>36.2%</b>
<b>Net Operating Result</b>	<b>(0.3)</b>	<b>(0.5)</b>		<b>(22.6)</b>	<b>(12.3)</b>	
<b>System Operating Ratio</b>	<b>80.8%</b>	<b>80.8%</b>	<b>0.1%</b>	<b>81.4%</b>	<b>84.3%</b>	<b>2.9%</b>
<b>Rail Cost / Passenger Mile</b>	<b>\$ 0.35</b>	<b>\$ 0.34</b>	<b>0.1%</b>	<b>\$ 0.34</b>	<b>\$ 0.33</b>	<b>3.1%</b>

\* Totals may not add due to rounding to the nearest million.

■ No Problem

□ Caution: Potential Problem/Problem Being Addressed

■ Significant Problem

- Revenue**
- Avg weekday trips for the quarter were 431,339, 0.9% over budget and 2.0% over the same quarter last year. However, total trips for the quarter were 0.9% under budget, with weekend and holiday trips under budget 7.8%. Net passenger revenue was 0.8% over budget.
  - Parking revenue \$0.4M favorable due to over budget Daily Non Reserve program.
  - Other operating revenue \$0.8M was unfavorable, with the biggest factor timing of the execution of telecom and cell site agreements, which are projected to be about \$2.5M under budget for the year.
- Expense**
- Labor and benefits were slightly over budget for the quarter. New budgeted positions were gradually filled which lessened savings in budget from vacancies. Still favorable to budget YTD by \$2.1M.
  - Electric Power remains favorable to budget with low market power prices continuing.
  - Other non labor was slightly over budget for the quarter, with some expenses catching up to budget. Non labor remains favorable YTD with much of the variance due to timing and expected to dissipate as the year progresses.
- Operating Deficit**
- The operating deficit (revenue minus expense) was on budget for the quarter.
- MTC Rail Car Swap**
- The MTC rail car fund swap is a funding exchange program between MTC and BART that does not affect the net operating result.
- Financial Assistance and Allocations**
- Sales Tax for the quarter grew 2.9% over 2QFY15, \$0.6M less than the 4% growth assumed in the budget.
  - Property Tax was \$1.9M favorable to strong assessed value growth and may also include some impacts of timing of property tax payments.
  - State Transit Assistance is expected to be about \$4M under budget by year end due to lower diesel prices.
- Net Operating Result**
- The Net Operating Result for the quarter was \$0.2M unfavorable. YTD result is still \$10.3M favorable, but the current favorable variance in expenses is expected to decline.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 3/2/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gary Sue Dept: Real Estate and Property Development ext. 7802	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: Gary Sue 2/25/16	2/25/16 ( )	2/26/16 ( )	( )	POWERED 29 FEB 2016 ( )
Status: Routed		Date Created: 02/22/2016		

TITLE:

## Leases on BART-Owned Properties

NARRATIVE:

**PURPOSE:** To obtain Board approval for the General Manager or her designee to issue five leases for terms of up to five years, plus an option for up to five additional years.

**DISCUSSION:** The rental program has been successful in providing a return on District-owned real property and reducing the burden and cost of maintaining these properties. Income is derived from excess land wherever possible until the property can be sold or utilized. Some of these accounts provide income from parcels or BART may also receive maintenance services on these leased parcels, in lieu of rent. These properties are in the operating right of way, such as land under aerial transit structures or are parcels that may be required for future BART needs.

The District currently has four leases that will expire within the next twenty months. In addition, the District proposes to enter a lease with a new tenant. Attachment A lists these existing and proposed accounts, income derived, uses, and respective locations.

Board approval is required for any leases, or extensions of leases, that would provide a total tenancy beyond two years. Staff is seeking approval for the revised lease terms for the four existing accounts, and for the new account. Each lease will have a five-year term with an option for up to five additional years. These leases contain standardized provisions, which will enable staff to track the leases more consistently.

Staff evaluated the current rental rates for the four existing accounts. Rents will be raised by 3% when new leases are issued for these accounts. BART is currently receiving revenues of approximately \$77,904 annually from them. It is anticipated that these revenues will increase to \$ 85,740 annually during the first year of the new leases for the four accounts plus the new account. Thereafter, rents will automatically increase 3% per year for each of the remaining non-option years. For the option years, staff is proposing increases of 3% for each year. Staff will continue to evaluate whether the current uses of and income from the described properties are the best attainable for the District.



The Office of the General Counsel has approved the standard leases that will be entered into with the tenants as to form.

**FISCAL IMPACT:** BART anticipates receiving annual lease payments from the tenants listed in Attachment A totaling approximately \$ 85,740 for the first year and a total of approximately \$935,316 over a ten-year term. The latter figure assumes lease terms of five years (with annual increases each year as discussed above) plus a five-year option term (with a 3% annual increase each year). If there are any leases with terms less than five years or if the number of option years is less than five year for any lease, the revenues will be lower. The payments will be deposited into the General Fund 0030.

**ALTERNATIVES:** Continue the existing leases on a month-to-month basis or terminate them with notice. Do not enter into the lease with the new tenant. After termination, the District would be responsible for maintenance expenses for non-leased properties.

**RECOMMENDATIONS:** Adoption of the following motion.

**MOTION:** The General Manager or her designee is authorized to issue new leases to U.S. Postal Service – Oakland (Parcel Number O-K012); Bay Fair Center – San Leandro (Parcel Number A-603); West Oakland Environmental Indicators – Oakland (Parcel Number O-K211); La Placita Commercial Kitchen – Oakland (Parcel Number O-D35); and San Francisco Metropolitan Transportation Agency – Daly City (Parcel Number O-M135), for terms of up to five years, plus an option term for up to five years, at the annual rent set forth in Attachment A, to increase fees 3% for the remaining non-option years, and to increase rents 3% for each option year.

Attachment A

RENTAL ACCOUNT	PARCEL NUMBER	NAME OF TENANT	ORIGINAL TENANCY START DATE	ANTICIPATED RENT		PARCEL SIZE	TENANT USE	PARCEL ADDRESS
				MONTHLY RENT	ANNUAL RENT			
1278	O-K012	U.S. Postal Service	4/1/2001	\$5,553.00	\$66,636.00	25,392 sq. ft.	parking	West Grand Avenue Oakland
1285	O-A603	Bay Fair Center	11/29/1973	\$456.00	\$5,472.00	240 sq. ft.	footbridge	Bay Fair Station parking lot, San Leandro
1393	O-K211	West Oakland Environmental	3/1/2014	\$824.00	\$9,600.00	14,757 sq. ft.	education classrooms	349 Mandela Parkway Oakland
1398	O-AD35	La Placita Commercial Kitchen	11/1/2015	\$206.00	\$2,472.00	800 sq. ft.	vehicle access	end of 46th Ave Oakland
1390	O-M135	SFMTA	8/1/2016 anticipated start date	\$105.00	\$1,260.00	100 sq. ft.	bus driver restroom	Daly City Station parking lot



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carol Isen</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/3/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Isen Dept: Employee Relations <i>Carol Isen</i> 3/2/16 Signature/Date:	General Counsel <i>MB</i> 3/2/16	Controller/Treasurer <i>Apple</i> 3/2/16	District Secretary [ ]	BARC <i>Carol Isen</i> 3-2-16 [ ]
Status: Routed		Date Created: 02/12/2016		

TITLE:

### Request For Board Authorization for the General Manager to Execute the Proposed System-Wide Major Projects Stabilization Agreement

NARRATIVE:

**Purpose:** To request Board authorization for the execution of a system-wide Major Projects Stabilization Agreement.

**Introduction:** On February 11, 2016, the Board of Directors considered, for information only, the proposed Agreement between the District and area Building and Construction Trades Councils, along with their union affiliates, for a system-wide, Major Projects Stabilization Agreement (BART-MPSA). In order to enact the BART-MPSA, the Board of Directors must take action to authorize the General Manager to sign the BART-MPSA. A summary of the proposed Agreement is attached.

**Discussion:** The District is, or has been, signatory to multiple project stabilization agreements covering major construction. Each of these, Oakland Airport Connector, eBART, and Hayward Maintenance Complex, cover stand-alone projects entered in to with the respective County Building Trades Council and its union affiliates. The BART-MPSA is a multi-County Agreement covering the whole service territory. The proposed Agreement covers nine major projects which are specifically enumerated. The Joint Administrative Committee (JAC), which consists of equal numbers of District and Union representatives may, by mutual agreement, add projects to the BART-MPSA. The Board of Directors' authority to approve, modify or reject proposed construction contracts would remain unchanged. The term of the proposed Agreement is five years, with the option to extend, by mutual agreement, for an additional five years.

The BART-MPSA would create common conditions for contractor and workforce engagement across all covered construction. Key provisions are as follows: No strikes, lockouts or work slow-downs; all covered work to be performed by qualified trades workers dispatched by the respective union hiring halls; SBE/DBEs have the option to utilize their existing work forces; community training and employment goals targeting local residents, disadvantaged, extremely disadvantaged, under represented workers and returning veterans; training fund set-aside to support community-based hiring programs; and establishment of the Joint Administrative Committee to perform various functions including but not limited to oversight, conflict

resolution, and reporting.

The Agreement has been approved and signed by the respective Principal Officers of the Alameda, Contra Costa, San Francisco and Santa Clara and San Benito Building and Construction Trades Councils.

**Fiscal Impact:** Documentable fiscal impact is the cost of administration, monitoring and enforcement of the Agreement. The Office of Civil Rights will be responsible for administration and monitoring, and is working with Planning, Development and Construction and Maintenance and Engineering to secure resources for this purpose. It is not anticipated that application of the BART-MPSA will increase the cost of construction.

**Recommendation:** Staff recommends that the Board of Directors authorize the General Manager to execute the BART Major Projects Stabilization Agreement.

**Alternative:** The alternative is to not authorize the General Manager to sign the BART-MPSA, which would mean that major construction projects would be awarded without the inclusion of a project stabilization agreement.

**Motion:** The Board of Directors authorizes the General Manager to execute the BART Major Projects Stabilization Agreement.

# Major Projects Stabilization Agreement SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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The BART-MPSA applies to nine enumerated construction projects which are either fully or partially funded, and are scheduled for bid and award in 2016, 2017 and 2018. Additional projects may be added by mutual agreement. The terms are modeled on the Oakland Airport Connector PSA and the Hayward Maintenance Complex PSA. The following are the major features:

- **WORK STOPPAGES, STRIKES, SYMPATHY STRIKES AND LOCKOUTS**
  - No strikes, lockouts or work slowdowns
  - Arbitration procedure to settle disputes, including work jurisdiction
  
- **COMPLIANCE AND PREVAILING WAGE**
  - All contractors & subcontractors are required to sign the "Agreement to be Bound"
  - All contractors and subcontractors are required to attend pre-job conferences
  - Contractors are not required to sign any other union agreement
  - The District will monitor and report prevailing wage compliance to:
    - Joint Administrative Committee
    - State Department of Industrial Relations
  
- **WAGES AND BENEFITS:** All workers will have fringe benefit payments made in to their respective Local Union Benefit Trust Funds with access to healthcare, pensions and training
  
- **DISADVANTAGED BUSINESS ENTERPRISE (DBE) & SMALL BUSINESS (SB) PROGRAM**
  - DBEs and SBs will have the option to utilize their existing workforce ("core employees")
    - One core worker for one union-referred worker up to five core employees per trade
  
- **COMMUNITY HIRING PROGRAMS:** Parties will recruit, train, & employ residents
  - Federally Funded Goals: Disadvantaged, Extremely Disadvantaged & underrepresented workers
    - National Targeted Worker Program
    - Minority (25.6%) and female (6.9%) hiring goals (per Office of Federal Contract Compliance Programs)
  - Locally Funded Goals: 50% of all hours worked by Local Area Residents
    - 25% by residents of County in which the project is located
    - Only Local Area Residents shall be utilized as apprentices
    - 50% of all apprentices must come from the County where the project is located
  - Helmets to Hardhats: The parties to the BART-MPSA agree to employ returning veterans
  - Training Fund: \$10/work hour contributed by contractors to support community-based hiring

(Continued on back page)

# Major Projects Stabilization Agreement (Cont.)

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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- **JOINT ADMINISTRATIVE COMMITTEE:**
  - Comprised of equal numbers of representatives designated by the District and by the signatory Unions, maximum of ten members
    - The District and the Unions will each appoint a member to serve as a Co-Chair
    - The JAC will meet quarterly or more frequently, as needed
  - The JAC has the authority to add projects to the Agreement
  - The JAC administers Training Fund
  
- **MODIFIED SCHEDULE A AGREEMENTS:** Contractors are not required to honor non-standard work rules contained within a particular construction industry collective bargaining agreement
  
- **UNION SECURITY:** Unions are the sole bargaining representatives of workers on the project and must follow standard dispatch procedures
  
- **TERM:** Five-year term
  - Either party can propose new terms within 90 days of agreement termination
  - An Option for an additional five-year rollover of the Agreement can be agreed to by the parties

# Major Projects Stabilization Agreement SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

---

The BART-MPSA applies to nine enumerated construction projects which are either fully or partially funded, and are scheduled for bid and award in 2016, 2017 and 2018. Additional projects may be added by mutual agreement. The terms are modeled on the Oakland Airport Connector PSA and the Hayward Maintenance Complex PSA. The following are the major features:

- **WORK STOPPAGES, STRIKES, SYMPATHY STRIKES AND LOCKOUTS**
  - No strikes, lockouts or work slowdowns
  - Arbitration procedure to settle disputes, including work jurisdiction
  
- **COMPLIANCE AND PREVAILING WAGE**
  - All contractors & subcontractors are required to sign the "Agreement to be Bound"
  - All contractors and subcontractors are required to attend pre-job conferences
  - Contractors are not required to sign any other union agreement
  - The District will monitor and report prevailing wage compliance to:
    - Joint Administrative Committee
    - State Department of Industrial Relations
  
- **WAGES AND BENEFITS:** All workers will have fringe benefit payments made in to their respective Local Union Benefit Trust Funds with access to healthcare, pensions and training
  
- **DISADVANTAGED BUSINESS ENTERPRISE (DBE) & SMALL BUSINESS (SB) PROGRAM**
  - DBEs and SBs will have the option to utilize their existing workforce ("core employees")
    - One core worker for one union-referred worker up to five core employees per trade
  
- **COMMUNITY HIRING PROGRAMS:** Parties will recruit, train, & employ residents
  - Federally Funded Goals: Disadvantaged, Extremely Disadvantaged & underrepresented workers
    - National Targeted Worker Program
    - Minority (25.6%) and female (6.9%) hiring goals (per Office of Federal Contract Compliance Programs)
  - Locally Funded Goals: 50% of all hours worked by Local Area Residents
    - 25% by residents of County in which the project is located
    - Only Local Area Residents shall be utilized as apprentices
    - 50% of all apprentices must come from the County where the project is located
  - Helmets to Hardhats: The parties to the BART-MPSA agree to employ returning veterans
  - Training Fund: \$.10/work hour contributed by contractors to support community-based hiring

(Continued on back page)

# Major Projects Stabilization Agreement (Cont.)

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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- **JOINT ADMINISTRATIVE COMMITTEE:**
  - Comprised of equal numbers of representatives designated by the District and by the signatory Unions, maximum of ten members
    - The District and the Unions will each appoint a member to serve as a Co-Chair
    - The JAC will meet quarterly or more frequently, as needed
  - The JAC has the authority to add projects to the Agreement
  - The JAC administers Training Fund
  
- **MODIFIED SCHEDULE A AGREEMENTS:** Contractors are not required to honor non-standard work rules contained within a particular construction industry collective bargaining agreement
  
- **UNION SECURITY:** Unions are the sole bargaining representatives of workers on the project and must follow standard dispatch procedures
  
- **TERM:** Five-year term
  - Either party can propose new terms within 90 days of agreement termination
  - An Option for an additional five-year rollover of the Agreement can be agreed to by the parties



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

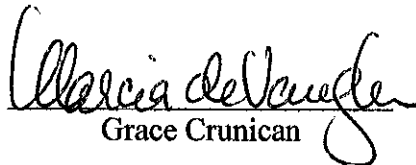
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## MEMORANDUM

**TO:** Board of Directors **DATE:** March 4, 2016  
**FROM:** General Manager  
**SUBJECT:** Administration Item # 4.C: Workforce Development and Human Resources  
Modernization Initiatives Update -- For Information

Investing in our current and future employees' development, wellness and diversity is one of the goals outlined in the Strategic Plan Framework approved by the Board in October 2015. The strategies identified to accomplish this include aligning our workforce with the needs of the organization and modernizing our business practices. Office of Employee Relations staff will discuss the attached presentation regarding the District's efforts in these areas at the Board of Directors meeting on March 10, 2016.

Please contact Allison Picard, AGM, Office of Employee Relations at (510) 464-6231 if you have questions.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

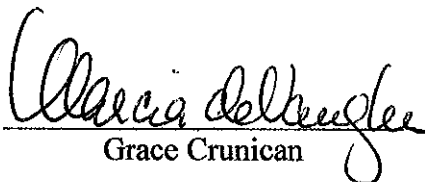
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## MEMORANDUM

**TO:** Board of Directors **DATE:** March 4, 2016  
**FROM:** General Manager  
**SUBJECT:** Administration Item #4.D: Proposed San Francisco State Student Discount Program – For Information

At the March 10, 2016 Board of Directors meeting, staff will make an informational presentation regarding the proposed San Francisco State University (SFSU) Student Discount Program. As described in a memorandum sent to the Board on March 1, 2016, the proposed program would offer SFSU students a 25% discount to BART fares on trips to and from the Daly City Station. Funds from a student transit fee would be used to subsidize the discount.

If you have any questions about the program, please contact Carter Mau, Assistant General Manager, Administration and Budget, at 510-464-6194.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

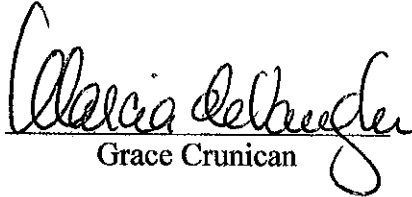
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## MEMORANDUM

**TO:** Board of Directors **DATE:** March 4, 2016  
**FROM:** General Manager  
**SUBJECT:** Administration Item # 4.E: Small Business Initiatives Update – For Information

On March 10, 2016, Office of Civil Rights staff will present an update to the Board on Small Business Opportunity Plan 2 initiatives and, award and payment data for small businesses, and minority and women-owned businesses.

Please contact Wayne Wong, Department Manager, Office of Civil Rights at (510) 464-6134, if you have questions or need additional information.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBorja</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the March 10, 2016 E&O Committee Meeting		
DATE: <i>3/2/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: William Doran Dept. Stations, PD&C <i>W Doran</i> Signature/Date:	General Counsel <i>W B Jorg</i> 2/26/16	Controller/Treasurer <i>W B Jorg</i> 2/26/16	District Secretary	BARC <i>Paul Jensen</i> 3/2/16

### Award of Contract No. 15IF-130, Powell Street Station Ceiling Upgrades

#### NARRATIVE:

**PURPOSE:** To obtain the Board's authorization for the General Manager to award Contract No. 15IF-130, Powell Street Station Ceiling Upgrades, to USS Cal Builders of Stanton, California.

**DISCUSSION:** Contract No. 15IF-130 will provide for the replacement of the existing fluorescent lighting in the Powell Street Station with new energy efficient lighting, installation of a new ceiling with a screen to deter birds from entering the space, an upgraded closed circuit television (CCTV) system, an upgraded fire sprinkler system, and other ancillary work.

On 12/16/15, the Advance Notice to Bidders was mailed to 135 prospective Bidders, and Contract Documents were sent to 24 plan rooms. The Contract was advertised on December 22, 2015, in local publications. A total of seven (7) firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour was conducted on January 7, 2016, with four (4) prospective Bidders attending. Two Addenda were issued. Five (5) Bids were received and opened publicly on February 2, 2016.

Based on the total Bid Price on its Bid, Icenogle Construction Management, Inc. was the apparent low bidder. However, upon review District staff determined that there was a discrepancy between the amount of the individual Bid Items and the total Bid Price. Instruction to Bidders, Paragraph 14.B, Evaluation, provides that item totals are provided by the Bidder for the convenience of the District, and that the District will calculate the total Bid Price based on the unit prices or lump sum prices bid, as applicable. In the event of a discrepancy between the District's calculations and the item totals for all Bid Items as submitted by the Bidder, the District's calculations shall govern. In this case, the District's calculations showed that Icenogle Construction Management, Inc.'s bid was not the low bidder.

Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

<b>BIDDER</b>	<b>LOCATION</b>	<b>TOTAL AMOUNT</b>
USS Cal Builders, Inc.	Stanton, CA	\$7,678,907
Arntz Builders, Inc.	Novato, CA	\$7,702,567
Icenogle Construction Management, Inc.	San Francisco, CA	\$7,724,285 (Based on the District's calculation.)
Thompson Builders Corporation	Novato, CA	\$9,291,580
Rodan Builders, Inc.	Burlingame, CA	\$10,095,000
<b>Engineer's Estimate</b>		\$6,500,000 - \$7,500,000

The Bid, submitted by USS Cal Builders, Inc. was deemed responsive to the solicitation and was the lowest responsive Bid. The Bid Price has been determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of minor alterations of existing facilities involving no expansion of use.

The project will also receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualifies for a categorical exclusion as defined under 23 CFR 771.117(c)(16) for operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

This contract was advertised pursuant to the revised DBE Program requirements. The Office of Civil Rights reviewed the scope of work for this contract and determined that there were subcontracting opportunities; therefore, a DBE participation goal of 18% was set for this contract. The low bidder, USS Cal Builders Inc., committed to subcontracting 55% to DBEs.

#### **FISCAL IMPACT:**

Funding of \$7,678,907 for the award of contract 15IF-130 is included in the total project budget for FMS #15IF004 – Powell Street Ceiling and Lighting. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts

funding assigned to the referenced project and is included in totality to track funding history against spending authority.

As of February 23, 2016, \$12,000,000 is available for this project from the following sources:

Fund Number	Fund Description	Source	Amount
3002	FY11 Capital Projects 5307 UAF	Federal	6,000,000
535B	FY14-15 Prop 1B - PTMISEA	State	4,500,000
8524	FY12 Operating Alloc to Cap	BART	1,500,000
Total			12,000,000

BART has expended \$414,646, committed \$1,597,970 and reserved \$0 to-date for other actions. This action will commit \$7,678,907 leaving an available fund balance of \$2,308,477 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:** The Board may elect to reject all Bids and authorize staff to re-advertise. Re-advertising the Contract would result in additional cost and time to the District with no assurance that if the Contract were rebid that it would result in lower prices.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to award Contract No. 15IF-130, Powell Street Station Ceiling Upgrades to USS Cal Builders, Inc., for the Bid Price of \$7,678,907.00 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protest procedures.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcela DelVander</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>3/2/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared By: <i>Luis Leon</i> Dept: <i>MB</i> Signature/Date: <i>3/2/16</i>	General Counsel: <i>MB</i> <i>3/2/16</i>	Controller/Treasurer: <i>3/2/14</i>	District Secretary: ( )	BARC: <i>3/2/16</i>
Status: Routed		Date Created: 02/26/2016		

TITLE:

## Transit Rail Car Switcher - A, B & C Cars

NARRATIVE:

### PURPOSE:

To request Board authorization to award Invitation For Bid (IFB) No. 8922 to Shuttlewagon, Inc., Grandview, MO., in the amount of \$3,313,908.00, including applicable sales tax, for the purchase of six (6) Transit Rail Car Switchers – A, B & C Cars.

### DISCUSSION:

Switchers are used primarily to move bad order cars, or those in need of inspection, repair or cleaning, in and out of the maintenance shops in Hayward, Richmond, Concord and Daly City. Capable of towing up to ten (10) revenue cars at once, they are also used in rescuing disabled revenue trains from mainline locations, when third rail power cannot be used. The six (6) new switchers will be equipped with couplers that are compatible with type A, B and C revenue cars, enabling them to pull or push rail cars to build consists, or passenger trains. The new switcher meets the District's on track equipment clearance requirements, and is designed with a tier four (4) final diesel engine that should reduce exhaust emissions by about ninety percent (90%).

The switcher, or rail car mover is an automotive type, diesel powered, hi rail vehicle weighing about sixty-six thousand (66,000) pounds, which can be operated on or off track, to assist in maneuvering legacy revenue fleet train cars during main line, spur, and rail yard operations. It is a four (4) wheel drive vehicle with rubber tires, retractable steel rail guide wheels, and an enclosed operator cab with front and rear vertically adjustable couplers.

The District currently owns ten (10) legacy car switchers. Three (3) were acquired in the past year, one (1) replacement, and two (2) additions to the fleet. The seven (7) remaining switchers are at least fourteen (14) years old, and the six (6) new switchers will replace the oldest ones. They will increase the District's capacity to move legacy rail cars, while next generation fleet cars are being phased in.

A notice requesting bids was published on February 1, 2016 and bid requests were mailed to three (3) prospective bidders. Bids were opened on February 16, 2016 and one (1) bid was received. Other potential bidders who declined to bid stated they lacked the engineering capacity to meet BART wide gauge and on track clearance requirements.

<u>Bidder</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Shuttlewagon, Inc. Grandview, MO	\$552,318.00	6 each	\$3,313,908.00

Independent cost estimate by BART staff is: \$ 3,032,712.00, including 9.5% sales tax.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

**FISCAL IMPACT:**

Funding of \$3,313,908.00 necessary for the purchase of the six Transit Rail Car Switchers (PR 11673) is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

<u>Fund Group</u>	<u>Total Awarded</u>
Various FTA Grants	37,099,023.67
Local Area Bridge tolls including RM2	3,926,217.83
BART Operating allocation to Capital	8,041,239.20
<b>Grand Total</b>	<b>49,066,480.70</b>

As of February 25, 2016, \$49,066,480.70 is the total budget for this project. BART has expended \$13,489,333.96, has committed \$8,798,700.51 and has reserved \$22,946,750.69 to date for other actions. This action will commit \$3,313,908.00, thus leaving an available balance of \$517,787.54 remaining in fund resources for this project.

**ALTERNATIVE:**

Reject all bids and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having less rail car switcher capacity, with increased travel and longer wait times to maneuver legacy rail cars for required maintenance throughout the District.

**RECOMMENDATION:**

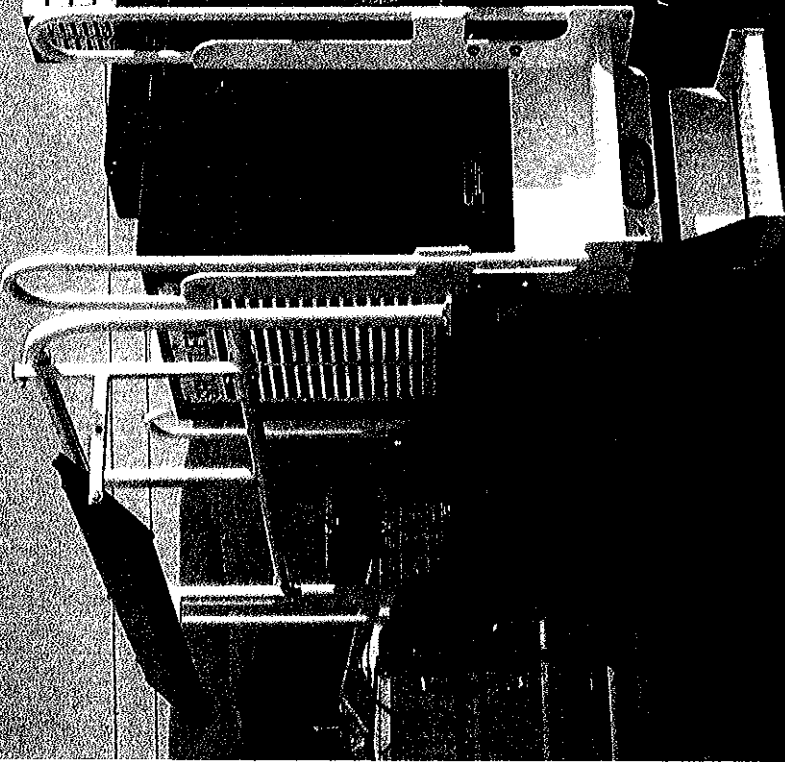
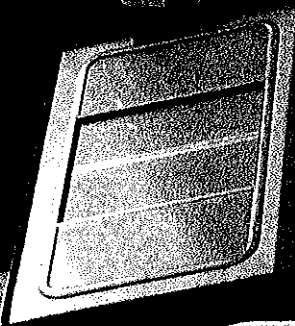
On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

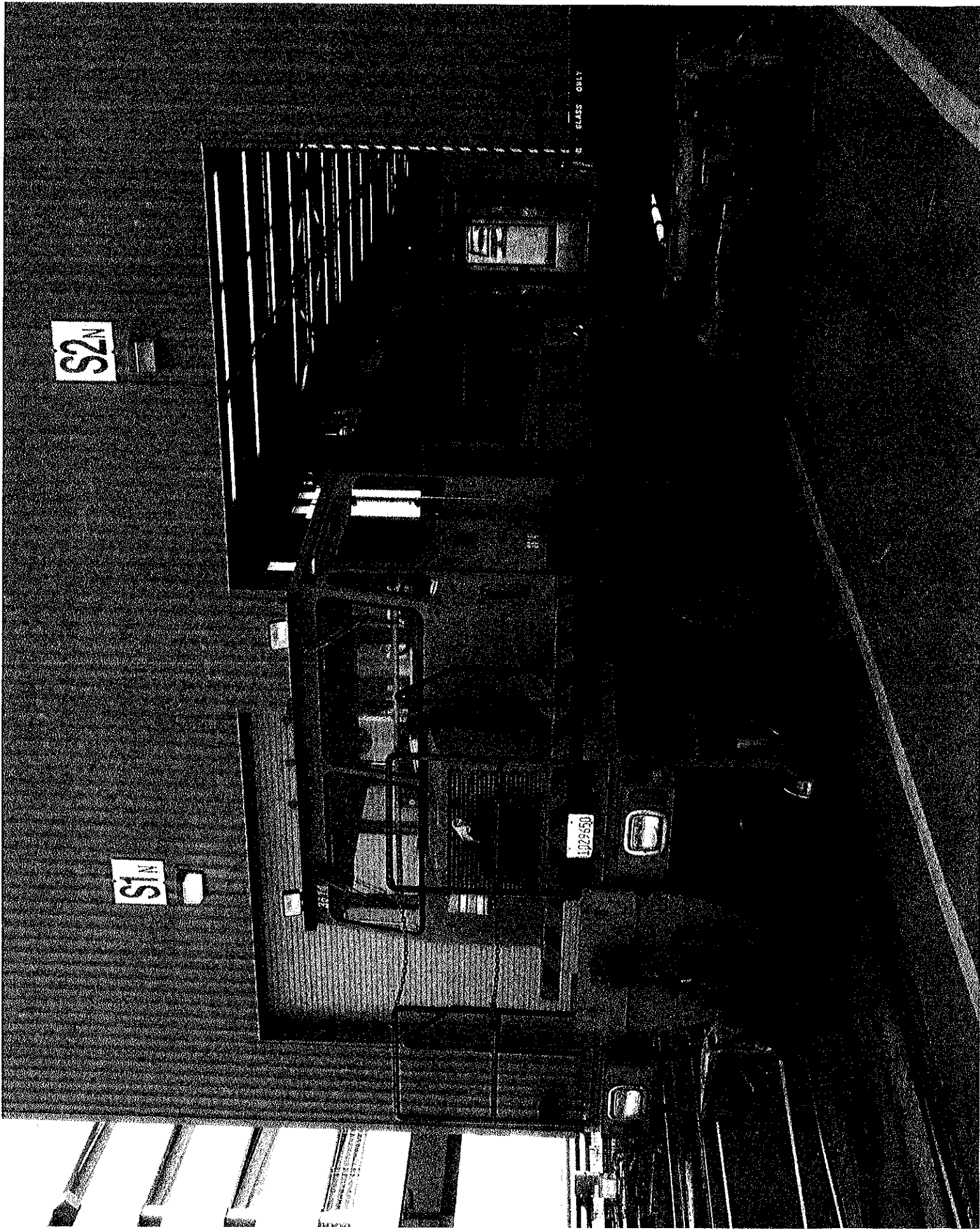
**MOTION:**

The General Manager is authorized to award Invitation For Bid No. 8922 for the procurement of Transit Rail Car Switcher – A, B & C Cars, six (6) each, to Shuttlewagon Inc., Grandview, MO, in the amount of \$3,313,908.00, including applicable sales tax, pursuant to notification to be issued by the General Manager.



SHUTTLEBANK  
Cemara Indah





S2

S1

1922650

CLASS ONLY



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Warren Anderson</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 2/18/16		BOARD INITIATED ITEM No.:	
Originator/Prepared by: William McCormick Signature: <i>William McCormick</i>	CC: <i>W. McCormick</i>	Controller/ Treasurer: <i>William McCormick</i>	District Secretary: <i>William McCormick</i>
Status: Routed		Date Created: 02/18/2016	

## AUTHORITY TO ENTER INTO AGREEMENTS FOR TEMPORARY BUS BRIDGE SERVICES

### NARRATIVE

#### PURPOSE

To obtain Board authorization for the General Manager to (a) enter into agreements with various bus operators, including but not limited to Alameda-Contra Costa Transit District (AC Transit), San Mateo County Transit District (SamTrans), and the San Francisco Municipal Transportation Agency (SFMTA) to provide temporary bus bridge services in a total amount not to exceed \$250,000 per day per bus operator for each day that the District is unable to provide complete train service due to a track work project.

#### DISCUSSION

There are three planned projects in 2016 that will require a temporary shutdown of portions of the District's A line (Lake Merritt to Fremont) and M line (West Oakland to Daly City). Staff seeks authority to enter into agreements with AC Transit, SamTrans, and SFMTA, and if necessary, other public and/or private bus operators, to provide bus bridge services between affected BART stations during these and other potential shutdowns due to track work projects. The funding for each bus bridge agreement will be identified prior to entering into an agreement and will come from the responsible Department's budget.

The currently planned projects include the A45 Interlocking refurbishment project, the Hayward Maintenance Complex track work project, and the M85 Interlocking refurbishment project. During the A45 Interlocking project, it is expected that bus bridge service would be needed between the San Leandro and Bay Fair Stations for approximately six to eight weekends. During the Hayward Maintenance Complex track work project, it is expected that bus bridge service would be needed between the Union City and South Hayward Stations for approximately three weekends and during the M85 Interlocking project, bus bridge service would be needed between the Glen Park/Balboa Park and Daly City Stations for approximately six to eight weekends. The specific dates, service scenarios, and logistics may change.

The Board previously granted the General Manager authority, which expires June 30, 2016. This new authorization will expire on December 31, 2016. The Office of the General Counsel will approve all negotiated agreements as to form prior to execution. The District may also incur additional expenses related to the implementation of the bus bridges such as for traffic control, permit fees, police services, etc. The incurrence of these expenses will comply with the District's Procurement Procedures.

**FISCAL IMPACT:**

For expenses that are chargeable to the operating fund (General Fund), funding for these agreements and payment of related expenses will come from the budget of the sponsoring department. For expenses that are chargeable to capital funds, funding for each bus bridge agreement will be identified prior to entering into an agreement and Capital Development and Control will certify the eligibility of identified funding sources. The Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement.

**ALTERNATIVES:**

Do not approve the request and do not provide temporary bus bridge services for the public in the official service.

**RECOMMENDATION:** Staff recommends that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to enter into multiple agreements with various public agency and/or private bus operators in order to provide temporary bus transportation services in a total amount not to exceed \$250,000 per day per agreement for each day that the District is unable to provide complete train service due to a track work project. This authorization will expire on December 31, 2016.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

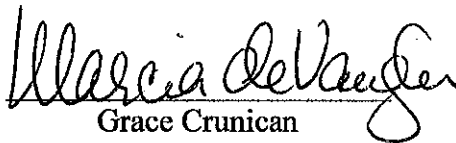
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## MEMORANDUM

**TO:** Board of Directors **DATE:** March 4, 2016  
**FROM:** General Manager  
**SUBJECT:** Engineering & Operations Item #5.D: Station Maintenance and Cleaning Report –  
For Information

Staff will discuss the attached presentation on at the May 10, 2016 Board meeting in response to Roll Call for Introduction #14-752 from Director Mallett, which requests a "comprehensive overview of station maintenance standards and corresponding accountability standards for Board of Director's consideration on a future agenda".

Please contact Paul Oversier at (510) 464-6710, if you have questions.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors **DATE:** March 4, 2016  
**FROM:** General Manager  
**SUBJECT:** E&O Agenda Item #5.E: Elevator and Escalator Issues and Solutions Report -- For Information

In response to requests from Directors, staff will present the attached slides on elevator and escalator maintenance and cleanliness issues at the Board of Directors meeting on March 10, 2016.

If you need additional information, please contact Paul Oversier, AGM, Operations at (510) 464-6710.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

To: Board of Directors

Date: March 4, 2016

From: District Secretary

Re: Proposed Revisions to Rules of the Board of Directors

The following are two Board Rules revisions proposed by Director Keller.

**Chapter III Board Meetings and Committees. Section 2. Board Meetings**

1. Board Rule 3-2.11 Display of Electronic Voting. Page III-12. *Proposed new rule for display of electronic voting only after completion of the vote. This does not preclude the use of other voting methods at the discretion of the chair (i.e., voice vote, general/unanimous consent, etc.).*

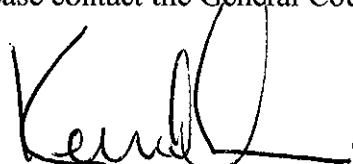
Votes taken using electronic voting system shall display the vote only after all Directors have completed voting. Votes taken in compliance with Brown Act requirements (i.e., roll call vote for teleconferenced meeting) are exempt from this rule.

**Chapter III Board Meetings and Committees. Section 3 Committees**

2. Board Rule 3-3.2 Recording of Committee Meetings. Page III-13. *Proposed new rule requiring the recording of meetings of committees. New section number and title 3-3.2 Recording of Committee Meetings. Subsequent sections will be renumbered accordingly.*

The District shall record all meetings of committees except portions not open to the public. Such recordings shall be available through the District Secretary's Office. Recording method (i.e.: audio, video, minutes, notes, etc.) may be determined by staff supporting the committee.

Should you require any additional information, please contact the General Counsel or me at your earliest convenience.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers  
Deputy General Manager

MOTIONS:

- i. The Board of Directors adopts the addition of Board Rule 3-2.11 Display of Electronic Voting.
- ii. The Board of Directors adopts the new Board Rule 3-3.2 Recording of Committee Meetings.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** March 4, 2016

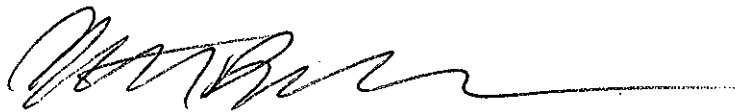
**FROM:** General Counsel

**SUBJECT:** Proposed Ordinance

At Director Keller's request, please find for your consideration a proposed ordinance restricting patrons from utilizing more than one seat when doing so would prevent other patrons from being able to sit down. The proposed ordinance contains exceptions for medical ailments and large body types. The proposed ordinance was reviewed by the BART Police Citizen Review Board and was supported unanimously.

Ordinances must come before the Board twice. No action may be taken during this scheduled first reading, although the matter may be discussed. Following any such discussion, the proposed ordinance may be brought back to a future meeting for adoption.

Please feel free to telephone me if you have any questions.



Matt Burrows

*Attachment*



ORDINANCE NO. 2016-1

AN ORDINANCE OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT TO PROHIBIT PATRONS WITHIN TRAIN CARS FROM UTILIZING MORE THAN ONE SEAT IF TO DO SO WILL PREVENT OTHER RIDERS FROM BEING ABLE TO BE SEATED WITHIN THE TRAIN CAR WHENEVER SUCH TRAIN CARS ARE WITHIN THE COUNTIES OF ALAMEDA, CONTRA COSTA AND THE CITY AND COUNTY OF SAN FRANCISCO.

WHEREAS, the San Francisco Bay Area Rapid Transit District has a substantial interest in promoting the comfort and safety of its patrons utilizing BART as a means of transportation; and

WHEREAS, the San Francisco Bay Area Rapid Transit District desires to make its services available to the widest ridership possible and to do so while facilitating the greatest degree of comfort possible; and

WHEREAS, ridership on BART trains has soared in recent years while the number of trains has remained largely static; and

WHEREAS, seating as many patrons as possible minimizes the likelihood of injuries that can arise when infirm or off-balance standing patrons encounter sudden stops or starts; and

WHEREAS, making seats available to as many patrons as possible also relieves crowding in train aisleways which may lead to rider fatigue, discomfort, altercations and occasionally medical emergencies; and

WHEREAS, the San Francisco Bay Area Rapid Transit District consequently has a substantial interest in prohibiting the use of the limited seating capacity of its train cars for the mere placement or storage of a patron's bags, luggage, clothing, pets and other possessions; and

WHEREAS, the payment of a fare does not entitle a patron to use more than one seat within a train car at the expense of others being forced to stand; and

WHEREAS, Public Utilities Code Section 28793 authorizes the Board to pass ordinances; and

WHEREAS, Public Utilities Code Section 28763 authorizes the Board to do any and all things necessary to carry out the purposes of the District; and

WHEREAS, the Board has determined that the adoption of this ordinance, in the absence of adequate State laws, is necessary to preserve the health and safety of BART riders;

NOW THEREFORE, be it enacted by the Board of Directors of the San Francisco Bay Area Rapid Transit District: (Public Utilities Code Section 29795)

SECTION I. Chapter 9 of the San Francisco Bay Area Rapid Transit District Ordinance Code is hereby adopted and made a law of the District as follows:

Section 9.10 Findings and declaration.

The San Francisco Bay Area Rapid Transit District Board of Directors does find that:

The heightened usage of the BART system, particularly at peak period of train service, and the delays caused by infirm patrons suffering fatigue and other ailments while riding BART justify the adoption of reasonable regulations to make every possible seat available to passengers rather than for bags, luggage, packages and other possessions. It is hoped that this ordinance will encourage patrons to be considerate of their fellow riders and, if voluntary compliance fails, to authorize BART Police to act with the legal tools necessary to fulfill this ordinance's objectives.

Section 9.20 Definitions.

The following words and phrases, whenever used within this ordinance and this chapter, shall be construed as defined in this section:

**Seat.** The term "seat" as used herein references any one of the surfaces provided on BART trains to accommodate a passenger's vertical repose, normally consisting of a surface approximately 20 inches wide by 20 inches deep. The term is also inclusive of the backrest of the seating surface and handrest(s) associated with a particular seat.

Section 9.30 Prohibition on the Use of more than one seat per patron.

The payment of a BART fare shall be understood to entitle each paid rider to occupy no more than one seat of the train, and the use of more than one train seat shall subject the violator to the penalties established by this ordinance when within the BART District.

Section 9.31 Affirmative Defenses to being found in violation of this ordinance.

Those who by virtue of their soma type or physique must occupy more than one seat are exempt from the aforementioned one-fare-one seat rule. In addition, those who may suffer from medical ailments or other physical limitations that warrant the reasonable use of more than one seat shall not be deemed to be in violation of this ordinance.

Section 9.40 Limitation of Remedies.

In enacting and implementing this ordinance, the San Francisco Bay Area Rapid Transit District is only undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 9.50 Preemption.

Nothing in this ordinance shall be interpreted or applied so as to create any power, duty or obligation in conflict with, or preempted by, any Federal or State law. Even if not preempted by Federal or State law, the provisions of this Chapter shall not apply if the Federal or State law is more restrictive

toward the practices, activities and/or uses banned herein. If the Board of Directors determines that a provision included herein has become preempted by Federal or State law, that preempted provision shall be automatically rescinded from this Chapter. Such rescission shall not affect the validity of the remaining portions of this Chapter.

Section 9.60 Penalties.

Any person found to be in violation of any provision of this ordinance or Chapter shall be guilty of an infraction, and may be punishable by:

- (a) A fine, not exceeding one hundred dollars (\$100.00), for the first violation;
- (b) A fine, not exceeding two hundred dollars (\$200.00), for a second violation of this ordinance or Chapter within one year;
- (c) A fine, not exceeding five hundred (\$500.00), for each additional violation of this ordinance or Chapter within five (5) years.

Section 9.70 Statutory Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

Section 9.80 Liberal Construction.

It is the intention of the Board of Directors that this Chapter shall be liberally construed to accomplish its remedial objectives and to be compatible with Federal and State enactments.

SECTION II. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation published in the Counties of the District. (Public Utilities Code Sections 28794)

In regular session of the Board of Directors of the San Francisco Bay Area Rapid Transit District introduced on the \_\_\_ day of March, 2016, and finally passed and adopted this \_\_\_ day of March, 2016, on regular roll call of the members of said Board by the following vote:

Directors:

Murray: Keller: Saltzman: Raburn: McPartland: Blalock: Mallett: Josefowitz: Radulovich:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

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President, Board of Directors

(Public Utilities Code Section 28796)

ATTEST:

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Ken Duron

District Secretary

(Public Utilities Code Section 28796)