

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

BOARD MEETING AGENDA

March 12, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 12, 2020, in the BART Board Room, 2040 Webster 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>); at [bart.legistar.com](http://bart.legistar.com); and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART1904)) 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 and [bart.legistar.com](http://bart.legistar.com) 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.

Jacqueline R. Edwards  
Assistant 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.
  - i. Randall Glock, Chairperson of the BART Accessibility Task Force.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 27, 2020.\*  
Board requested to authorize.
- B. 2020 Organization of Committees and Special Appointments  
Revision.\* Board requested to ratify.
- C. BART Car Replacement Funding Exchange and Reserve Account  
Withdrawal and Regional Measure 2 Allocation.\*
  - a. Withdrawal of up to \$220.1 million from the BART Car  
Replacement Funding Exchange and Reserve Account under  
Contract No. 40FA-110. Board requested to authorize.
  - b. Resolution of Project Compliance and Approval of the Initial  
Project Report for \$40 million of Regional Measure 2 funds for  
the Rail Replacement Program under Contract No. 40FA-110.  
Board requested to adopt.
- D. Resolution Authorizing the Submittal of BART to Antioch  
Operations Application, and Supporting Documents, for the Fiscal  
Year 2019-2020 Low Carbon Transit Operations Program (LCTOP).\*  
Board requested to adopt.
- E. Amendment to Agreement No. 6M4593, with Occupational Health  
Centers of California, to Provide Pre-Employment Physicals, Hepatitis  
B Vaccinations, Drug and Alcohol Screening.\*  
Board requested to authorize.
- F. Award of Contract No. 20LZ-130, Train Control Room Battery  
Systems Replacement, Phase 3.\* Board requested to authorize.
- G. Fiscal Year 2020 Second Quarter Financial Report.\* For information.

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. CONTROLLER/TREASURER’S REPORT
  - A. Quarterly Report of the Controller/Treasurer for the Period Ending December 31, 2019.\* For information.
5. INDEPENDENT POLICE AUDITOR’S REPORT
  - A. Quarterly Report of the Independent Police Auditor. For information.
6. ADMINISTRATION ITEMS  
Director McPartland, Chairperson
  - A. Resolution to Amend California Public Employees Retirement System (CalPERS) Contract to Include Cost Sharing of Employer Contribution for BART Police Officers’ Association and BART Police Managers’ Association.\* Board requested to adopt.
7. ENGINEERING AND OPERATIONS ITEMS  
Director Dufty, Chairperson
  - A. Award of Agreements for General Construction Oversight Services in Support of BART’s Train Control Modernization Program.\*
    - a. Agreement No. 6M8171, with Jacobs Engineering Group, Inc.
    - b. Agreement No. 6M8187, with CPM Associates, Inc.Board requested to authorize.
8. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Saltzman, Chairperson
  - A. BART Headquarters Office Building (2150 Webster St., Oakland, CA).\*
    - a. Project Update. For Information.
    - b. Agreements for Building Maintenance Services.  
Board requested to authorize.
  - B. Transit-Oriented Development Policy Amendment – Affordable Housing Financial Terms.\* For information.
  - C. Update on BART and Valley Transportation Authority Phase I.\*  
For information.
9. GENERAL MANAGER’S REPORT
  - A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

10. BOARD MATTERS

- A. **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.)
- B. **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.)
- C. **In Memoriam.**  
(An opportunity for Board members to introduce individuals to be commemorated.)

11. 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.)

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

Board of Directors  
Minutes of the 1,858th Meeting  
February 27, 2020

A regular meeting of the Board of Directors was held on February 27, 2020, convening at 9:00 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Simon presided; Patricia K. Williams, District Secretary.

Present: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman and Simon.

Absent: None. Director Dufty entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020.
2. Amendment to Legal Services Agreement with Glynn & Finley, LLP.
3. Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract.
4. Award of Invitation For Bid No. 9074-A, Assisted Lift Retractable Bollards.
5. Agreements with Public and Private Transportation Providers for Temporary Bus Services and to Pay for Related Bus Bridge Expenses.
6. Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, for Relocation of Commercial Communications Infrastructure (C.O. No. 004).
7. Reject All Bids for Contract No. 15EI-182, Cast Coil Transformer Replacement Project.
8. Resolution Authorizing Project Compliance and Initial Project Report for Regional Measure 2 (RM2) Funds for the Warm Springs Extension Irvington Station Project.

Director Allen requested that Item 2-C, Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract, be removed from the Consent Calendar.

Director Raburn made the following motions as a unit. Directors McPartland and Saltzman seconded the motions.

1. That the Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020 be approved.
2. That the amendment of the agreement with Glynn & Finley, LLP to continue its joint representation of the District in the Maynard, et. al. v. BART, et. al., matter and as required to complete joint representation of the District in this matter, be approved.
3. That the General Manager be authorized to award Invitation for Bid No. 9074-A, Procurement of Assisted Lift Retractable Bollards, to Delta Scientific Corporation., for the Bid price of \$423,248.90, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
4. That the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to Alameda-Contra Costa Transit District (AC Transit) and Central Contra Costa Transit Authority (County Connection), to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$200,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects; these authorizations will expire on December 31, 2020 or after fourteen bus bridge weekends, whichever occurs first.
5. That the General Manager be authorized to execute a Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, in an amount not to exceed \$750,000.00.
6. That the General Manager be authorized to reject all Bids for Contract No. 15EI-182 – Cast Coil Transformer Replacement Project.
7. Adoption of Resolution No. 5434, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Warm Springs Extension Irvington Station Project.

Director Allen requested that Item 2-C, Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract, be considered in the discussion of Item 4-A, Award of Professional Services Agreements to Provide Temporary Help Services.

Director Raburn rescinded the motion and moved that all items on the Consent Calendar be approved. The substitute motion died for lack of a second.

Director Saltzman made the following motions as a unit. Director Allen seconded the motions, which carried by unanimous electronic vote. Ayes: 8 – Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Dufty.

1. That the Minutes of the Meetings of January 23, 2020 and February 13 & 14, 2020 be approved.
2. That the amendment of the agreement with Glynn & Finley, LLP to continue its joint representation of the District in the Maynard, et. al. v. BART, et. al., matter and as required to complete joint representation of the District in this matter, be approved.
3. That the General Manager be authorized to award Invitation for Bid No. 9074-A, Procurement of Assisted Lift Retractable Bollards, to Delta Scientific Corporation., for the Bid price of \$423,248.90, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.

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

4. That the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to Alameda-Contra Costa Transit District (AC Transit) and Central Contra Costa Transit Authority (County Connection), to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$200,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects; these authorizations will expire on December 31, 2020 or after fourteen bus bridge weekends, whichever occurs first.
5. That the General Manager be authorized to execute a Change Order to Contract No. 6M4549, Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network, in an amount not to exceed \$750,000.00.
6. That the General Manager be authorized to reject all Bids for Contract No. 15EI-182 – Cast Coil Transformer Replacement Project.
7. Adoption of Resolution No. 5434, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Warm Springs Extension Irvington Station Project.

President Simon called for Public Comment. Michael Granat addressed the Board.

Vice President Foley asked for clarification of staff's interaction with the labor force regarding schedule changes.

Ms. Tamar Allen, Assistant General Manager, Operations, addressed the Board.

Director Dufty entered the Meeting.

Joe Helweg addressed the Board.

President Simon announced that the order of the agenda items would be changed.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Quality of Life: BART Police Department before the Board. Mr. Michael Jones, Deputy General Manager; Police Chief Ed Alvarez; Deputy Police Chief Lance Haight; and Mr. Russell Bloom, Independent Police Auditor, presented the item.

Director Li thanked Mr. Robert Powers, General Manager, Mr. Jones, Chief Alvarez, Deputy Chief Haight, Mr. Bloom, and staff for their presentation and work to analyze the data presented; commented on her desire to analyze lower level offenses; and expressed support for Chief Alvarez's vision and confidence in Mr. Powers and Chief Alvarez's ability to achieve the vision.

Director McPartland thanked staff; commented on his experience with diversity, equity, and accountability in relation to law enforcement and his experience with conducting similar data analysis as a public safety officer; commended staff's work; and expressed support for BART's transparency.

President Simon acknowledged that it was Oscar Grant's birthday; commented on transparency and thoughtfulness in law enforcement within BART, the importance of acknowledging disparities, analyzing the role of race in actions, determining how to address disparities, staff's efforts to analyze and address disparities, understanding how BART can be the best law enforcement institution in the United States, gaining knowledge from experiences and applying knowledge, experiencing other agencies' efforts to decrease and understand bias, working with partners to determine why disparities exist, cities and counties' responsibility to serve those in need and BART's role in helping with this effort, the interaction between poverty, homelessness, and race and contact with law enforcement, and BART's efforts to ensure that those who need to use the system can use the system, such as the means-based fare program; and expressed appreciation for the presentation and transparency.

Vice President Foley thanked Director Li for bringing the Roll Call for Introductions (RCI) request forward; thanked staff for their work; commented on honesty and transparency with the implications of the data, next steps for action, the meaning of the data, improving BART if change is necessary, embracing opportunities for improvement, and asking difficult questions; and expressed appreciation for staff's efforts to approach the issue with a willingness to implement change if an opportunity for improvement exists.

Keith Garcia and Andrew Sullivan addressed the Board.

Vice President Foley asked clarifying questions regarding the decrease in fare-related enforcement, providing and collecting data in accordance with the Racial and Identity Profiling Act (RIPA), and the difference in the citation and field interview data.

Director Allen thanked and commended staff for their work; noted the consistency of the data with prior data, the development of the fare inspector program in 2017, the accuracy of the fare inspector data in relation to police officers' experiences, the need to address racial disparities and existence of disparities in other social institutions and conditions, and the significance of the data; expressed support of BART's participation in programs that assist with addressing racial bias in policing; discussed the definition of "disparity" within BART, the comparison of the data to ridership information, and the need for and lack of reliable data regarding the racial composition of BART riders for comparison, the viability of comparing the data to (1) the general populations of the counties that BART runs through, (2) the racial composition of crime committed in cities that BART runs through, or (3) the racial composition of those who completed the 2018 Customer Satisfaction Survey; commented on the racial demographic



information derived from the Customer Satisfaction Survey, the comparison of the data to the racial demographic information from the Survey, the inappropriateness of relying on racial demographic information derived from a survey as an indicator of the average racial composition of BART riders, and the need for a proper study of ridership demographics to further address racial disparities in policing; and requested that the Communications staff no longer cite the Customer Satisfaction Survey data as the factual evidence of BART's ridership.

Director Ames thanked Director Allen for her comments regarding BART's demographic data collection and suggested that the collection methods could be refined; commented on the prevalence of fare evasion as reflected by the data; asked clarifying questions regarding the Quality of Life data chart and whether a study has been conducted to establish that fare evaders engage in other Quality of Life infractions; thanked staff for their work; expressed that stations need to be hardened with the inclusion of new faregates; commented on equity and the reflection of social problems and demographics in the data; requested additional training for BART Police Officers; asked clarifying questions regarding training that would be implemented for BART Police Officers; expressed support for additional training; recognized disparity within BART; noted that equity problems exist in society and that BART wishes to be a leader in policing; and indicated a desire to increase training and implement new faregates this year to stop lawlessness on the trains.

Director Saltzman thanked Director Li for introducing the item and staff for their work; commented on the benefit of additional data; requested that the data be posted on the Open Data Portal for the public; associated herself with the comments of Director Foley and President Simon; and asked staff to respond to the discussion regarding race and ethnicity data.

Mr. Powers; Mr. Aaron Weinstein, Director of Marketing and Research; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, addressed the Board.

Director Saltzman requested an update on the implementation of Assembly Bill 953: The Racial and Identity Profiling Act of 2015; expressed support for participation in the Government Alliance on Race and Equity (GARE); thanked staff for their commitment to participate in GARE; requested reports on GARE later this year and after the GARE program concludes; commented on the lack of data regarding the reason for fare evasion, the assumption that a majority of fare evasion occurs due to cost considerations, the increase in school attendance rates after Alameda County implemented free transit passes for students, the means-based fare program and communicating options, such as the program and youth discount, hardening the system, BART's inability to change social problems with income inequality, and informing riders about legal ways to use and afford BART; and requested information about how fare evaders will be informed of their eligibility for or the existence of the means-based fare program and youth discount so that riders can afford to pay fare.

Director Raburn thanked Mr. Sullivan for his comments; commented on the Board's development of the proof-of-payment system and protocol to ensure fair enforcement in 2017; expressed appreciation for Master Police Officer and President of the BART Police Officers' Association Keith Garcia's comment that officers do not engage in disparate treatment and that the protocols are being followed; indicated that additional efforts may be necessary and that oversight is required; shared his experience with listening to a presentation on implicit bias by Emeryville's Chief of Police; asked whether implicit bias training is woven into BART Police Officers' training; noted that while policies exist, the concern is individuals who misbehave; commented on the individual officer element of the Center for Policing Equity (CPE) Research Premises and asked whether an early warning system would be an effective way

to track individual behaviors; expressed desire for hardening the system; addressed the trade-off between enforcement and infrastructure; asked whether participation or monitoring of GARE training would be available to the Directors; requested the schedule of GARE training sessions; and thanked Chief Alvarez for his efforts and emphasis on equity.

Director Li noted that homelessness is not illegal and that unhoused people can pay fare to ride BART for warmth; commented on the California housing crisis, funding provided for local homeless outreach teams (HOT), the impact of HOT, approved funding for station modernization, and replacing faregates throughout the system; indicated that the issues are difficult; asked for information about fixing the issue, how BART can acknowledge the data and embrace an action plan, an explanation of the reason why the CPE study has taken so long, whether the disparities reflected in the data are problematic and, if so, how they are problematic, and an explanation of field interviews; and indicated that the data does not suggest that individual officers are engaged in misconduct or are racist, but the data shows that BART's Police Department does not differ from the national trends in law enforcement regarding who is engaged with law enforcement through stops, citations, or arrests; commented on the current racial bias and profiling issues within the San Francisco Police Department, the importance of BART's efforts to understand disparities and end bias, and the process of ending bias; and requested quarterly reports regarding findings and progress.

Director Dufty thanked Director Li for initiating the request and staff and leadership for their work.

Director Dufty brought the matter of Change Order to Contract No. 15EJ-171, 34.5 KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations, for Additional Expansion Joints and Phenolic Reinforced Thermosetting Resin Conduit (C.O. No. 007), before the Board.

Director Saltzman moved that the General Manager be authorized to execute Change Order No. 007 to Contract No. 15EJ-171 for Additional Expansion Joints for Phenolic Reinforced Thermosetting Resin Conduit, with DMZ Builders Co., Inc. in the amount not to exceed \$1,000,000.00 and to extend the Contract completion date by zero (0) calendar days. President Simon seconded the motion, which carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2020 – Service Performance Review, before the Board. Ms. Tamar Allen and Chief Alvarez presented the item.

Director Dufty commented on the lack of live monitoring of cameras in parking lots, the reduction in criminal activity, hearing about passengers' frustration when their vehicles are damaged; and requested real-time monitoring of parking lot cameras at stations that have had problems to prevent incidents from occurring.

Director Saltzman requested that weekend ridership be added to the BART summary chart and that a goal for weekend ridership be set; asked when the report will include cleanliness ratings for the Fleet of the Future that are separate from the cleanliness ratings for the Legacy Fleet; commented on displaying the cleanliness ratings in the reports for riders to view; and requested a report regarding efforts to decrease delays due to police activity.

Director Raburn thanked staff for their report; commented on success with computer control upgrades, street elevator availability, and improvement in passenger safety in stations and on trains; expressed hope that the public will sense improvement in the stations and on trains and concern regarding wayside train control; asked whether staff has the resources to keep the trains functioning at a high level of reliability, for clarification of staff's response, and whether work on the communications-based train control will increase reliability in the near term.

Director Allen commented on decreasing delays due to police activity by prioritizing solutions for fare evasion in the system; and expressed satisfaction with the majority of the Board's support for station hardening and addressing lower level crimes that occur on the trains.

Director McPartland, Chairperson of the Administration Committee, brought the matters of Award of Professional Service Agreements to Provide Temporary Help Services and Item 2-C, Amendment to Professional Services Agreement No. 6M4516, Provide Temporary Help Services, with HR Management, Inc., for Extension of the Current Contract, before the Board. Ms. Diane Iwata, Manager of HRIS and Benefits, Human Resources and Administration, and Ms. Gia Ilole, Acting Assistant General Manager, Administration, presented the items.

Director Allen asked for clarification of the contract terms and the contract award amount per vendor; commented that three-year contracts are sufficient, that she prefers for the Board to have more oversight of the contracts, and that AppleOne Employment's (AppleOne) contract includes a 59.5% markup while the other vendors' markups are lower; asked for an explanation of the additional 70% payment under the AppleOne Employment contract, and whether four contracts needed to be approved by the Board.

Director Allen moved that the General Manager be authorized to award Agreement No. 6M4690 to SearchPros Staffing, Agreement No. 6M4692 to Tryfacta, Inc., and Agreement No. 6M4694 to Wollborg Michelson Personnel Service, Inc. to provide temporary help services, for a three-year term at \$3,000,000.00 for each Agreement; and that if additional agreements are necessary, that staff solicit competitive bids.

Director Ames seconded the motion; expressed concern over the amount of money outlined in the original motion; asked whether a policy can be created to limit overhead charges; and commented that a guidance document regarding limitations on overhead charges would be helpful and that she did not feel comfortable with the amount of money outlined in the original motion.

Director Saltzman asked whether AppleOne provides anything that the other firms do not provide; for an explanation of the process by which temporary help services would be obtained with the four firms available to select from; for clarification of when staff would start with the firm that offers the lowest cost; whether all four contracts could be awarded with additional language stating that staff must first try to fill positions using the lower bidders; and whether staff would be in agreement with awarding a smaller amount to AppleOne, knowing that BART would try not to utilize their services as much and whether this action would be legal; and commented on the state of the labor market and the benefit of AppleOne's availability.

Director Saltzman made the following substitute motion: (1) That the General Manager be authorized to (a) award Agreement No. 6M4690 to SearchPros Staffing, Agreement No. 6M4692 to Tryfacta, Inc., and Agreement No. 6M4694 to Wollborg Michelson Personnel Service, Inc. to provide temporary help services, each Agreement for three (3) years, and to execute two one-year options for each Agreement,

in an amount not to exceed \$5,000,000.00 for each Agreement, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures; and (b) award Agreement No. 6M4693 to Howroyd-Wright Employment Agency, Inc. dba AppleOne to provide temporary help services for three (3) years and to execute two one-year options for the Agreement, in an amount not to exceed \$2,500,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures; and (2) That staff prioritize Tryfacta, Inc., SearchPros Staffing, and Wollborg Michelson Personnel Service, Inc. over AppleOne and utilize AppleOne when staff cannot fill a position through Tryfacta, Inc., SearchPros Staffing, or Wollborg Michelson Personnel Service, Inc. Director Li seconded the substitute motion.

Director Dufty commented on BART's access to a diversity of firms, firms' strengths with providing services in various fields, the importance of flexibility, the absence of a penalty for hiring temporary employees, and the ability to access full-time talent through firms when temporary employees become permanent employees; and expressed support for Director Saltzman's substitute motion.

Director Raburn commented that temporary hiring provides a pathway for success for people who would otherwise not have access to working at BART; noted variation amongst the firms under Board consideration; asked whether Tryfacta, Inc. specializes in Information Technology (IT) employees; noted that AppleOne is a high-profile minority-owned firm and that HR Management, Inc. is a minority-owned firm that has been underutilized over the past three years, despite an allocation of up to \$3,000,000.00; asked for information about the amount that has been paid to HR Management, Inc.; indicated a desire for BART to reach out to HR Management, Inc. and local groups; suggested that AppleOne is the high-profile choice; expressed support for the original motion; requested equity with utilization among temporary employment firms; and indicated that he was not in agreement with the motions brought by Directors Allen or Saltzman and that he preferred the original motion.

Director McPartland asked for information about BART's history with utilizing AppleOne and for clarification of the function of the temporary employment companies; expressed agreement with Director Allen's concerns regarding AppleOne's 59.5% overhead charge; and asked whether AppleOne was included as a firm for contracting because of their potentially available skillset.

Director Allen indicated that, with the addition of Item 2-C, there are five firms for consideration; commented on the extension of the HR Management, Inc. contract and the utilization of the old contract amount; noted that the contract with HR Management, Inc. lists the incorrect firm name, that the correct name for the firm is HR Management Corp. Inc., and that BART has not utilized HR Management Corp. Inc. (HR Management, Inc.) since August 2018; commented on the staffing provided by HR Management Corp. Inc.; asked whether HR Management Corp. Inc. failed to meet the Request for Proposals (RFP) requirements; expressed that the Board should not extend the contract for HR Management Corp. Inc. because the firm failed to satisfy the new RFP requirements and that if a firm is unable to provide BART with services, then BART should move on to other firms; and requested that Items 2-C and 4-A be voted on separately.

Director Dufty noted that he spoke with Director Allen about Mr. Hunt and his contract; commented that Mr. Hunt's business is a local, small minority-owned business, that Mr. Hunt had sought to work with BART for some time, and that he plans to follow-up and ensure that Mr. Hunt has the optimum opportunity; explained that Mr. Hunt is not qualified under Item 4-A because of the volume of work outlined in the RFP, not because Mr. Hunt has done anything wrong; requested that the Board not reject Item 2-C; indicated that this is a learning experience demonstrating that sometimes small firms have

challenges competing with firms like AppleOne; emphasized that payment will not be made unless work is done; and suggested that the Office of Civil Rights and Human Resources work with Mr. Hunt to identify ways in which he can be successful, and that there is no risk to BART in this situation.

Vice President Foley asked for information about the markup rate for HR Management Corp. Inc.

Director McPartland asked for confirmation that none of the contract amount maximums were expected to be reached.

The substitute motion brought by Director Saltzman and seconded by Director Li carried by electronic vote. Ayes: 6 – Directors Dufty, Foley, Li, McPartland, Saltzman, and Simon. Noes: 3 – Directors Allen, Ames, and Raburn.

Director Dufty moved that the General Manager be authorized to execute an amendment to Agreement No. 6M4516, Temporary Staff Services, with HR Management, Inc., to extend the term of the Agreement through April 30, 2023. Director Li seconded the motion.

The motion brought by Director Dufty and seconded by Director Li carried by electronic vote. Ayes: 8 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Allen.

President Simon recognized representatives from the Alliance for Girls.

President Simon brought the matter of Resolution in Support of Alliance for Girls before the Board. She gave remarks regarding safety, feedback from youth riders, the Alliance for Girls, BART's engagement with the Alliance for Girls, including recognition of Ms. Alicia Trost, Chief Communications Officer, for her efforts to work with the Alliance for Girls; thanking Ms. Trost and BART leadership for prioritizing a partnership with the Alliance for Girls; thanking Ms. Jennifer Easton, Manager of Special Projects, Systems Development, for her work with Ms. Trost; and recognizing Mr. Matthew Burrows, General Counsel, for his work with the Alliance for Girls at a townhall event.

President Simon introduced Haleema Bharoocha, Advocacy Manager, Alliance for Girls, and Ms. Bharoocha addressed the Board.

The following individuals addressed the Board:

Andrea Zamora  
Alondra Amaral-Lepe  
Concepcion James  
A'lonnah Bautista  
Aiko Garrido  
Kelty Kauffman  
Vylma Ortiz  
Ja'Nai Aubry  
Assumpta Irpoazu  
Anyka Barber  
Arnetta Rogers  
Zorina Guidry  
Chaka Davis

Makayla Hegler  
Amber Johnson  
Dr. L. B. Williams  
Kiana Callahan  
Ayana Ivery  
Jae Maldonado

President Simon expressed that it was an honor for the Board to hear testimony from and on behalf of young people, and commented on the Resolution in Support of Alliance for Girls, highlighting the expected collaboration between the working group and BART staff.

President Simon moved that Resolution No. 5435, In the Matter of Support of Enhancing the Experience of Girls and Women Riding BART, be adopted. Director Li seconded the motion.

Director Saltzman expressed desire for more engagement with the Board and stakeholders on this important issue; commented that BART is the first transit agency to consider such a Resolution; and requested that, if the Resolution was approved, staff send the Resolution to all the other transit agencies in the Bay Area and the Metropolitan Transportation Commission (MTC) with a letter encouraging the agencies to approve similar resolutions and address this issue; and indicated that many young women ride BART and buses and that transit agencies wish to ensure their safety throughout their journey.

Vice President Foley thanked the public speakers for their comments; expressed full support for the Resolution; noted his daughters' use of BART and thanked the stakeholders for their work to help protect his daughters; commented that the work that the stakeholders are trying to accomplish is critically important; indicated that he looks forward to working with the Alliance for Girls and One Day at a Time as an Antioch resident; and thanked the public speakers for their courage.

Director Dufty thanked the speakers; noted the testimony was inspiring; and expressed that BART looks forward to continuing to partner with the stakeholders and advance such a great cause.

Director Li noted that the current Board is the first BART Board comprised of a majority of women; indicated that when she was elected to the Board, this cause was the type of cause she wished to hear and act upon; expressed thanks for the speakers, noting that their words speak for themselves; commented that the Board's action was not the end; requested that the stakeholders' hold BART accountable; and noted that BART will continue to work with the stakeholders.

Director Raburn thanked the speakers for their comments; noted that he represents all the stations in East Oakland and Downton Oakland, as well as MacArthur Station; commented on Ms. Kiana Callahan's comment regarding travel, his privilege to travel as a male, and the geographic opportunities he has received through his privilege; expressed that geographic opportunities should not be denied to anyone because of their gender; indicated that BART must and can do everything possible to reduce vulnerabilities; thanked the stakeholders for their support; and commented that BART will support the stakeholders.

Director Ames commented on the bravery of the public speakers and that she was honored to hear their comments; applauded the effort by the stakeholders; and expressed that she looks forward to BART's collaboration with the Alliance for Girls and art projects that bring needed awareness to this issue; noted

that the public speakers were incredible and applauded them; and indicated that she looks forward to more work ahead.

Director Allen expressed agreement with the public comments and commended the speakers for their comments; noted that the Board heard the speakers; thanked the speakers for speaking on behalf of themselves and everyone; commented that the stakeholders' work to ensure their safety in transit would benefit everyone; and thanked the speakers for their attendance.

Director McPartland thanked the speakers for their comments; shared that he does not feel the same degree of fear and vulnerability as a male that the speakers feel; commended the speakers for their comments; noted that he understands that the speakers are potential victims when they use public transportation; expressed that the speakers have strength through the working group and additional strength and support from the Board; indicated that other transportation agencies would also provide support; and thanked the stakeholders for their strength and coalition and the leaders who organized the cause.

The motion brought by President Simon and seconded by Director Li carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

A photograph with the stakeholders in the audience, the Board, and BART staff was taken.

The Board Meeting recessed at 12:52 p.m.

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The Board Meeting reconvened at 1:01 p.m.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Safety, Reliability and Traffic Relief Program (Measure RR) Safe Routes to BART Grant Program before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

Director Raburn commented that the project is important and was incorporated into Measure RR; noted that the project helps BART prioritize projects near stations; and indicated that BART can assist local jurisdictions by providing grants.

Director Raburn moved that the General Manager be authorized to administer the Measure RR-funded Safe Routes to BART (SR2B) Grant Program through capital project funding agreements for an aggregate amount not to exceed \$25,000,000.00. Director Saltzman seconded the motion.

Director Saltzman expressed support for the grant program; noted that the program is the first grant program offered by BART; indicated that the program recognizes that city governments' support of providing pedestrian access through upgrades to stations and trains is necessary; commented that the program is great way to partner with cities; and asked for clarification of the number of rounds offered by the program.

The motion brought by Director Raburn and seconded by Director Saltzman carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes; Mr. Manan Garg, Chief Transit System Development Officer, Design and Construction; and Mr. Shane Edwards, Chief Maintenance and Engineering Officer, presented the item.

Director Ames expressed support for Mr. Takis Salpeas' new position with the Santa Clara Valley Transportation Authority; requested a critical path schedule and milestones for BART's testing; asked when the California Public Utilities Commission (CPUC) would become involved in the project; and requested that the critical path schedule include the CPUC's approval and the steps following the approval.

Director McPartland commented on the list of discrepancies and the rush to complete the project by the end of 2019, indicating that if the project were completed as scheduled, there would have been errors; expressed satisfaction with the pace of the project, given the potential for errors; and expressed support of staff working on the project.

Jerry Grace addressed the Board.

President Simon called for the General Manager's Report. Mr. Jeffery Lau, Chief Safety Officer, reported on staff's monitoring of the Coronavirus situation; preparation for employee protection; staff's review and update of previous response plans for similar crises; and the Centers for Disease Control and Prevention's (CDC) current recommendation regarding face masks. Mr. Powers reported that the Board was provided with an update on staff's proactive approach to the Coronavirus situation and that he forwarded the update to BART's partnership agencies in the region to share BART's information with the agencies.

Vice President Foley asked for information about the plan to escalate efforts to clean trains, if necessary, and the frequency of train cleaning if efforts need to be escalated.

Director Allen echoed Director Foley's question regarding the plan to escalate efforts to clean trains, if necessary.

Director Saltzman asked for the status of providing hand sanitizers in BART stations; expressed that the agency should proceed as though the Coronavirus will be present within the District, due to the likelihood of a case occurring within the District and the number of cases already reported in California; and indicated that BART should be immediately ready to respond to the presence of the Coronavirus, if necessary.

Director McPartland commented that BART's plan to respond to the presence of Coronavirus is adequate, with the exception of spraying; noted that train personnel know what to expect, that there is potential for a pandemic, and that there is no cure for the Coronavirus; discussed the impact of the Spanish Flu; indicated that if the spread of the Coronavirus worsens, then all public transportation would be shut down and that BART's preparation would allow BART to continue to operate if public transportation can continue; suggested that if a pandemic occurs and the Bay Area is quarantined, then



people may self-isolate which will decrease ridership; and expressed that BART is prepared to be in alignment with the requirements of health care agencies.

Director Raburn noted that the Office of External Affairs should be included in Mr. Lau's working group; suggested that BART should embark on a multi-lingual hygiene education effort now, noting good hygiene practices; and indicated that society can stop the spread of Coronavirus with good hygiene practices.

Mr. Powers reported that he had attended meetings regarding funding to combat homelessness, improving safety and cleanliness at BART, the Core Capacity Project, and FASTER Bay Area at the State Capitol, and the Oath of Office Ceremony for Chief Alvarez hosted by the BART Police Department; that staff was providing tours of the new BART Headquarters at 2150 Webster Street, Oakland, CA for employees; that staff invited Dr. Sacha Joseph-Matthews to host townhall events for employees in March; that Clipper® utilization was positive; that the public campaign for the parking mobile application would be launched on March 4, 2020 and that the application would initially include the Antioch, Hayward, West Oakland, El Cerrito Del Norte, and San Francisco stations before including all stations; and that there were 12 active RCI requests.

Vice President Foley brought the matter of Resolution in Support of Census 2020 before the Board and commented on the purpose of the Resolution, highlighting the importance of counting all people and ensuring that people know the importance of being heard and counted.

Vice President Foley moved that Resolution No. 5436, In the Matter of Support of United States Census 2020, be adopted. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

President Simon called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Ames reported that she had attended the Capitol Corridor Joint Powers Board meeting; commented on her desire to integrate the Altamont Corridor Express (ACE) with Capitol Corridor service and the status of this effort, that she had met with the Mayor of Newark regarding the inclusion of ACE in the FASTER Bay Area project, and that there would be community meetings with Alameda-Contra Costa Transit District (AC Transit) regarding bus service in her District; reported that she had attended meetings at the State Capitol regarding FASTER Bay Area, transformative projects, such as the Second Transbay Crossing, and funding for faregates; and thanked staff for preparing her for the meetings at the State Capitol.

Director Raburn reported that he had attended the Oakland State of the City event; the Capitol Corridor Joint Powers Board meeting; and meetings with the Stonehurst Neighborhood, one of which concerned a homeless encampment underneath BART tracks. Director Raburn reported that he encountered a fire in the East Bay Greenway, next to wooden structures underneath the tracks; commented on the fire that disrupted BART service on February 26, 2020; and reported that he attended the lobbying efforts at the State Capitol and that he did not hear a lot of major support for FASTER Bay Area.

Director Li thanked Chief Alvarez, Police Officer Chi Lee, and Mr. Jim Allison, Manager of Media Relations, Communications, for hosting a press conference for Chinese media at Montgomery Station to

discuss safety and security concerns and expressed satisfaction with the event and connecting with the Chinese community.

Director Dufty thanked Mr. Powers and Chief Alvarez for attending the meetings at the State Capitol with the Directors and providing information to legislators; requested that the next Meeting's agenda include an item regarding the overhead charge for the Office of the Inspector General; commented on the Board's sole accountability for the Office of the Inspector General, highlighting that the Board needs to be involved in the development of the Office because the Inspector General position and the success of the Office reflects the Directors' integrity and the significance of the Inspector General position; requested that the next Meeting's agenda include an item regarding the establishment of an Audit Committee; and commented on the function of an Audit Committee.

Director Allen indicated that she would second Director Dufty's requests regarding the proposed items for the next Meeting's agenda, if they were being submitted as RCI requests.

President Simon expressed support for including the proposed Inspector General and Audit Committee items in the next Meeting's agenda.

Director Saltzman reported that she had attended several meetings that were reported by other Directors and the BART-AC Transit Interagency Liaison Committee meeting; commented on the status of providing AC Transit drivers with access to restrooms at BART stations; expressed support for BART's partnership with AC Transit on this issue; thanked staff and the unions for their efforts on this issue; and reported that she was going to attend the Alameda County Transportation Commission meeting.

Director Allen reported that she had attended the Walnut Creek State of the City Address; the Capitol Corridor Joint Power Board meeting, noting her support for moving Hercules forward in the process of establishing a Capitol Corridor station; and the Concord California State University (CSU) Community Engagement Workshop, noting that City of Concord is under consideration for the establishment of a new CSU campus. Director Allen reported that she spoke at a Rotary group event in Danville; reported that she attended the Contra Costa Transportation Authority meeting; and thanked Director Dufty and President Simon for their support of the Inspector General and Audit Committee items.

Director Saltzman exited the Meeting.

Director McPartland reported that he had presented to the Castro Valley Rotary Club; attended the Tri-Valley – San Joaquin Valley Regional Rail Authority meeting; toured the South Hayward Station with Director Ames; and attended the Hayward Joint Powers Authority meeting.

Vice President Foley reported that he had given a presentation to the Marsh Creek Democratic Club regarding the state of BART and attended the Contra Costa Transportation Authority meeting. Director Foley thanked Ms. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, for her assistance with the tour of Bombardier's plant with Congressman Mark DeSaulnier and Mr. Powers and expressed appreciation for staff's attendance at the tour.

President Simon reported that she had attended the Oath of Office Ceremony for Chief Alvarez and expressed full support and congratulations to Chief Alvarez on behalf of the Board.

Director McPartland requested that the Meeting be adjourned in honor of Ms. Katherine Johnson, female African-American mathematician at the National Aeronautics and Space Administration (NASA).

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

The Meeting was adjourned at 1:46 p.m.

Patricia K. Williams  
District Secretary

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** March 6, 2020

**FROM:** Assistant District Secretary

**SUBJECT:** 2020 Organization of Committees and Special Appointments Revision

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, President Simon is bringing a revision to the 2020 Organization of Committees and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on March 12, 2020.

The proposed change is:

- Update to Oversight Board to Successor Agency of San Francisco Development Agency to re-appointment Director Bevan Dufty

The draft revised 2020 Organization of Committees and Special Appointments is attached.

Should you have any questions, please contact President Simon or me at your convenience.



Jacqueline R. Edwards

cc: Board Appointed Officers  
Executive Staff

**MOTION:**

That the Board of Directors ratifies the proposed revision to the 2020 Organization of Committees and Special Appointments.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

**STANDING COMMITTEES**

**ADMINISTRATION\*\***

John McPartland, Chairperson  
Janice Li, Vice Chairperson  
Debora Allen

**ENGINEERING AND OPERATIONS\*\***

Bevan Dufty, Chairperson  
Robert Raburn, Vice Chairperson  
Liz Ames

**PLANNING, PUBLIC AFFAIRS, ACCESS AND LEGISLATION\*\***

Rebecca Saltzman, Chairperson  
Debora Allen, Vice Chairperson  
Robert Raburn

**SPECIAL COMMITTEES**

**LABOR NEGOTIATIONS REVIEW SPECIAL COMMITTEE\*\***

Mark Foley, Chairperson                      Janice Li, Vice Chairperson                      Rebecca Saltzman

**PERSONNEL REVIEW SPECIAL COMMITTEE\*\***

Bevan Dufty, Chairperson                      Lateefah Simon, Vice Chairperson                      John McPartland

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP SPECIAL COMMITTEE\*\***

Debora Allen                      Liz Ames                      Bevan Dufty                      Robert Raburn

**SPECIAL APPOINTMENTS – LIAISON**

**CONTRA COSTA TRANSPORTATION AUTHORITY\*\* LIAISON**

Debora Allen, Primary                      Mark Foley, Alternate

**PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEES LIAISON**

Robert Raburn                      Lateefah Simon

**SAN FRANCISCO TRANSPORTATION AUTHORITY\*\* LIAISON**

Janice Li, Primary                      Bevan Dufty, Alternate

\*\* Brown Act Committee, subject to public meeting requirements.

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

**SPECIAL APPOINTMENTS – EXTERNAL**

**ALAMEDA COUNTY TRANSPORTATION COMMISSION \*\***

Rebecca Saltzman, Primary                      Robert Raburn, Alternate

**ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS**

Bevan Dufty

**BART AND AC TRANSIT COORDINATING COMMITTEE \*\***

Robert Raburn (Co-Chair)                      Liz Ames                      Rebecca Saltzman

**CAPITOL CORRIDOR JOINT POWERS BOARD\*\*\***

Debra Allen, Contra Costa County                      John McPartland, Alameda County  
Bevan Dufty, San Francisco County                      Robert Raburn, Alameda County  
Janice Li, San Francisco County                      Rebecca Saltzman, Contra Costa County  
Liz Ames, Alameda County Alternate

**DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)\*\*\***

Robert Raburn

**OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY\*\*\***

Bevan Dufty

**PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS\*\*\***

Debra Allen                      Mark Foley

**SOUTH HAYWARD BART STATION ACCESS AUTHORITY\*\***

Liz Ames                      John McPartland                      Robert Raburn, Alternate

**TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY\*\*\***

John McPartland

**WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)\*\***

Debra Allen, Primary                      Lateefah Simon, Alternate

\*\* Brown Act Committee, subject to public meeting requirements.

\*\*\* Brown Act Board, subject to public meeting requirements.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 3/4/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 2/24/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Priya Mathur Dept: Financial Planning <i>[Signature]</i> Signature/Date: 03.03.20	General Counsel <i>[Signature]</i> MB 3/4/20	Controller/Treasurer <i>[Signature]</i> 3/3/2020	District Secretary [ ]	BARC <i>[Signature]</i> 3/5/20 [ ]

## BART Car Replacement Funding Exchange and Reserve Account Withdrawal and Regional Measure 2 Allocation

### BART Car Replacement Funding Exchange and Reserve Account Withdrawal and Regional Measure 2 Allocation

#### PURPOSE:

To request Board approval to: (1) Withdraw up to \$220.1 million from the BART Car Replacement Funding Exchange and Reserve Account to fund the purchase of railcars under the 775 Rail Car Procurement Project (Project) and (2) Adopt a Resolution of Project Compliance (“Resolution”) and approve an Initial Project Report (“IPR”) for the allocation of \$40 million of Regional Measure 2 (“RM2”) funds towards the Rail Car Project.

#### DISCUSSION:

#### BART Car Replacement Funding Exchange and Reserve Account

In 2006, the Metropolitan Transportation Commission (MTC) and BART signed the BART Car Replacement Funding Exchange and Reserve Account (Exchange Account) Agreement (Agreement) to set aside funds for the eventual purchase of new railcars to replace BART’s aging fleet. MTC agreed to program eligible Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funds to BART’s preventive maintenance program in exchange for BART depositing an equal amount of local funds into the Exchange Account. Since that time, approximately \$390 million has been deposited into the account. Under

MTC Resolution 4302 adopted in September 2017, up to \$179 million of the Exchange Account was committed to BART's Transbay Corridor Core Capacity Project (TCCCP).

The Board has authorized two prior withdrawals: a withdrawal of \$15.5 million for the Project in November 2012 and a second \$18 million withdrawal for the TCCCP in December 2019. The November 2012 withdrawal has been fully expended and the December 2019 withdrawal has not yet been disbursed. As of November 30, 2019, the balance of the account was \$398.4 million, including \$179 million attributed to the TCCCP. The remainder of the account balance will continue to accrue interest until further withdrawals are requested and authorized to support the TCCCP

MTC Resolution No. 3738 requires that both the Board and the MTC formally approve withdrawals from the Exchange Account. The action proposed today would authorize BART to approve the withdrawal of up to \$220.1 million from the Exchange Account, which BART would use for payments associated with the procurement of 775 new railcars being acquired under the Project (669 rail cars to replace legacy rail cars; 106 cars for service expansion of which 60 cars are 100% attributable to VTA). The MTC is expected to approve this withdrawal request at the April Commission meeting, as required by the Agreement. Upon approval by the Board and the MTC, BART will submit formal requests for reimbursement of funds from the Exchange Account that will outline specific Project details, including but not limited to copies of invoices that include defined costs associated with the Project.

### Regional Measure 2

Bay Area voters in 2004 approved Regional Measure 2 (RM2), raising the toll on the region's seven state-owned toll bridges by \$1. RM2 established a Regional Traffic Relief Plan to help finance highway, transit, bicycle and pedestrian projects in the bridge corridors and their approaches, and to provide operating funds for key transit services.

MTC Resolution No. 2626, the Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2, requires that the Board adopt a Resolution and approve an IPR each time the project sponsor requests an allocation of RM2 funds. The proposed Board action, coupled with a subsequent Commission action, would result in the allocation of \$40 million to fund the Project.

### FISCAL IMPACT:

This action authorizes the District to (1) request a withdrawal of up to \$220.1 million from the Exchange Account as necessitated by the Project cost cashflow needs and (2) request an allocation of \$40 million of Regional Measure 2 ("RM2") funds.



**ALTERNATIVES:**

(1) Do not authorize the request of a withdrawal from the Exchange Account and potentially delay rail car delivery and (2) do not adopt or approve attached Resolution and IPR. The District will not be able to procure all 775 new railcars for replacement and expansion purposes.

**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

The Board of Directors (1) Approves the withdrawal of up to \$220.1 million from the BART Car Replacement Funding Exchange and Reserve Account to fund the purchase of railcars under the 775 Rail Car Procurement Project and (2) Adopts the attached Resolution of Project Compliance and approves the Initial Project Report for the allocation of \$40 million of Regional Measure 2 ("RM2") funds towards the Project.

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

In the Matter of Support of  
Regional Measure 2  
Resolution of Project Compliance for  
BART Rail Replacement Program

Resolution No. XXXXX

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, BART is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the BART Rail Replacement Program is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BART is requesting that MTC allocate Regional Measure 2 funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Francisco Bay Area Rapid Transit District that that BART, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that BART certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it further

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RESOLVED, that BART approves the updated Initial Project Report (IPR), attached to this resolution; and be it further

RESOLVED, that BART approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that BART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that BART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART is authorized to submit an application for Regional Measure 2 funds for the BART Rail Replacement Program in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 *et seq.*) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 *et seq.* and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BART making allocation requests for Regional Measure 2 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BART to deliver such project; and be it further

RESOLVED, that BART agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BART shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

RESOLVED, that BART shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

RESOLVED, that BART authorizes its General Manager, or his/her designee to execute and submit an allocation request for the design phase with MTC for Regional Measure 2 funds in the amount of \$2.0 million, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the General Manager, or his/her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the BART application referenced herein.

Adopted on \_\_\_\_\_, 2020

## RM2 BART 775 RAIL CAR PROCUREMENT PROJECT

### Initial Project Report Summary

The Rail Car Procurement Project consists of procurement of 775 new rail cars being acquired under the Project (669 rail cars to replace legacy rail cars; 106 rail cars for service expansion of which 60 cars are 100% attributable to VTA).

This IPR requests an allocation of \$40 million in RM2 Bridge Tolls to assist in funding the BART 775 Rail Car Procurement Project.

### Project Delivery Milestones


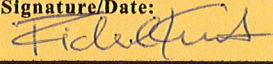

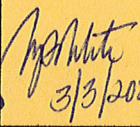

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	NA	NA
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	NA	NA
Final Design - Plans, Specs. & Estimates (PS&E)	NA	NA
Right-of-Way Activities /Acquisition (R/W)	NA	NA
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	7/2007	6/2027

### Total Project Budget Information

Phase	Total Amount - Escalated - (Thousands)
Construction / Rolling Stock Acquisition (CON)	2,584,000
<b>Total Project Budget (in thousands)</b>	<b>2,584,000</b>



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/4/2020		GENERAL MANAGER ACTION REQ'D: Approval and forward to Board		
DATE: 2/25/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Richard Fuentes Dept: Grant Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  3/3/20	 3/4/20	 3/3/2020 [ ]	[ ]	 3/3/20 [ ]

## Resolution Authorizing the Submittal of BART to Antioch Operations Application, and Supporting Documents, for the FY 19-20 Low Carbon Transit Operations Program (LCTOP)

### PURPOSE:

To obtain Board approval of a Resolution Authorizing the Submittal of BART to Antioch Operations Application, and Supporting Documents, for the FY20 Low Carbon Transit Operations Program (LCTOP).

### DISCUSSION:

The Low Carbon Transit Operations Program (LCTOP) was created by the California Legislature through Senate Bill 862 in 2014 to provide operating and capital assistance for transit agencies in an effort to reduce greenhouse gas emissions and improve mobility. The LCTOP was amended in 2016 by Senate Bill 824 and is funded by annual proceeds from the State's cap-and-trade program. These funds may be used for operating costs, capital programs or projects including new or expanded bus or rail services, expanded intermodal facilities, equipment acquisition, and maintenance.

Eligibility for LCTOP funding requires agencies to demonstrate reductions in greenhouse gas emissions and consistency with both BART's Short Range Transit Plan and the region's Sustainable Communities Strategies (e.g., Plan Bay Area). In addition, 50% of the total funds received by a transit agency must be expended on projects that benefit disadvantaged communities within the agency's service area.

The LCTOP is a formula-based program, administered by the California Department of Transportation (Caltrans). BART receives the funds directly from the state once the application is approved. For FY20, BART is eligible to received \$8,534,543.

In order to receive LCTOP funds, BART's Board of Directors must adopt a resolution authorizing staff to execute application documents and provide certain certifications and assurances to Caltrans.

**FISCAL IMPACT:**

If the proposed project is approved by Caltrans, the funds will be applied to the operating budget of BART to Antioch.

By adopting this Resolution Authorizing the Submittal of BART to Antioch Operations Application, and Supporting Documents, for the FY 19-20 Low Carbon Transit Operations Program (LCTOP), BART may receive \$8,534,543 on or before June 30, 2020.

This action will have no fiscal impact on unprogrammed District Reserves.

**ALTERNATIVES:**

Do not approve the Resolution Authorizing the Execution of BART to Antioch Operations Application, and Supporting Documents, for the FY20 Low Carbon Transit Operations Program (LCTOP). BART could choose another project.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The BART Board approves adoption of the attached Resolution "**In the Matter of Authorizing the Submittal of BART to Antioch Operations Application, and Supporting Documents, for the FY 19-20 Low Carbon Transit Operations Program (LCTOP)**"

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

**In the Matter of Authorizing the Submittal of BART  
To Antioch Operations Application, and Supporting  
Documents, for FY 19-20 Low Carbon Transit  
Operations Program (LCTOP)**

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

AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOT THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FOR THE FOLLOWING PROJECT:

BART TO ANTIOCH OPERATIONS / \$8,534,543

**WHEREAS**, San Francisco Bay Area Bay Area Rapid Transit District is an eligible sponsor and may receive state funding for transit projects from the Low Carbon Transit Operations Program (LCTOP) now or sometime in the future; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by applicable regulations; and

**WHEREAS**, Senate Bill 862 (2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

**WHEREAS**, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds eligible project sponsors (local agencies); and

**WHEREAS**, BART wishes to delegate authorization to execute these documents and any amendments thereto BART to Antioch Operations.

**WHEREAS**, BART wishes to implement the following LCTOP project listed above,

**NOW, THEREFORE, BE IT RESOLVED** that Robert Powers, General Manager be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby authorizes the submittal of the following project nomination and allocation request to the Department in FY 2019-2020 LCTOP funds:

List of project, including the following information:

Project Name: BART to Antioch Operations

Amount of LCTOP funds requested: \$8,534,543



**Short Description of projects:** The new service between the Pittsburg/Bay Point Station and Antioch is 10 miles long, adds two new stations, and provides much needed congestion relief on California State Route 4.

**Benefit to a Priority Populations:** Yes

**Contributing Sponsors (if applicable):** None

AGENCY BOARD DESIGNEE

BY: \_\_\_\_\_



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 3/5/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/27/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rod Maplestone Dept: Human Resources Administration	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>Rod Maplestone</i> 3-4-20	<i>[Signature]</i> 3/5/2020 [ ]	<i>[Signature]</i> 3/4/2020 [ ]	[ ]	<i>[Signature]</i> 3/4/20 [ ]

## Amendment to Agreement 6M4593, Pre-Employment Physicals, Drug & Alcohol Screening, and Hepatitis B Vaccinations

### PURPOSE:

To obtain Board authorization for the General Manager to execute an amendment to increase the expenditure of funds for Agreement No. 6M4593 by \$75,000. There is no increase in the contract period.

### DISCUSSION:

Occupational Health Centers of California is currently providing pre-employment physicals, drug & alcohol screening, and Hepatitis B vaccinations for the District under Agreement No. 6M4593. There has been a significant increase in hiring of Police and other Safety Sensitive positions over the past year resulting in the need to increase funds for these services. We will be reviewing the pre-employment physical requirements as well as options for providing each of these services more efficiently which may include seeking new agreements.

### FISCAL IMPACT:

Human Resources will fund the additional \$75,000. Funding for services to be rendered in the current fiscal year is in the operating budget of the Human Resources Department, 0502420, Cost Center number 0502420, Account 681300, Professional and Technical Services. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

### ALTERNATIVES:

To not increase funding expenditure would cause a significant disruption to BART's pre-employment services which would impact hiring and compliance.

Additional funds required due to increased hiring

**RECOMMENDATION:**

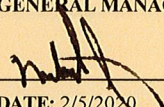
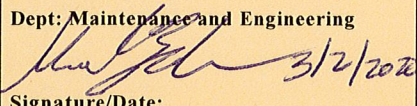
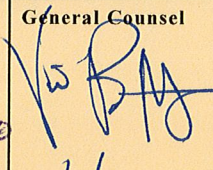
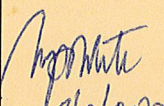
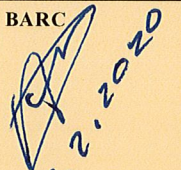
It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to execute an amendment to Agreement No. 6M4593 with Occupational Health Centers of California to increase the total compensation by \$75,000.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  3/4/2020		<b>GENERAL MANAGER ACTION REQ'D:</b> Authorization to Award of Contract 20LZ-130 Train Control Room Battery Systems Replacement, Phase 3 to Becker Electric, Inc.		
DATE: 2/5/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mohamad Fararjeh Dept: Maintenance and Engineering  3/2/2020 Signature/Date:	General Counsel  3/2/20 [ ]	Controller/Treasurer  3/2/2020 [ ]	District Secretary [ ]	BARC  3.2.2020 [ ]

### To Obtain Authorization to Award of Contract 20LZ-130 Train Control Room Battery Systems Replacement, Phase 3

#### PURPOSE:

To obtain Board Authorization for the General Manager to award Contract No. 20LZ-130 for the Train Control Room Battery Systems Replacement, Phase 3, to Becker Electric, Inc. of San Francisco, CA for the Bid amount of \$4,723,680.69.

#### DISCUSSION:

The District's train control room battery systems provide emergency power to train control and communications systems essential for reliable revenue service. The batteries are used to store energy as a part of an uninterruptible power supply (UPS) to provide power to essential loads when the utility power is not available. The batteries are beyond their designed life and are no longer able to hold a charge for a significant length of time. A utility power disruption could result in a loss of train control computer operations.

This Contract is for the upgrade of existing Train Control Room Battery Systems in twenty (20) locations throughout the system. This is the third and final phase of the train control battery system replacements systemwide. The Contract scope requires the Contractor to provide an all-new battery system consisting of batteries, battery racks, remote monitoring systems, hydrogen sensor alarm, cabinets, disconnect switches, and

associated accessories. This includes the replacement of associated conduits and conductors as well as the removal and disposal of the existing battery systems.

The District provided advance notice to two hundred seventy-four (274) prospective Bidders, and plans were sent to four (4) Plan Rooms. A pre-Bid meeting was held on December 10, 2019, with eight (8) prospective Bidders in attendance. A site visit was conducted on December 23, 2019, with three (3) Contractors in attendance. Bids were opened on January 21, 2020. A total of three (3) Bids were received as follows:

<b><u>Bidder</u></b>	<b><u>Bid Amount</u></b>
Becker Electric, Inc. San Francisco, CA	\$4,723, 680.69
Icenogle Construction Management, Inc. San Francisco, CA	\$5,493,180.00
Blocka Construction, Inc. Fremont, CA	\$6,657,000.00
Engineer's Estimate	<b>\$5,065,821.00</b>

Staff determined that the apparent low bidder, Becker Electric, Inc., submitted a responsive Bid. Staff has also determined that the total Bid Amount of \$4,723,680.69 is fair and reasonable and approximately 7% below the Engineer's Estimate.

This Contract was advertised pursuant to the District’s Disadvantaged Business Enterprise (“DBE”) Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 12% was set for this Contract. The low Bidder, Becker Electric, Inc. committed to subcontracting 21.6% to DBEs. The Office of Civil Rights has determined that Becker Electric Inc. has met the DBE participation goal set for this Contract.

**FISCAL IMPACT:**

Funding in the amount of \$4,723,681 for Contract No. for 20LZ-130, Train Control Room Battery Systems Replacement, Phase 3 is included in the total project budget for 20LZ100, Train Control Room Battery Systems Replacement.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following:

<b>Proposed Funding</b>	
F/G 3015,353K,353M – FTA Award Sources	3,431,674
F/G 6017 – MTC Bridge Toll Sources	25,466
F/G 8530, 8531, 8532–FY16, 17 & 18 Operating to Cap Alloc	6,119,090
<b>TOTAL</b>	<b>9,576,230</b>

As of February 18, 2020, \$9,576,230 is the total budget for this project. BART has expended \$3,552,812, committed \$62,626, and reserved \$0 to date. This action will commit \$4,723,681, leaving an available fund balance of \$1,237,111 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

**ALTERNATIVES:**

The alternative is not to replace the train control room battery systems at this time. This would leave the BART Train Control System vulnerable to power failures and possible shutdowns impacting revenue service.

**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

The General Manager is authorized to award Contract No. 20LZ-130 for Train Control Room Battery Replacement to Becker Electric, Inc. for an amount of \$4,723,680.69, pursuant to a notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements related to protests.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** March 6, 2020

**FROM:** General Manager

**SUBJECT:** **FY20 Second Quarter Financial Report**

The FY20 Second Quarter Financial Report (October – December 2019) is attached. The net result for the quarter, while balanced, was \$20.8 million (M) unfavorable to budget. Prior to this quarter, results had generally been running favorable. The second quarter change is driven primarily by a lag in State financial assistance revenues and higher than budgeted labor expenses, partially offset by increased non-fare revenue and lower than budgeted non-labor expenses.

### Operating Sources

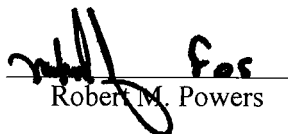
**Total Ridership** was 0.4% over budget for the quarter and 1.2% lower than in the same period of FY19. Second quarter FY20 weekday trips were 0.1% above budget and 0.5% below FY19. Year to date, total trips are 0.5% above budget, but 1.0% below the first half of FY19. Passenger revenue for the quarter was \$0.5M (0.4%) unfavorable and \$1.9M (0.8%) favorable year to date.

**Financial Assistance** in the second quarter was unfavorable to budget, with sales tax \$9.4M below budget and no receipt of State Transit Assistance (STA) funds. However, year to date, sales tax is nearly on budget, with the state continuing to remit sales tax revenues from prior quarters to agencies in an uneven manner. The State Transit Assistance payment budgeted for the second quarter (\$9.8M) is expected in March. Sales of Low Carbon Fuel Standard (LCFS) credits continued to exceed budget expectations, in the second quarter generating a total of \$5.9M, allocated equally to the Sustainability program and to the general operating fund.

### Operating Uses

**Total Expense** for the second quarter exceeded budget by \$8.7M (4.5%), with labor and benefits \$11.5M over budget, (7.9%) unfavorable. This negative variance was driven by overtime and less than budgeted capital labor reimbursements. After adjusting for vacant positions, capital reimbursements are expected to be on budget by year end. Total non-labor expense was \$2.8M under budget, largely due to material usage, lower than projected bank card fees and increased Clipper reimbursements.

The outlook for the remainder of FY20 is concerning. Ridership, operating sources and financial assistance are expected to remain close to, or over, budget. However, as noted in the first quarter, operating expenses continue to face substantial added financial pressures to address Quality of Life issues and the customer experience, requiring overtime and redirection of resources. Additionally, non-labor expenditures are expected to increase in the second half of the fiscal year. Staff will continue work to streamline the allocation of charges to capital projects, while limiting spending and pursuing all revenue sources with the goal of balancing the FY20 budget by year end. Staff will provide an update on the FY20 financial outlook in April in conjunction with the FY21 budget development process.

  
Robert M. Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## Revenue

- Avg weekday trips for the quarter were 403,426 or 0.1% over budget and 0.5% below the same quarter last year. Total trips for the quarter were 0.4% over budget and 1.2% lower than FY19Q2, with weekend and holiday trips 2.2% over budget. YTD, total trips are 0.5% over budget and 1.0% below FY19. Net passenger revenue was 0.4% under budget.

- Parking revenue was \$0.2M favorable, mainly due to over budget daily non-reserve program.

- Other operating revenue was \$0.9M favorable mainly due to over budget investment income.

## Expense

- Labor was \$11.5M unfavorable in Q2, mostly due to overtime and unrecovered capital labor reimbursement.

- Power was \$1.0M favorable in Q2 due to reductions in transmission and distribution costs, a \$250K credit from the National California Power Agency and timing of invoice payments.

- Other non labor was \$1.7M favorable overall in Q2 due to \$3.2M under budget material usage spending and \$0.2M favorable interchange rates/fees and Clipper reimbursement. This was partially offset by \$0.7M above budget spending in other utilities, \$0.6M in professional fees, \$0.2M in repairs & maintenance and \$0.2M in travel & meetings.

## Financial Assistance and Allocations

- Sales tax for Q2 was 19.4% below FY19Q2 and \$9.4M unfavorable due to timing of payments from prior quarters. Timing continues to be a problem, but payments are projected to be on budget by year-end.

- Property tax, other assistance was \$0.2M unfavorable due to under budget local financial assistance.

- State Transit Assistance (STA) was \$9.8M unfavorable due to timing, but is expected to be on budget at year-end.

- Low Carbon Transit Operations Program (LCTOP) revenue was \$2.4M favorable due to timing. MTC payments will be on budget at year-end.

- Low Carbon Fuel Standard (LCFS) Program revenue was \$2.4M favorable due to higher than anticipated sale of credits generated as a result of strong market prices.

- Debt service was \$0.3M favorable due to savings from refunding.

- Capital and other allocations were \$1.6M lower than budget primarily due to under budget incremental fare increase revenue, offset by increased LCFS revenue (allocated between Sustainability and general operating fund per LCFS Policy) and over budget SFO extension fare revenue.


## Net Operating Result


- Net operating result for Q2 was \$20.8M under budget due to unfavorable overtime, capital labor reimbursements, sales tax revenues and unrealized State Transit Assistance (STA). YTD net operating result is \$11.7M under budget.

## Quarterly Financial Report Second Quarter

Current Quarter			(\$ Millions)	Year to Date		
Budget	Actual	Var		Budget	Actual	Var
<b>Revenue</b>						
115.1	114.6	-0.4%	Net Passenger Revenue	236.9	238.8	0.8%
8.7	8.9	1.4%	Parking Revenue	18.0	18.1	0.5%
7.4	8.3	12.0%	Other Operating Revenue	14.4	16.5	14.5%
<b>131.3</b>	<b>131.8</b>	<b>0.4%</b>	<b>Total Net Operating Revenue</b>	<b>269.3</b>	<b>273.4</b>	<b>1.5%</b>
<b>Expense</b>						
145.8	157.3	-7.9%	Net Labor	294.8	311.9	-5.8%
11.4	10.4	8.7%	Electric Power	22.8	21.3	6.4%
7.9	7.8	1.3%	Purchased Transportation	15.8	15.7	0.7%
31.1	29.5	5.4%	Other Non Labor	60.6	55.2	8.9%
<b>196.2</b>	<b>205.0</b>	<b>-4.5%</b>	<b>Total Operating Expense</b>	<b>394.0</b>	<b>404.2</b>	<b>-2.6%</b>
<b>(64.9)</b>	<b>(73.1)</b>	<b>-12.6%</b>	<b>Operating Result (Deficit)</b>	<b>(124.7)</b>	<b>(130.8)</b>	<b>-4.9%</b>
<b>Taxes and Financial Assistance</b>						
75.6	66.2	-12.4%	Sales Tax	141.9	141.0	-0.6%
27.3	27.1	-0.6%	Property Tax, Other Assistance	30.4	30.5	0.3%
9.8	0.0	-100.0%	State Transit Assistance (STA)	9.8	0.0	-100.0%
0.0	2.4	-	Low Carbon Transit Op Prog	8.4	5.7	-31.4%
3.5	5.9	67.5%	Low Carbon Fuel Std Prog	7.1	11.9	67.6%
(11.8)	(11.5)	2.7%	Debt Service	(23.6)	(23.3)	1.3%
(17.9)	(16.3)	9.1%	Capital and Other Allocations	(41.6)	(39.1)	6.0%
<b>86.6</b>	<b>73.9</b>	<b>-14.6%</b>	<b>Net Financial Assistance</b>	<b>132.3</b>	<b>126.7</b>	<b>-4.2%</b>
<b>21.6</b>	<b>0.8</b>	<b>(20.8)</b>	<b>Net Operating Result</b>	<b>7.6</b>	<b>(4.1)</b>	<b>(11.7)</b>
66.9%	64.3%	-2.6%	<b>System Operating Ratio</b>	68.3%	67.6%	-0.7%
<b>0.436 ¢</b>	<b>0.460 ¢</b>	<b>-5.4%</b>	<b>Rail Cost / Passenger Mile</b>	<b>0.426 ¢</b>	<b>0.439 ¢</b>	<b>-3.1%</b>

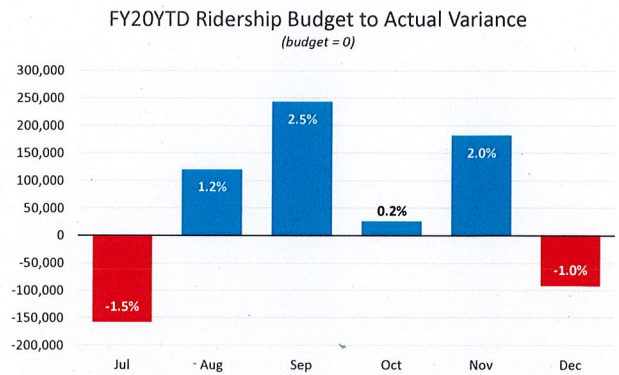
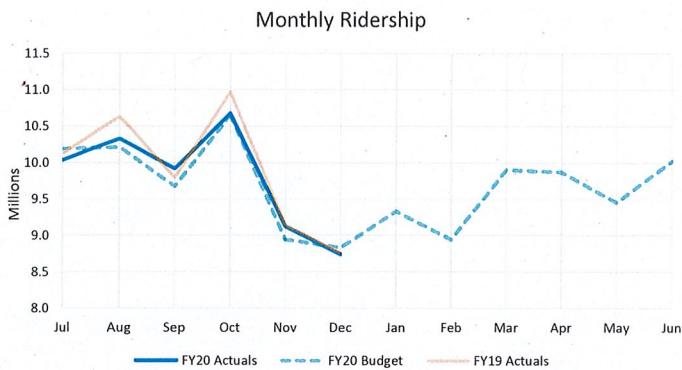
\* Totals may not add due to rounding to the nearest million.

 No Problem

 Caution: Potential Problem/Problem Being Addressed

 Significant Problem

## FY20 Q2 (Oct-Dec) Ridership Stats

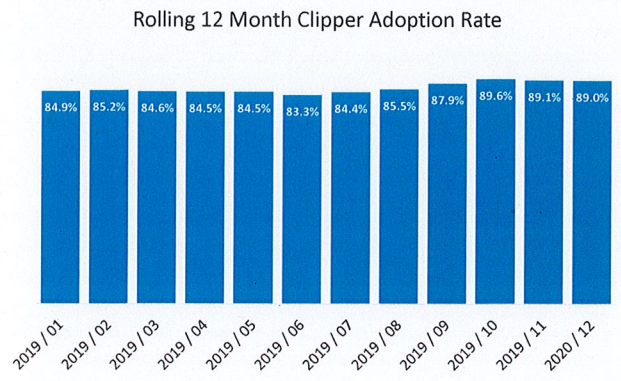


Exits	Actual	Budget	Actual
	FY19 Q2	FY20 Q2	FY20 Q2
Weekday	405,308	403,184	403,426
Saturday	163,107	153,956	155,219
Sunday	119,272	109,148	107,362
<b>Total</b>	<b>28,894,691</b>	<b>28,433,936</b>	<b>28,549,684</b>

FY20 Q2 Actual vs.	
FY19 Q2	FY20 Q2
-0.5%	0.1%
-4.8%	0.8%
-10.0%	-1.6%
-1.2%	0.4%

Exits	Actual	Budget	Actual
	FY19 YTD	FY20 YTD	FY20 YTD
Weekday	412,736	408,246	408,198
Saturday	164,524	155,123	159,763
Sunday	121,231	108,745	112,287
<b>Total</b>	<b>59,457,762</b>	<b>58,515,277</b>	<b>58,836,547</b>

FY20 YTD Actual vs.	
FY19 YTD	FY20 YTD
-1.1%	0.0%
-2.9%	3.0%
-7.4%	3.3%
-1.0%	0.5%



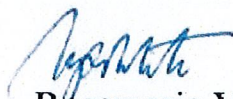
**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**INTER-OFFICE COMMUNICATION**

**TO:** Board of Directors **Date:** March 6, 2020  
**FROM:** Controller-Treasurer  
**SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER**

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending December 31, 2019 which will be presented to the Board on March 12, 2020.

Please feel free to call me at 510-464-6070 with any questions you may have.



Rosemarie V. Poblete



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 3/4/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/28/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration  Signature/Date: 3/2/2020	General Counsel  3/2/2020	Controller/Treasurer  3/2/2020	District Secretary [ ]	BARC  3/2/20

### Resolution to Amend CalPERS contract to include Cost Sharing of Employer Contribution for BPOA and BPMA

**PURPOSE:**

To obtain Board approval to add an amendment to the contract between the District and the California Public Employees Retirement System (“CalPERS”) to be subject to California Government Code, Section 20516 (cost sharing of employer contribution) for the BART Police Officers’ Association (“BPOA”) and BART Police Managers’ Association (“BPMA”).

**DISCUSSION:**

In their 2018-2022 collective bargaining agreements, the District and BPOA and BPMA agreed to elect to be subject to California Government Code Section 20516 (cost sharing of employer contribution). By amending the District's contract with CalPERS, the increased pension contributions will be credited to the employees’ accounts as normal contributions and will be included in the refund of accumulated contributions to the employees who separate from CalPERS-covered employment and elect to withdraw their contributions. The following are the current additional pension contributions:

Group	Additional Pension Contribution % Paid by the Employee
BPOA – Miscellaneous - Classic	4%
BPOA – Miscellaneous - PEPR	4%
BPOA – Safety - Classic	8%
BPOA – Safety - PEPR	2%

Group	Additional Pension Contribution % Paid by the Employee
BPMA – Miscellaneous - Classic	6%
BPMA– Miscellaneous – PEPRA*	0%
BPMA– Safety - Classic	8%
BPMA– Safety - PEPRA	2%

\*Included for informational purposes only. This group will not be included in the contract amendment.

California Government Code 7507 requires that adoption of a retirement benefit change occur no less than two weeks after the actuarial impact upon future annual costs is made public at a public meeting. For BPOA, at the November 15, 2018, Board Meeting and for BPMA, at the May 23, 2019, Board meeting, the actuarial impact upon future annual costs of the change to pension contributions were publicly disclosed in compliance with this requirement.

The Resolution of Intent was approved at the Board meeting on October 10, 2019. As required by CalPERS, a secret ballot vote by the affected employees was held and a majority of the affected employees voted to approve the proposed plan. The next and final step will be to approve the contract amendment. Attached is a copy of the amendment to the CalPERS contract.

**FISCAL IMPACT:**

There is no fiscal impact to adopt this resolution.

**ALTERNATIVES:**

This is a negotiated benefit for represented employees which the Board approved when it ratified the 2018-2022 collective bargaining agreements with BPOA and BPMA.

**RECOMMENDATION:**

That the Board adopts the following motion.

**MOTION:**

To adopt the attached resolution to approve an amendment to the contract between the Board of Administration of CalPERS and the Board of Directors of the District to elect Section 20516 (cost sharing of employer contributions) for BPOA and BPMA, and authorize

the Board President to sign the resolution and amendment on behalf of the Board.



California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
Board of Directors  
San Francisco Bay Area Rapid Transit District

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1958, and witnessed November 14, 1958, and as amended effective January 1, 1961, August 26, 1969, January 31, 1972, July 1, 1976, October 1, 1976, July 1, 1978, January 1, 1981, December 11, 1989, August 31, 1992, January 13, 1995, April 26, 1996, July 16, 1998, September 13, 2002, November 22, 2002, July 1, 2004, October 19, 2009, January 15, 2010 and September 23, 2016 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective September 23, 2016, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Police Officers (herein referred to as local safety members);
  - b. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **FIRE FIGHTERS.**
6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1960, the effective date of Social Security coverage, and prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).



7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2% at age 57 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 20042 (One-Year Final Compensation) for classic members only.
  - b. Section 21024 (Military Service Credit as Public Service).
  - c. Section 21027 (Military Service Credit for Retired Persons).
  - d. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local safety members.
  - e. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local miscellaneous members in the following groups:

BART Police Officers' Association  
BART Police Management Association
  - f. Section 20965 (Credit for Unused Sick Leave).
  - g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.
  - h. Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship, or Judicial Administration Fellowship Programs) for local miscellaneous members only.
  - i. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
  - j. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service) for local miscellaneous members only.

k. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 6% for classic local miscellaneous members, 8% for classic local safety members and 2% for new local safety members in the Bart Police Managers' Association; and

4% for local miscellaneous members, 8% for classic local safety members and 2% for new local safety members in the Bart Police Officers' Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on July 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
13. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS  
SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT

BY \_\_\_\_\_  
ARNITA PAIGE, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**RESOLUTION  
AUTHORIZING AN AMENDMENT TO THE CONTRACT**

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

WHEREAS, the Board of Administration of the California Public Employees' Retirement System and the San Francisco Bay Area Rapid Transit District entered into a contract effective on December 1, 1958 providing for the participation of said public agency in the California Public Employees' Retirement System; and

WHEREAS, it is now desirable to take advantage of certain benefits provided under said Retirement System and not included in said contract;

NOW, THEREFORE, BE IT RESOLVED, that said governing body authorized, and it does hereby authorize, an amendment to said contract, a copy of said amendment attached hereto and by such reference made a part hereof as though herein set out in full; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the presiding officer of said governing body is hereby authorized, empowered and directed to execute said amendment for and on behalf of said public agency.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Clerk/Secretary



California Public Employees' Retirement System  
 Financial Office | Pension Contracts and Prefunding Programs Division  
 P.O. Box 942703, Sacramento, CA 94229-2703  
 888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

**CERTIFICATION  
 OF  
 FINAL ACTION OF GOVERNING BODY**

I hereby certify that the \_\_\_\_\_ of the  
 (governing body)  
 \_\_\_\_\_  
 (public agency)

considered and adopted on \_\_\_\_\_, \_\_\_\_\_, by an affirmative vote of a  
 (date)  
 majority of the members of said Governing Body, **Ordinance / Resolution No.** \_\_\_\_\_  
 approving the attached contractual agreement between the Governing Body of said Agency and  
 the Board of Administration of the California Public Employees' Retirement System, a certified  
 copy of said **Ordinance / Resolution** in the form furnished by said Board of Administration being  
 attached hereto.

Adoption of the retirement benefit increase/change was not placed on the consent calendar.




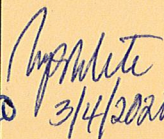

\_\_\_\_\_  
 Clerk/Secretary

\_\_\_\_\_  
 Title

Date \_\_\_\_\_



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/4/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/25/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Scott Van Dussen Dept: Extensions  Signature/Date: 3/4/2020	General Counsel  3/4/20	Controller/Treasurer  3/4/2020 [ ]	District Secretary [ ]	BARC  3.4.2020 [ ]

## Award Agreements No. 6M8171 and No. 6M8187 for General Construction Oversight Services in support of BART's Train Control Modernization Program

### PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M8171 to Jacobs Engineering Group Inc. and Agreement No. 6M8187 CPM Associates, Inc. to provide General Construction Oversight Services in support of BART's Communications Based Train Control Contract.

### DISCUSSION:

On January 9, 2020, the Board authorized the General Manager to award Contract No. 49GH-110 to Hitachi Rail STS USA, Inc. for the Design-Build of a Communications Based Train Control System (CBTC Contract).

In order to provide technical project management and implementation support to the CBTC Contract with dedicated project staff over a ten-year period, BART issued a Request for Proposals (RFP) No. 6M8171 on November 15, 2019, for the provision of General Construction Oversight Services. The RFP indicated that the services would be obtained through agreements with up to two firms, that each agreement would have a term of up to ten years, and that each would be in an amount not to exceed \$37,500,000.

An Advance Notice to Proposers was emailed to 100 construction oversight services consultant firms having expertise in the pertinent technical fields. The RFP was posted to the District's procurement Portal and was made available to proposers to download electronically. The RFP was also advertised in local publications. A total of 78 firms

downloaded the RFP through the Procurement Portal.

A pre-proposal meeting was held on December 11, 2019 at the BART Offices in Oakland. Thirty-eight (38) firms signed in at the meeting. Immediately following the pre-proposal meeting, a networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights. In an effort to maximize the participation of small businesses, all potential subconsultants were afforded the opportunity to discuss individual subcontracting opportunities with potential prime proposers at this session.

On January 14, 2020, timely proposals were received from the following three firms:

1. Jacobs Engineering Group Inc. of Oakland, CA
2. CPM Associates, Inc. of San Francisco, CA
3. Ghirardelli Associates of Oakland, CA

The proposals were reviewed by a Selection Committee ("Committee") consisting of BART staff from the Planning, Development, Maintenance and Engineering, Transportation, Office of Civil Rights; and Contract Administration Department. Proposals were reviewed to determine if the proposals were responsive to the requirements of the RFP. Thereafter, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the firm and key personnel. All three proposals were short-listed for oral presentations. The committee conducted oral interviews on February 18, 2020.

Based on the oral and written evaluations, the Committee determined that the two most qualified firms are Jacobs Engineering Group Inc. and CPM Associates, Inc. After making this determination, BART began negotiations with these firms. With support from the Planning and Internal Audit Departments, Contract Administration staff evaluated the rates and markups received from each Proposer for a cost-plus fixed fee agreement. Staff determined that the rate structures of both firms are fair and reasonable, and that both firms are responsible organizations. Negotiations between BART and the firms concluded on mutually favorable terms.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were Small Business Entity (SBE) subconsulting opportunities; therefore, an SBE participation goal of 30% was set for this Agreement. Jacobs and CPM Associates, committed to meeting the 30% SBE participation goal. The Office of Civil Rights will monitor the actual SBE participation attained based on individual task orders issued and amounts actually paid to SBE firms. The Agreements require the Consultants to ensure that SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends the following two awards under RFP No. 6M8171, each in an amount not to exceed \$37,500,000 for a ten-year performance period:

1. Jacobs Engineering Group Inc. of Oakland, CA
2. CPM Associates, Inc. of San Francisco, CA

Work Plans (WPs) under the Agreements will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget.

The Office of the General Counsel will approve each Agreement as to form.

**FISCAL IMPACT:**

Each of the Agreements has a not-to-exceed limit of \$37,500,000. These agreements have a total combined limit not to exceed \$75,000,000. The District will issue series of Work Plans (WPs) to encumber cost associated with these agreements. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Budget and Funds Management will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each WP. Funds will come from a combination of Federal, TIRCP, Measure RR and BART Capital funds.

**ALTERNATIVES:**

Reject all proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact activities underway in support of the District's Communications Based Train Control System and would not likely result in higher quality proposals.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Agreement No. 6M8171 to Jacobs Engineering Group Inc. and Agreement No. 6M8187 to CPM Associates, Inc. to provide General Construction Oversight Services in support of BART's Communications Based Train Control Contract, in an amount not to exceed \$37,500,000 for each agreement, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protests.



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

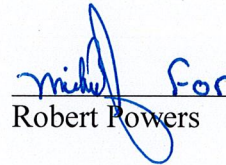
**DATE:** March 6, 2020

**FROM:** Bob Powers, General Manager

**SUBJECT:** 2150 Webster Project Update

At the March 12, 2020 BART Board meeting, staff will provide an update on BART's future office headquarters at 2150 Webster Street, Oakland. The attached presentation will include project milestones to date, employee engagement activities, project timelines, and next steps.

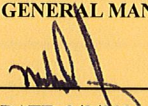

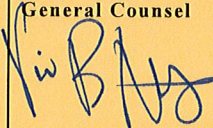

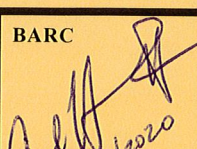
If you have any questions, please contact Val Menotti, Chief Planning & Development Officer, at [vmenott@bart.gov](mailto:vmenott@bart.gov).

  
Robert Powers

**cc:** Board Appointed Officers  
Deputy General Manager  
Executive Staff



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/6/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Systems Development  3/5/20 Signature/Date:	General Counsel  3/6/2020 [ ]	Controller/Treasurer  3/6/2020 [ ]	District Secretary [ ]	BARC  3/5/2020 [ ]
Status: Approved		Date Created: 3/2/2020		

## Authorization to Extend and Amend Building Maintenance Service Agreements for 2150 Webster Street (BART HQ) through Construction Period

### PURPOSE:

To authorize the General Manager or his designee to extend and amend building maintenance service agreements for the new BART Headquarters at 2150 Webster Street and to direct the Controller/Treasurer to set aside \$970,000 for such agreements within the already approved budget.

### DISCUSSION:

By Motion approved on September 12, 2019, the BART Board authorized the General Manager to purchase a ten-story office building located at 2150 Webster Street, Oakland, CA. BART purchased the building on December 10, 2019. The building has been renovated by the previous owner with almost entirely new building systems and equipment. The building however is not built out for occupancy and the floors are in a "shell like" condition.

The building consists of approximately 244,000 square feet of gross area. The building has the typical equipment found in similar office buildings including but not limited to: chillers, variable air volume valves, boilers, air handling units, water pumps, fire alarms, fire sprinklers, elevators, and other related equipment. Even though the building is not currently occupied, the operation, maintenance, repair, and spare part management requires individuals specifically trained to manage this type of facility until a full build out has been completed.

As part of the real estate transaction to purchase the building, BART received assignment of several service agreements from the seller in order to help BART maintain services at the building during the transition. The current provider of property management services is RiverRock Real Estate Group.

The Scope of Work for these agreements includes, but is not limited to labor to install, repair, maintain and manage the building infrastructure and related equipment. Staff is seeking to amend the authority granted to the General Manager for 2150 Webster Street to allow the District to enter into several service agreements needed to maintain the building. In addition to needing property management services from RiverRock Real Estate Group, other anticipated services agreements are listed in the attached Exhibit "A".

Recently, the District, issued Request for Proposals (RFP) No. 6M4702, for Building Management and Related Services for 2150 Webster Street. The District provided advanced notice to five firms on February 4, 2020. The RFP was advertised in several publications, starting on February 4, 2020 and continuing through February 25, 2020. The RFP was also posted to the BART Procurement Portal on February 4, 2020. A Pre-Proposal Meeting was held on February 13, 2020. A total of 4 firms attended. A total of 17 firms downloaded copies of the Request for Proposal.

On February 25, 2020, the District received a total of 2 proposals, which are shown in Table 1 below:

**Table 1**

<u>Proposers</u>	<u>Proposal Prices per Month</u>
<b>Clear Blue Commercial</b>	\$22,107
<b>Colliers International</b>	\$ 7,600
<u>Incumbent</u>	
<b>RiverRock Real Estate Group</b>	\$ 6,500

District staff reviewed both proposals and determined that both were non-responsive. Clear Blue Commercial did not meet the specified qualifications and Colliers International proposed several amendments to liability and insurance provisions that the District deemed unacceptable.

**FISCAL IMPACT:**

The \$970,000 to be authorized for the building engineering services and other building services agreements will be funded as described below.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

<b>Proposed Funding</b>	
8211 - 2019A Sales Tax Revenue Bonds	\$ 227,000,000
<b>TOTAL</b>	<b>\$ 227,000,000</b>

As of March 3, 2020, \$227,000,000 is the total budget for this project. BART has expended \$139,342,987, committed \$0, and reserved \$963,871 to date. This action will commit \$970,000, leaving an available fund balance of \$85,723,141 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

**FUNDING ALLOCATION:**

<b>Proposed Funding by FY</b>	
FY 20*	\$ 173,000
FY 21	\$ 727,000
FY 22*	\$ 70,000
<b>Total</b>	<b>\$ 970,000</b>

\*FY20 and FY22 funding is not for a full Fiscal Year.

**ALTERNATIVES:**

Do not authorize the General Manager to enter into the building maintenance service agreements.

**RECOMMENDATION:**

It is recommended that the Board adopt the following Motion.

**MOTION:**

The General Manager is authorized to extend and amend agreements for property management and other related building services for 2150 Webster Street, in the total amount not to exceed \$970,000 to RiverRock Real Estate Group and other building service providers, pursuant to notification to be issued by the General Manager or his designee.

Exhibit "A"

2150 Webster Service Contracts

Capital Project #17HN000

Vendor	Service Provided	Date of Agreement
Crown Energy Services, Inc. d/b/a Able Engineering Services, Inc.	Building Engineering	11/21/2019
Timothy Gale d/b/a J.T. Window Works	First Floor Window Washing	7/30/2019
BUILDING SERVICES / SYSTEM MAINTENANCE INCORPORATED d/b/a BSM Facility Services Group	Day Porter – Janitorial and Sidewalk Pressure Washing	4/8/2019
Otis Elevator Company (Warranty)	Elevators	10/10/19
Genesis Building Services, Inc. d/b/a Genesis Pest Control	Pest control - Rat's	9/24/2019
Red Hawk Fire & Security (CA), Inc.	FLS Monitoring, Fire Sprinkler, Diesel Fire Pump and Fire Alarm Inspections	10/16/2019
Chem Aqua, Inc.	Water Treatment for HVAC	9/24/2019
Matrix HG, Inc.	HVAC/Boiler Maintenance	11/19/2019
California Generator Service Corporation	Generator and Fire Pump Maintenance	11/19/2019
RiverRock Real Estate Group, Inc.	Property Management	12/06/2019

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** March 5, 2020

**FROM:** General Manager

**RE:** Transit-Oriented Development Policy Amendment – Affordable Housing Financial Terms

At the March 12, 2020 Board meeting, staff will present an information item on proposed amendments to the Transit-Oriented Development (TOD) Policy, offering a framework for negotiating the financial terms of affordable housing deals. The presentation, as well as proposed red-line edits to the TOD Policy are attached.

This item is a continuation of the discussion at the Board Workshop on the February 14, 2020. Staff intends to return for Board action on the TOD Policy amendments later this year.

  
\_\_\_\_\_  
Robert Powers

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

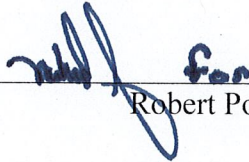
**DATE:** March 6, 2020

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda: BART-VTA Phase 1 Extension - For Information

At the Board of Directors meeting on March 12, 2020, the Silicon Valley BART Extension (SVBX) Phase I, will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.



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Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff