

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

**BOARD MEETING AGENDA**

September 14, 2017

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 14, 2017, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

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

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

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

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

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

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

Patricia K. Williams  
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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of August 10, 2017 (Special and Regular).\* Board requested to authorize.
- B. Award of Invitation for Bid No. 9021, Step Assemblies.\* Board requested to authorize.
- C. Award of Invitation for Bid No. 9023, Step Chain.\* Board requested to authorize.
- D. Award of Invitation for Bid No. 9032, 34.5 kV Cable.\* Board requested to authorize.

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. FINANCE, BOND OVERSIGHT AND ADMINISTRATION ITEMS

Director Josefowitz, Chairperson

- A. Title VI Mitigation Action Plan for Magnetic-Stripe Ticket Surcharge.\* Board requested to authorize.
- B. Proposed Small Business Program Modification to Include Lesbian, Gay, Bisexual and Transgender Business Enterprises.\* Board requested to adopt.
- C. Update of Implementation Plan for Disparity Study Recommendations.\* For information.
- D. Amendment to Late Night Bus Service Agreement.\* Board requested to authorize.
- E. Safety, Reliability, and Traffic Relief Program (Measure RR): Staffing and Contracting Plan.\* For information.

5. OPERATIONS, SAFETY AND WORKFORCE ITEMS

Director Keller, Chairperson

- A. Change Order to Contract No. 11OG-130A, Balboa Park Station – Phase 2, with Proven Management, Inc., for Concourse Ceiling and Lighting Upgrades (C.O. No. 4).\* Board requested to authorize.
- B. Agreements with the City of Oakland and Union Pacific Railroad for Support Services for the 34.5kV Cable Replacement Project and the M03 Interlocking Project.\* Board requested to authorize.
- C. Fare Evasion Reduction.
  - a. Fare Evasion Reduction Initiatives.\* For information.
  - b. Proposed Ordinance to Require Persons inside the Paid Area of BART to Provide Proof of Payment.\* First reading.
  - c. Proposed Ordinance Prohibiting Fare Evasion by Minors.\* First reading.
- D. Transportation Resource Associates Maintenance and Service Options Study.\* For information.
- E. Update on Public Safety Initiatives.\* For information.

6. PLANNING AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. On-Demand Bicycle Locker and Bicycle Station Kiosk Maintenance Agreement.\* Board requested to authorize.
- B. Amendment to Lease at 300 Lakeside Drive, Oakland.\* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

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

8. 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.)

9. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Employee Relations; and Martin Gran, Chief Employee Relations Officer

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;  
(2) American Federation of State, County and Municipal Employees, Local 3993;  
(3) BART Police Officers Association;  
(4) BART Police Managers Association;  
(5) Service Employees International Union, Local 1021; and  
(6) Service Employees International Union, Local 1021, BART Professional Chapter  
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

11. OPEN SESSION

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

Board of Directors  
Minutes of the 1,794th Meeting  
August 10, 2017

A special meeting of the Board of Directors was held August 10, 2017, convening at 4:31 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Dufty, Josefowitz, Keller, Raburn, Simon, and Saltzman.

Absent: None. Directors Allen and McPartland entered the Meeting later.

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

Director McPartland entered the Meeting.

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

The Board Meeting recessed at 4:32 p.m.

---

The Board Meeting reconvened in closed session at 4:33 p.m.

Directors present: Directors Blalock, Dufty, Josefowitz, Keller, Raburn, Simon, and Saltzman.

Absent: None. Directors Allen and McPartland entered the Meeting later.

Directors Allen and McPartland entered the Meeting.

The Board Meeting recessed at 4:42 p.m.

---

The Board Meeting reconvened in open session at 4:58 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman.

Absent: None.

President Saltzman announced that the Board had concluded its closed session and that there were no announcements to be made.

The Meeting was adjourned at 4:58 p.m.

Kenneth A. Duron  
District Secretary

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

Board of Directors  
Minutes of the 1,795th Meeting  
August 10, 2017

A regular meeting of the Board of Directors was held August 10, 2017, convening at 5:00 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman.

Absent: None.

President Saltzman called for Introduction of Special Guests. Director Raburn introduced and welcomed Ms. Janice Armigo Brown, and thanked her for her contributions to the BART Accessibility Task Force. Ms. Brown addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 27, 2017.
2. Fixed Property Tax Rates Fiscal Year 2017-2018 General Obligation Bonds.
3. Award of Invitation for Bid No. 9033, M03 Material for Interlocking Track.
4. Award Procurement of Gauntlet Track Materials to Voestalpine Nortrak Inc.
5. Reject the Single Bid for Contract No. 09AF-111, TBT Cross Passage Doors.
6. Reject All Bids for Contract No. 15TH-120, Water Intrusion Repair at Train Control Rooms.

Director McPartland requested that item 2-E, Reject the Single Bid for Contract No. 09AF-111, TBT Cross Passage Doors, be removed from Consent Calendar. Director Blalock made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

1. That the Minutes of the Meeting of July 27, 2017, be approved.

2. Adoption of Resolution No. 5348, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2017/2018.
3. That the General Manager be authorized to award Invitation for Bid No. 9033, for the procurement of special track work, to Voestalpine Nortrak Inc., for the Bid price of \$1,280,380.50, including all taxes.
4. That the General Manager be authorized to award the procurement of gauntlet track materials to Voestalpine Nortrak Inc., for the quoted price of \$138,807.41, including all taxes.
5. That all Bids for Contract No. 15TH-120, Water Intrusion Repair at Train Control Rooms, be rejected.

President Saltzman brought the matter of Reject the Single Bid for Contract No. 09AF-111, TBT Cross Passage Doors, before the Board. Ms. Mary Grace Houlihan, Division Manager of Civil Engineering, Maintenance and Engineering, presented the item. Director McPartland moved that the single Bid for Contract No. 09AF-111, TBT Cross Passage Doors Replacement, be rejected, and that the General Manager be authorized to re-advertise the Contract. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

President Saltzman called for Public Comment. The following individuals addressed the Board.  
Aleta Dupree  
Jill Buck

Director Josefowitz, Chairperson of the Finance, Bond Oversight, and Administration Committee, had no report.

Director Keller, Chairperson of the Operations, Safety, and Workforce Committee, brought the matter of Local Hazard Mitigation Plan 2017 before the Board. Ms. Marla Blagg, Emergency Manager, presented the item. The item was discussed. President Saltzman moved adoption of Resolution No. 5349, In the Matter of Adopting the 2017 San Francisco Bay Area Rapid Transit District Local Hazard Mitigation Plan. Director Dufty seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Keller brought the matter of BART Citizen Oversight Model Evaluation Report before the Board. Mr. Russell Bloom, Independent Police Auditor; and Mr. Aaron Zisser and Mr. Michael Gennaco, both of the OIR Group, presented the item.

Director Dufty exited the Meeting.

The following individuals addressed the Board.

Deana Abello  
Cephus Johnson  
Gena Alexander



The item was discussed.

Director Raburn, Chairperson of the Planning and Legislation Committee, brought the matter of Memorandum of Understanding with the City of Concord for the Inclusion of the North Concord/Martinez BART Station Property within the Concord Specific Plan to Enable Future Transit Oriented Development before the Board. Ms. Abigail Thorne-Lyman, Manager of Planning, and Mr. Ian Griffiths, Senior Planner, presented the item.

Jerry Grace addressed the Board.

The item was discussed.

Guy Bjerke addressed the Board.

Director Keller moved that the General Manager or her designee be authorized to execute a Memorandum of Understanding with the City of Concord to include the North Concord/Martinez BART Station within the Concord Reuse Project Specific Plan and Infrastructure Master Plan. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen. Absent – 1: Director Dufty.

President Saltzman announced that agenda items would be taken out of order, and brought the matter of Removal and Appointment of BART Police Citizen Review Board (BPCRB) Members before the Board. Mr. Bloom presented the item. The item was discussed.

Director Blalock moved that the Board of Directors remove the BPCRB appointees currently representing Districts 1 and 7. Director Josefowitz seconded the motion, which carried by electronic vote. Ayes – 5: Directors Allen, Blalock, Josefowitz, Simon, and Saltzman. Noes - 3: Directors Keller, McPartland, and Raburn. Absent – 1: Director Dufty.

Director Blalock moved that the Board ratify the appointment of the following individuals to the BPCRB with a term that expires on June 30, 2018: Kenneth Loo, District 1, and Aman Sebahtu, District 7. Director Allen seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director Dufty.

Director Raburn brought the matter of Proposed BART Extension to Livermore Update before the Board. Mr. Andrew Tang, Principal Planner, presented the item.

The following individuals addressed the Board.

John Marchand

Robert S. Allen

Melissa Reading

Chris Kintner

Aleta Dupree

Ellen Morris

Carmen Williams

Patricia Munro  
Michael Tree  
Bob Allen  
Gerald Cauthen  
Joel Ramos  
Jerry Grace  
Armand Domalewski  
Nicky Neau

The item was discussed.

Director Keller exited the Meeting.

Director Raburn brought the matter of Metropolitan Transportation Commission Proposed Regional Measure 3 Update before the Board. Ms. Deidre Heitman, Manager of Special Projects, and Ms. Amanda Cruz, Senior Government & Community Relations Representative, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Saltzman called for the General Manager's Report.

General Manager Grace Crunican reported she would transmit her report to the Board via memo.

President Saltzman announced that the Quarterly Report of the Office of the Independent Police Auditor would be continued to a future meeting.

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

Director Blalock reported he had attended the San Joaquin Joint Powers Authority Board Meeting in Sacramento and the Fremont Festival of the Arts.

President Saltzman called for Public Comment. Jerry Grace addressed the Board.

The Meeting was adjourned at 9:31 p.m.

Kenneth A. Duron  
District Secretary



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 6 sept 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/7/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: Maintenance and Engineering Signature/Date: <i>Michael Lemon</i> 8/1/2017	General Counsel <i>[Signature]</i> 9/5/17 [ ]	Controller/Treasurer <i>[Signature]</i> 9/1/17 [ ]	District Secretary [ ]	BARC <i>Paul</i> <i>[Signature]</i> 9/5/17 [ ]

## IFB 9021 Westinghouse Escalator Step Assemblies

**PURPOSE:** To authorize the General Manager to award Invitation for Bid No. 9021, for the purchase of Westinghouse escalator step assemblies, to Precision Escalator.

**DISCUSSION:** The District currently owns and operates 84 Westinghouse escalators with a total combined escalator step count of 8,374. Annual conveyance permit inspections have identified deficiencies in the step assemblies due to excessive wear, requiring these steps be replaced in order to adhere to the California Code of Regulations, Title 8, Subsection 3089(f).

This is a three (3) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on May 5, 2017. Concurrently this solicitation was uploaded into the BART Vendor Portal and five (5) prospective bidders downloaded the bid package. Bids were opened on June 6, 2017 and the following one (1) bid was received.

<b>Bidder</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Grand Total including 9.25% Sales Tax</b>
Precision Escalator Kenilworth, NJ	2000	\$650.00	\$1,420,250.00

Independent Cost Estimate by BART staff: \$1,250,000.00

Staff has determined that the bid submitted by Precision Escalator is responsive. Staff has also determined that the bid price is fair and reasonable based on the independent cost estimate.

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive Bidder is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

**FISCAL IMPACT:** The cost of acquiring the Westinghouse escalator step assemblies for \$1,420,250.00 will be recorded initially as Materials and Supplies Inventory in the General Fund. Funding for the Contract will be provided by the Maintenance & Engineering (M&E), Maintenance, Repair and Other account #680-010 as materials are taken from inventory. Expenditures associated with material usage for FY 2018 is included in the operating budget of Maintenance and Engineering. Expenditure associated with material usage from FY 2019 will be included in the future M&E operating budgets, which are subject to future board adoption. Any additional orders of Westinghouse escalator step assemblies over and above \$1,420,250.00 will only be placed upon certification by the Controller-Treasurer that funds are available.

**ALTERNATIVES:** Reject the Bid and re-advertise the Contract. This, however, is not likely to result in increased competition or lower prices and could potentially put BART in violation of State Permit requirements.

**RECOMMENDATION:** It is recommended that the Board adopt the following Motion.

**MOTION:** The General Manager is authorized to award Invitation for Bid No. 9021, an estimated quantity contract, for the purchase of Westinghouse escalator step assemblies, to Precision Escalator for the amount of \$1,420,250.00, including taxes, pursuant to notification to be issued by the General Manager.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robt M. Poon</i> 6 Sept 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/7/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: Maintenance and Engineering	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Michael Lemon</i> 9/1/2017	<i>[Signature]</i> 9/5/17 [ ]	<i>[Signature]</i> 9/1/17 [ ]	[ ]	<i>Paul Cowser</i> 9/5/17 [ ]

## IFB 9023 Westinghouse Escalator Step Chain

**PURPOSE:** To authorize the General Manager to award Invitation for Bid No. 9023, for the procurement of escalator step chain assemblies, to Precision Escalator.

**DISCUSSION:** The District currently owns and operates 84 Westinghouse escalators with a total combined escalator step count of 8,374. The useful life of the escalator step chain assemblies in the 45 year old escalators averages approximately nine (9) years. This procurement will provide the needed inventory to manage 24 escalator step chain life cycle replacements over the next three (3) years.

This is a three (3) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on May 23, 2017 Concurrently this solicitation was uploaded into the BART Vendor Portal and three (3) prospective bidders downloaded the Bid Package via the portal. Bids were opened on June 6, 2017 and the following two (2) bids were received:

<b>Bidder</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Grand Total including 9.25 % Sales Tax</b>
Kettenwulf, Austell, GA	400ea	\$626.15	273,628.00
Precision Escalator Kenilworth, NJ	400ea	\$1554.00	\$679,098.00

Independent Cost Estimate by BART staff: \$500,000.00

Staff has determined that the apparent low bid submitted by Kettenwulf was non-responsive due to an exception noted on the bid form, Kettenwulf offered an alternative product that did not contain all of the required components necessary for a Westinghouse escalator step assembly and the escalator step chain assemblies did not come pre-assembled as required in the BART Engineering Specifications ENG/ES-02/EM025. Kettenwulf also failed to include the required documentation for the alternative product offered as required in General Provision 2.3, Alternatives to Items Specified. Staff has determined that the apparent second low bidder, Precision Escalator's bid is responsive. Staff also determined that the bid price is fair and reasonable based on the independent cost estimate.

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive Bidder is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

**FISCAL IMPACT:** The cost of acquiring the Westinghouse escalator step chain assemblies for \$679,098.00 will be recorded initially as Materials and Supplies Inventory in the General Fund. Funding for the Contract will be provided by the Maintenance & Engineering (M&E), Maintenance, Repair and Other account #680-010 as materials are taken from inventory. Expenditures associated with material usage for FY 2018 is included in the operating budget of Maintenance and Engineering. Expenditure associated with material usage from FY 2019 will be included in the future M&E operating budgets, which are subject

to future board adoption. Any additional orders of Westinghouse escalator step chain assemblies over and above \$679,098.00 will only be placed upon certification by the Controller-Treasurer that funds are available.

**ALTERNATIVES:** Reject all Bids and re-advertise the Contract. This, however, is not likely to result in increased competition or lower prices and could potentially result in excessive extended outages of critical escalators.

**RECOMMENDATION:** It is recommended that the Board adopt the following Motion.

**MOTION:** The General Manager is authorized to award Invitation for Bid No. 9023, an estimated quantity contract, for the purchase of escalator step chain assemblies, to Precision Escalator for the amount of \$679,098.00, including taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Penner</i> 6 Sept 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/19/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gordon Wong Dept: Maintenance and Engineering <i>Gordon Wong</i> Signature/Date: Sept 6, 2017	General Counsel <i>[Signature]</i> 9/6/17 [ ]	Controller/Treasurer <i>[Signature]</i> 9/5/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 9/6/17
Status: Routed		Date Created: 6/19/2017		

## IFB# 9032 34.5kV Cable Replacement Between KWS – ANA and MTF - MVS Substation

34.5kV Cable Replacement Between KWS – ANA and MTF - MVS Substation

**PURPOSE:** To request Board Authorization to Award Invitation For Bid (IFB) No. 9032 to The Okonite Company, San Ramon, California in the amount of \$1,215,525.15 (includes all taxes and freight) for the purchase of 34.5 KV Cables.

**DISCUSSION:** The 34.5kV cables between substation KWS (Washington Street, Oakland) to ANA (19th Avenue, Oakland) and MTF (24th Street, San Francisco) to MVS (Valencia Street, San Francisco) were originally installed over 40 years ago, and need to be urgently replaced due to aging and heavy usage. The Traction Power Engineering Department has developed a replacement design with District Electricians performing the installation. This IFB is for the purchase of 108,000 linear feet of 350kcmil cables to facilitate 34.5kV Cable replacement. This procurement supports the District's goal of achieving a "State of Good Repair" and will enable reliable revenue service.

This is a one year estimated quantities Contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the Contract Bid price. Upon Board approval of this Contract, the General Manager will also have the

authority to purchase up to 150% of the Contract Bid price, subject to availability of funding.

A notice requesting bids was published on May 9, 2017. Correspondingly, the solicitation was also uploaded to the Vendor Portal. Correspondence was sent to four (4) prospective bidders inviting them to view and bid via the portal. Bids were opened on May 30, 2017 and (2) bids were received.

<u>Bidder</u>	<b>Unit Price per Linear Foot (Quantity)</b>	<b>Grand Total including <u>9.75% Sales Tax</u></b>
---------------	--	---

The Okonite Co.	\$10.255	\$1,215,525.15
-----------------	----------	----------------

All Industrial Electric	\$12.64	\$1,498,219.20
-------------------------	---------	----------------

Independent cost estimate by BART staff: \$1,422,360.00 including 9.75% tax

Staff has determined that the apparent low bidder, the Okonite Company, submitted a responsive Bid. Staff has also determined that the Bid pricing is fair and reasonable based on the District Staff's Estimate. BART's previous experience in the purchases of this type of equipment is a purchase in February 28, 2017 of a quantity of 31,500 linear feet, at a unit cost of \$10.64.

Delivery of the material shall be completed within twelve (12) weeks after the award of the purchase order.

Pursuant to the District's revised Disadvantaged Business Enterprise (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitations for Bid (IFB). Therefore, no DBE goal was set for this IFB.

**FISCAL IMPACT:**

Funding of \$1,215,525 for Bid No 9032 will come from the following projects. The office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

**Project: 15EJRR1 – 34.5 KV AC Cable Replacement**  
**\$1,115,525**

As of August 9, 2017, \$288,364,368 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	288,364,368.00
<b>Total</b>			<b>288,364,368.00</b>

BART has expended \$952,628 committed \$1,288,832 and reserves \$3,419,168 to date for other action. This action will commit \$1,115,525 leaving an available fund balance of \$281,588,215 in this project.

**Project: 15EJ400 – Traction Power Cables**  
**\$100,000**

As of August 9, 2017, \$11,656,428 is available for this project from the following sources:

Fund Description	Amount
Federal Fund Sources	1,981,268.00
Local Fund Sources	289,503.00
BART Fund Sources	9,385,657.00
<b>Total</b>	<b>11,656,428.00</b>

BART has expended \$3,449,163 committed \$451,979 and reserves \$0 to date for other action. This action will commit \$100,000 leaving an available fund balance of \$7,655,285 in this project.

There is no fiscal impact on available unprogrammed District Reserves

**ALTERNATIVE:** The alternative to awarding this Contract would be to reject the Bids and re-advertise the Contract. Staff does not believe that re-advertising the Contract will result in lower prices or increased competition. In addition, if this cable section is not replaced, there is a higher likelihood of cable failures resulting in delays or loss of revenue service. In this event, a bus bridge would need to be implemented to provide alternative transportation to the

public.

**RECOMMENDATION:**

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

**MOTION:**

The General Manager is authorized to award IFB No. 9032 for 34.5kV Cable Replacement Between KWS – ANA and MTF - MVS Substation to The Okonite Company in the amount of \$1,215,525.15 pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and the Federal Transit Administration's requirements relating to protests.

The General Manager is further authorized to purchase up to 150% of the Contract Bid price subject to the certification of the Controller/Treasurer that funding is available.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/4/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights  Signature/Date:  08/08/2017	General Counsel  8/9/17 [ ]	Controller/Treasurer  8/9/17 [ ]	District Secretary [ ]	BARC  8-9-17 [ ]

### Proposed Title VI Mitigation Action Plan for Surcharge on Mag-Stripe Tickets

**PURPOSE:**

To request Board approval of Title VI Mitigation Action Plan for Mag-Stripe Ticket Surcharge.

**DISCUSSION:**

The San Francisco Bay Area Rapid Transit District (BART or District), as a recipient of federal funds, is required by the Federal Transit Administration (FTA) to comply with Title VI of the Civil Rights Act of 1964 and its amendments. FTA Title VI Circular 4702.1B, dated October 1, 2012 (Title VI Circular) requires BART to complete a Title VI Fare Equity Analysis on any fare increase/decrease or fare media changes to determine whether the change has a Disparate Impact on minority riders or a Disproportionate Burden on low-income riders.

A fare change equity finding is made based on a demographic assessment of affected riders and public outreach that is inclusive of minority, low-income, and Limited English Proficient (LEP) populations. If the fare change is found to cause potentially adverse impacts on such riders, then pursuant to BART’s Disparate Impact/Disproportionate Burden Policy and the Title VI Circular, BART must take steps to mitigate such impacts.

In June 2017, the Board of Directors approved the “Title VI Fare Equity Analysis for the Proposed Productivity-Adjusted Inflation-Based Fare Increase and Fiscal Year 2018 Fare Changes effective January 1, 2018.” An analysis of the proposal to enact a surcharge for BART riders using paper mag-stripe tickets indicated that such a surcharge may potentially result in an adverse impact on mag-stripe ticket users, who are disproportionately low-

income.

As discussed at the June 22, 2017 Board of Directors Meeting approving the Fiscal Year 2018 Fare Changes, BART would consider various mitigation measures as part of its implementation of the mag-stripe ticket surcharge. To mitigate potential adverse impacts on affected mag-stripe ticket users, BART (with support from the Metropolitan Transportation Commission [MTC]) is proposing a two-part action plan commencing in October 2017 by distributing free Clipper<sup>®</sup> cards (which does not have a transaction surcharge), as follows:

1. Distribution through Community-Based Organizations:

BART will work with MTC to expand MTC's existing partnership program with low-income community-based organizations (CBOs). BART will provide a list of CBOs (compiled from Government & Community Relations and the Office of Civil Rights) located near BART stations in low-income communities for MTC to approve.

This program can support up to 20 organizations and can continue for as long as the approved CBO requests cards for its members or clients, providing a continuous pipeline of Clipper card distribution past the January 1, 2018 surcharge implementation. BART staff plans to provide training to CBOs on how to use and register Clipper cards and develop specific guidelines for tracking Clipper card distribution during this mitigation phase. Depending on the effectiveness of the partnership program with CBOs, BART may also expand the partnership program with CBOs in the future to include social services agencies.

2. In-Station & CBO Promotional Activities:

BART will host up to 23 promotional events at multiple BART stations and CBOs in low-income communities to provide free Clipper cards to low-income BART riders. Additional CBOs will be selected by BART for these one-time promotional events to maximize outreach. BART staff plans to assist riders with Clipper card registration and usage on BART. MTC will support BART at up to 20 events by distributing free Clipper cards to BART riders. BART will distribute its own Clipper cards at 3 of these events. These events will run through March 2018, at least 3 months after implementation of the surcharge.

To ensure that BART's mitigation action plan is effective, the following key performance indicators have been identified:

1. Decrease of mag-stripe ticket usage at BART stations in low-income communities.
2. Increase in Clipper usage at BART stations in low-income communities.

3. Adoption and use of distributed Clipper cards within the BART system.
4. Number of BART trips taken with distributed Clipper cards.
5. Reloading value on cards (how much, number of times, where value was added).

While Clipper card registration may not capture all uses of these distributed Clipper cards, BART will still encourage and plans to assist riders in registering throughout the process in order to realize the benefits of card registration, such as balance protection on a lost or stolen card.

Staff will provide the Board with an update on the plan's performance in Spring 2018.

**FISCAL IMPACT:**

MTC will provide the free Clipper cards associated with the proposed Title VI Mitigation Action Plan at no cost to the District. Failure to enact mitigation measures to comply with FTA regulations could jeopardize BART's ability to receive FTA funding.

**ALTERNATIVES:**

Do not approve the Title VI Fare Mitigation Action Plan. If the Board does not approve the action plan, staff must revise and resubmit the plan for approval in order for BART to comply with FTA regulations.

**RECOMMENDATION:**

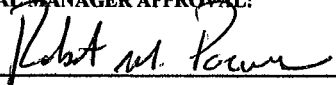

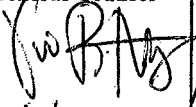

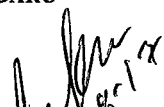
Approval of the following motion.

**MOTION:**

The Board of Directors approves the Title VI Fare Mitigation Action Plan for the Mag-Stripe Ticket Surcharge.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/18/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tim Lohrentz Dept: Office of Civil Rights  Signature/Date: Aug 8, 2017	General Counsel  8/8/17 [ ]	Controller/Treasurer  8/8/17 [ ]	District Secretary [ ]	BARC  8/8/17 [ ]

### PROPOSED SMALL BUSINESS PROGRAM MODIFICATIONS - LGBT Business Enterprises

**PURPOSE:** To request that the Board adopt modifications to the BART Small Business (SB) Program to include Lesbian, Gay, Bisexual, and Transgender Business Enterprises (LGBTBE) and a self-performance requirement for Small Business Primes.

#### DISCUSSION:

In September 2011, the Board approved a Small Business program for non-federally funded contracts (SB Program), as authorized by California Public Contract Code Section 2002. The District started implementation of the program in 2012. The SB Program provides bid preferences for SB Prime Bidders and, on larger contracts, for Bidders that meet an SB subcontractor participation goal. A business is considered an SB if they are certified by the California Department of General Services as an SB or a Disabled Veteran Business Enterprise (DVBE) Small Business. In April 2017, the Board approved a modification to the SB Program to provide for a Local Small Business (LSB) category on Bond Measure RR funded (RR) contracts.

Like SBs, LGBTBEs face barriers in the marketplace, especially in the construction industry. To assist LGBTBEs gain access to the marketplace and to further inclusiveness of the SB Program, staff recommends modifying the SB Program as follows:

- To add a LGBTBE category to the SB Program. A business is considered a LGBTBE if they are certified as LGBTBE by either the National Gay and Lesbian Chamber of Commerce or the California Public Utilities Commission and certified as an SB by the State of California Department of General Services. Additionally, a LGBTBE is considered an LSB if they meet the definition of LSB under the SB Program.



Modifications to add LGBTBE to SB Program

- The Office of Civil Rights (OCR) will list Local SBs, including Local LGBTBEs, on its website to promote participation on RR contracts.
- LGBTBE would identify themselves in the bid documents when bidding as prime Bidders and prime Bidders would identify LGBTBE subcontractors on Bid documents, similar to DVBEs.
- OCR will track awards, commitments, and payments to LGBTBEs.

Additionally, to ensure the bid preference received through the Small Business Program is applied in accordance with its intended purpose, staff recommends adding a self-performance requirement to SB Prime Preference contracts or agreements won by a SB Prime.

**FISCAL IMPACT:** There is no fiscal impact with these modifications.

**ALTERNATIVES:** The alternative is to make no modifications to the Small Business Program and reject the proposed modifications to include LGBT Business Enterprises in the SB Program.

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

**MOTION:**

The Board hereby adopts the modifications to BART's Small Business Program for non-federal contracts, to add a Lesbian, Gay, Bisexual, and Transgender Business Enterprise category and a self-performance requirement for Small Business Primes.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

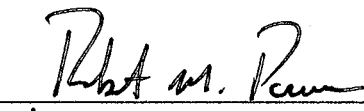
---

**MEMORANDUM**

**TO:** Board of Directors **DATE:** September 8, 2017  
**FROM:** General Manager  
**RE:** **Disparity Study Recommendations Implementation Update**

Attached is the Disparity Study Recommendations Implementation Update that will be presented at the Board Meeting on September 14, 2017.

If you have any questions, please call Wayne Wong, Department Manager, Office of Civil Rights, at (510) 464-6134.

  
\_\_\_\_\_  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 8 Sept 2017		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 7/31/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Robert Franklin Dept: Customer Access <i>Bob Franklin</i> Signature/Date: 9/8/17	General Counsel <i>[Signature]</i> 9/8/17 [ ]	Controller/Treasurer <i>[Signature]</i> 9/8/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 9-8-17 [ ]
Status: Routed		Date Created: 7/31/2017		

## Authority to Execute an Amendment to the Late Night Bus Core Service Agreement

### PURPOSE

Authorize the General Manager or her designee to execute an additional amendment ("Amendment") to the Agreement between AC Transit and BART in Connection with the Late Night Bus Core Service Project ("Agreement") to, among other things, provide funding to extend enhanced late night bus core service through mid-August 2018.

### DISCUSSION

In December 2014, BART began contributing funds to AC Transit for use in a Late Night Bus Service Pilot Project. Under this pilot, AC Transit provided enhanced late night bus service on its 800, 801 and 822 lines for a year and BART contributed \$200,000 in costs, with an additional \$496,000 coming from County Lifeline grants through local Congestion Management Agencies.

In November 2015, the Board authorized the General Manager to execute the Agreement. The Agreement provides that BART will contribute funds to AC Transit and AC Transit will operate the Late Night Bus Core Service Project which consists of bus service enhancements on late Friday and Saturday nights as follows:

- Service between 24th St/Mission St, San Francisco and Richmond (Route 800) with 20-minute frequencies.

- Service between Downtown Oakland and Bay Fair (Route 801) with 20-minute frequencies and between Bay Fair and Fremont with 60-minute frequencies.

The enhanced late night bus core service under the Agreement was originally set to expire in December 2016. However, in October 2016, the Board authorized an amendment to the Agreement which, among other things, included a revision to the fare recovery provisions, and an extension of the enhanced late night bus core service for an additional six months. As a result of this and other minor amendments to the Agreement, the method for calculating fare recovery was simplified and funding for enhanced late night bus core service was extended to September 14, 2017.

BART contributed a total of \$750,000 for enhanced late night bus core service from December 2015 through mid-June, 2017 and is obligated for an additional not-to-exceed amount of \$99,900 for enhanced late night bus core service from mid-June 2017 through September 14, 2017. The Metropolitan Transportation Commission (MTC) has also contributed \$177,000 for enhanced late night bus core service during this time.

This proposed Amendment authorizes the financing of enhanced late night bus core service through mid-August 2018 in a not-to-exceed amount of \$345,645 and makes minor related changes to the Agreement. MTC will also contribute an additional \$177,000 for this extended enhanced late night bus core service. AC Transit would continue to offer a reduced billing rate for this program, which is below their direct billing rate, as in-kind support.

AC Transit will provide detailed ridership information about this enhanced late night bus core service, which will assist in the evaluation of whether to fund additional such service during the FY19 BART Board Budget deliberations. BART staff will provide an analysis of this data, which will include the following:

- Ridership Information:
  - ◊ Comparison of ridership for the current fiscal year quarter with the same quarter of the previous year.
  - ◊ Comparison of this service to other late night routes that AC Transit operates.
- Financial Information
  - ◊ Trends in cost per passenger trip.
  - ◊ Trends for farebox recovery ratio.

The Office of the General Counsel will approve the Amendment as to form prior to execution.

## FISCAL IMPACT

The maximum fiscal impact would be \$345,645. This funding was approved as a part of BART's Fiscal Year 2018 Operating Budget and is within the operating budget of the Department of Customer Access and Accessibility.

## ALTERNATIVES

1. Decline the motion. This would mean that BART would not provide funding to AC Transit for continued enhanced late night bus core service beyond September 14, 2017 and AC Transit would likely return the 800 and 801 route lines to pre-pilot service levels (i.e. 30-minute frequencies) at the commencement of its next bid cycle.
2. Adopt a motion to authorize the General Manager to execute an amendment to the Agreement for a term of less than one year.

## RECOMMENDATION

Adopt the following motion:

### MOTION:

The General Manager or her designee is authorized to execute an Amendment to the Agreement Between The Alameda-Contra Costa Transit District And the San Francisco Bay Area Rapid Transit District In Connection With The Late Night Bus Core Service Project to extend funding for enhanced late night bus core service through mid-August 2018. The General Manager shall also provide ridership and financial information for this service as a part of BART's FY19 Preliminary Budget.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## MEMORANDUM

**TO:** Board of Directors


**DATE:** September 8, 2017

**FROM:** General Manager

**SUBJECT:** Safety, Reliability, and Traffic Relief Program: Staffing and Contracting Plan

The attached presentation provides a status report on the staffing and contracting plans for the Measure RR Safety, Reliability, and Traffic Relief Program. This item has been updated to respond to the comments made by the members of the Finance, Budget, and Bond Oversight Standing Committee during its meeting of August 15, 2017.

If you have any questions about the attached information, please contact Robert Powers, Deputy General Manager at 510-464-6126.

---

Grace Crunican

Attachments

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



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>8 Sept 2017</i> <i>Robert M. Power</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 3/31/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Wong Dept: Planning, Development & Construction	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 9/8/17	9/7/17 [ ]	9/8/17 [ ]	[ ]	9/7/17 [ ]

## Contract 110G-130A, Balboa Park East Side Connection Improvements Phase 2, Change Order No. 004, Concourse Lighting and Ceiling Treatment

### PURPOSE:

To obtain Board authority for the General Manager to execute Change Order No. 004 for Concourse Lighting and Ceiling Treatment on Contract No. 110G-130A, Balboa Park East Side Connection Improvements Phase 2 for \$2,425,000.

### DISCUSSION:

On December 3, 2015, the Board authorized the General Manager to award Contract No. 110G-130A, which provides for the construction of a number of improvements at the Balboa Park Station including building the eastside head house entrance, retrofitting the existing planter bridge to a new pedestrian bridge connector between west and east walkways, retrofitting the east side walkway and building the San Francisco Municipal Transportation Authority (SFMTA) platform. The Contract also included Options to be executed by the General Manager subject to funding availability. The Options expired on January 22, 2017. Staff has now secured the necessary funding, and would like to implement the work originally included in Option 3, which is to retrofit the Concourse ceiling, install new energy efficient LED lighting, install new glazing infill at the existing window openings, and install bird deterrent system. The Option No. 3 work was priced at \$2,425,000, and included a Contract time extension. Although the time to execute the Option has expired, the Contractor is willing to honor the Option price for this work at the same price with a corresponding Contract time extension.

Pursuant to Board Rule 5-2-4, Change Orders involving expenditures greater than \$200,000 require Board approval. Staff is accordingly requesting Board approval of Change Order No. 004.

The Office of the General Counsel will approve this Change Order as to form prior execution. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines.

**FISCAL IMPACT:**

Funding of \$2,425,000 for Change Order No. 004, in support of Contract No. 11OG-130A, is included in the total budget for FMS project 11OG001 - Balboa Park Station Entrance Eastside Access. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of August 8th, 2017, \$20,904,151 is the total budget for this project from the following sources:

Fund No.	Fund Description	Source	Amount
526H	STA FY10-11 Balboa Park East	State	\$ 747,440
535A	FY10-11 Prop 1B - PTMISEA	Local	\$ 9,827,855
535B	FY14-15 Prop 1B - PTMISEA	Local	\$ 6,292,145
535X	FY2008-09 Prop 1B - PTMISEA	Local	\$ 1,153,610
662C	Prop K-Balboa Park Station East Connections	Local	\$ 653,101
6703	Wayfinding & Bicycle Parking Improvements	BART	\$ 200,000
6704	SFCTA Prop K Balboa Park East	Local	\$ 2,030,000
Total			\$20,904,151

BART has expended \$8,799,986, committed \$5,971,957, and reserved \$1,380,399 to date for other actions. This action will commit \$2,425,000 leaving an available fund balance of \$2,326,809.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The Board can elect not to authorize the execution of this Change Order. This will leave the work to be addressed in a future contract, if at all.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to execute Change Order No. 004, Ceiling and Lighting Treatment for \$2,425,000 to Contract No. 11OG-130A, Balboa Park Station East Side Connection Improvement Phase 2 with Proven Management, Inc.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pava</i> 8 Sept 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/30/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Victor Austria Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 9/6/17	General Counsel <i>[Signature]</i> 9/6/17 [ ]	Controller/Treasurer <i>[Signature]</i> 9/6/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 9/6/17 [ ]

### AUTHORITY TO EXECUTE WORK AGREEMENTS WITH THE CITY OF OAKLAND AND THE UNION PACIFIC RAILROAD

**Narrative:** AUTHORITY TO EXECUTE AGREEMENTS WITH THE CITY OF OAKLAND AND THE UNION PACIFIC RAILROAD TO SUPPORT THE 34.5 KV CABLE REPLACEMENT PROJECT AND THE M03 INTERLOCKING PROJECT.

#### PURPOSE

To obtain Board authorization for the General Manager to execute agreements with the City of Oakland and the Union Pacific Railroad (UPRR) for the 34.5 kV Cable Replacement Project and the M03 Interlocking Renewal Project in downtown Oakland to renew critical existing infrastructure. The agreements will provide for support services including, but not limited to, reimbursement for expenses incurred for: design, review, utility, facility relocation, construction, field investigations, and inspections related to the above projects. This EDD shall be effective for a period of five years commencing on the effective date of its execution.

#### DISCUSSION

BART has commenced on a modernization program to replace obsolete cables, upgrade the 40-year old train control system and rehabilitate deteriorating infrastructure throughout the BART System to increase system functionality, improve capacity, flow and safety. These efforts include the 34.5 kV Cable Replacement Project which will replace all the antiquated 34.5kV cables between ANA Substation (19th Avenue) and the ACO Substation (Coliseum). BART is also proceeding with the M03 Interlocking Renewal Project which provides renewal of critical existing District Infrastructure at the M03 Interlocking in

downtown Oakland.

In performing Project-related activities, BART may impact facilities owned by the City of Oakland and the UPRR. If such facilities are damaged or modified, the District would be required to restore them to their original condition. BART, therefore, needs to coordinate its work with such entities to ensure specifications and requirements are in conformance with each entity's requirements. This coordination may require the entity to perform various services, such as design, engineering, review drawings, and inspect utilities, or relocate their utilities for BART.

Further, under the BART Act, BART is required to pay for the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits wires, cables or poles of any public utility which are impacted or damaged by BART construction.

In anticipation of such work, and consistent with prior practices, it is prudent for BART to execute advance Agreements with the City of Oakland and the UPRR so that work can proceed with minimal delay and better cost control. The Agreements will provide the necessary process to reimburse these entities for expenses incurred to repair or replace damaged facilities. Due to the accelerated schedules for these two Projects, the District will be coordinating these activities directly with the entities involved to reduce expenses and avoid disruptions to schedules. Separate agreements will be executed with each entity.

The goal of the 34.5 kV Cable Replacement Project is to replace the leaking antiquated Paper-Insulated-Pipe-Enclosed cables which are nitrogen pressurized and prone to electrical faults due to its age. The cables are attached underneath the aerial structures, and installation of the cables will affect existing UPRR Right-of-Way and City Landscaping below the BART aerial tracks.

The goal of the M03 Interlocking Renewal Project is to renovate key elements of existing District infrastructure, most notably the track components, which date from the original construction of the BART System and have reached the end of their useful life. Renewal of these elements will require removal of the entire existing at-grade track section down to bottom of ballast from the Oakland Wye retained cut (concrete-embedded block-tie) track section at the north to the West Oakland Viaduct approach slab (concrete-embedded block-tie) track section at the south. This Project will affect other existing District and City infrastructure, most notably sidewalk, curb and gutter, parking meters and landscape that is present within the Project section. Areas just outside the right-of-way fencing at M03 and A15 will be used as staging and demonstration/rehearsal areas. Areas just outside the right-of-way fencing at M03 will also be restored after the work to include new paving, fencing, and landscaping. This Project shall be scheduled for weekend track shutdowns surrounding Memorial Day 2018.

The Agreement with the City of Oakland will provide the M03 Interlocking Renewal Project

with design support from the City of Oakland for review of submittals, approvals and permitting required for the civil portion of the work at M03. Certain aspects of the work will impact City property and BART will require the support of the City of Oakland Engineering Department to direct BART and its Contractors to perform work as required through the city's permit process. This work is supporting track rehabilitation work funded by Measure RR.

Because deliverables are expected to arrive at the District on or before December 30, 2017, these agreements are needed quickly. The short timeframe requested and justification for the City of Oakland to push production ahead of other scheduled workloads are based upon Board authorization to proceed with these agreements.

BART Project financial obligations under these Agreements will be subject to Work Authorizations (WAs.) Each WA will have a defined scope of services and separate schedule and budget. Any WA assigned for funding under a State or Federal grant will include State or Federal requirements.

Accordingly, staff is seeking Board authority for the General Manager to execute Agreements with the City of Oakland and the UPRR to facilitate these two projects for a not to exceed amount of \$400,000.

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

### **FISCAL IMPACT**

The Financial Planning Group and Capital Project Control/Grant Compliance will certify the eligibility of identified 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 WA.

### **ALTERNATIVE**

Absent these proposed Agreements with the City of Oakland and the Union Pacific Railroad (UPRR), the Projects will be delayed or not started until agreements can be reached with the City and UPRR on the impacts to their facilities. Staff will be required to execute agreements for project support services needed by the District. This will require multiple Board actions and could delay contractors and BART in performing the Projects.

### **RECOMMENDATION**

It is recommended that the Board adopt the following motion:

### **MOTION**

AUTHORITY TO EXECUTE WORK AGREEMENTS WITH PUBLIC ENTITIES

The General Manager is authorized to execute Agreements with the City of Oakland and Union Pacific Railroad (UPRR) for a Not-to-Exceed amount of \$400,000 for support services related to the 34.5 Kv Replacement Project and the M03 Interlocking Renewal Project.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## MEMORANDUM

**TO:** Board of Directors **DATE:** September 8, 2017  
**FROM:** Paul Oversier – AGM, Operations  
**SUBJECT:** Agenda Item #5.C., Fare Evasion, September 14, 2017 Operations, Safety and Workforce Committee

Your Board package contains the following material related to this item:

1. "Fare Evasion Reduction Initiatives – Proof of Payment" presentation
2. "Proof of Payment Ordinance" for the first reading
3. Informational page plus "Prohibiting Fare Evasion by Minors Ordinance" for the first reading

If you have any questions, please call me at (510) 464-6710.



Paul Oversier

### Attachments

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

Ordinance No. 2017-\_\_

AN ORDINANCE OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT TO REQUIRE PERSONS INSIDE THE PAID AREA OF BART TO PROVIDE PROOF OF PAYMENT

WHEREAS, the San Francisco Bay Area Rapid Transit District has a substantial interest in collecting fares from riders utilizing BART as a means of transportation; and

WHEREAS, fare evasion constitutes a significant annual financial loss to the San Francisco Bay Area Rapid Transit District; and

WHEREAS, payment is collected from riders as they exit the system; and

WHEREAS, once inside there is currently no means to determine if riders have lawfully entered the transit system; and

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

WHEREAS, Public Utilities Code Section 28793 authorizes the Board to do any and all things necessary to carry out the purposes of the District; and

WHEREAS, the Board has determined that the adoption of this ordinance is necessary to maintain the financial stability of the District;

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

SECTION I. Ordinance No 2017 \_\_ of the San Francisco Bay Area Rapid Transit District is hereby adopted and made a law of the District as follows:

Section 1. Findings and declaration.

The San Francisco Bay Area Rapid Transit Board of Directors finds :

The annual loss of revenue due to evasion of the payment of a fare while riding BART justifies the adoption of reasonable regulations to ensure compliance with fare payment requirements. It is the intention of this ordinance to reduce fare evasion and the revenue loss due to fare evasion, which causes a financial burden to the District that otherwise must be addressed through other revenue sources. If voluntary fare compliance fails, this ordinance authorizes BART Police to act to fulfill this ordinance's objectives.

Section 2. Definitions.

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

**Exit coded:** The term "exit coded" means a ticket programmed with sufficient value for the minimum BART fare and which has been used in a BART fare gate to enter the BART system. Exit coded tickets remain valid for a limited period of time as designated by the BART fare schedule.

**Fare:** The term "fare" as used herein means the current passenger fare structure as approved by the Board of Directors.

**Ticket:** The term "ticket" as used herein is intended to include Clipper Cards, BART magnetic stripe tickets, BART-issued voucher or pass, or other fare media as otherwise authorized by BART.

**Paid Area:** The term "paid area" encompasses the entire territory within BART's jurisdiction to which only fare paying passengers are permitted entry, which includes the designated areas in BART stations which enable access to platforms and trains.

**Proof of Payment:** The term "proof of payment" means the valid ticket medium that may be requested from any individual upon entry to, exit from, or anywhere within the paid area.

Section 3. Prohibition on being in the paid area or on a train without a valid exit-coded ticket.

No individual may enter into or exit from the paid area of a BART Station other than through the use of a BART ticket at the fare gates.

Individuals in the paid area of the station or on a BART train are required to present a valid exit-coded BART ticket when requested by the District.

#### Section 4. Preemption.

Nothing in this ordinance shall be interpreted or applied so as to create any power, duty, or obligation in conflict with, or preempted by, any Federal or State law. Even if not preempted by Federal or State law, the provisions of this ordinance shall not apply if the Federal or State law is more restrictive toward the practices, activities, and/or uses banned herein. If it is determined that a provision included herein becomes preempted by Federal or State law, that preempted provision shall be automatically rescinded from this ordinance. Such rescission shall not affect the validity of the remaining portions of this ordinance.

#### Section 5. Civil Administrative Penalties

Public Utilities Code Section 28766 authorizes the BART Board of Directors to regulate its transit facilities including the fixing of charges and the making and enforcement of rules for or in connection with any transit facility owned or controlled by the District. The imposition of

civil administrative penalties are a typical type of charge imposed by governments to serve a regulatory purpose and to facilitate the recovery of governmental expenses incurred as a consequence of a rule violation. The Board has determined that the imposition of civil penalties to enforce this enactment is preferable to the imposition of criminal sanctions.

Individuals who are unable to show proof of payment in the paid area or on a train may be assessed an administrative penalty not to exceed sixty dollars (\$60) for a minor who has committed the offense and one hundred and twenty dollars (\$120) for an adult who has committed the offense.

In lieu of an administrative penalty being issued for violation of this ordinance, a warning may be given to the subject individual. Record of any previous warning will be retained by the Police Department.

Individuals who are unable to show proof of payment may be subject to ejection from the BART system.

#### Section 6. Statutory Severability.

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

#### Section 7. Liberal Construction

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

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

SECTION III. This ordinance shall be and the same is hereby declared to be in full force and effect on January 1, 2018 and shall be published once following said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation published in the Counties of the District.

In regular session of the board of Directors of the San Francisco Bay Area Rapid Transit District introduced on the \_\_\_ day of \_\_\_\_\_, 2017, and finally passed and adopted this \_\_\_ day of \_\_\_\_\_, 2017 by the following vote:

The foregoing Ordinance was made at the motion of



Director \_\_\_\_\_ and seconded by

Director \_\_\_\_\_ and adopted by the following votes of the Board

AYES:

NOES:

ABSENT:

ABSTAIN:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and SO ORDERED.

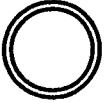
\_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Kenneth A. Duron, District Secretary

# Ordinance Prohibiting Fare Evasion by Minors

---



- SB 882 (Hertzberg) decriminalized fare evasion by minors
- Became law January 1, 2017
- Civil administrative penalties are allowable and per SB 614 (Hertzberg – effective January 1, 2018) these civil fines now go to the local transportation agency that issued the citations rather than to the counties.
- The proposed ordinance establishes civil administrative penalties for minors who are observed entering or exiting the system without using a valid BART fare medium.
- SB 614 also requires minors and persons who provide satisfactory evidence of an inability to pay must be given an option of community service in lieu of the civil fine.

ORDINANCE NO. 2017-\_\_

AN ORDINANCE OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PROHIBITING FARE EVASION BY MINORS

WHEREAS, the San Francisco Bay Area Rapid Transit District has a substantial interest in collecting fares from riders utilizing BART as a means of transportation; and

WHEREAS, fare evasion constitutes a significant annual financial loss to the San Francisco Bay Area Rapid Transit District; and

WHEREAS, payment is collected from riders as they exit the system; and

WHEREAS, under Penal Code section 640(g), Minors cannot be given a criminal citation for fare evasion under section 640(c)(1); and

WHEREAS, under Penal Code section 640(g), a public transportation agency may assess an administrative penalty to minors for fare evasion, as established in paragraph (1) of subdivision (e) and in Section 99580 of the Public Utilities Code.

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

WHEREAS, Public Utilities Code Section 28793 authorizes the Board to do any and all things necessary to carry out the purposes of the District; and

WHEREAS, the Board has determined that the adoption of this ordinance is necessary to maintain the financial stability of the District;

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

SECTION I. Ordinance No. 2017-\_\_ of the San Francisco Bay Area Rapid Transit District is hereby adopted and made a law of the District as follows: WHEREAS, the San Francisco Bay Area Rapid Transit District has a substantial interest in collecting fares from riders utilizing BART as a means of transportation; and

WHEREAS, fare evasion constitutes a significant annual financial loss to the San Francisco Bay Area Rapid Transit District; and

WHEREAS, payment is collected from riders as they exit the system; and

WHEREAS, once inside there is currently no means to determine if riders have lawfully entered the transit system; and

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

WHEREAS, Public Utilities Code Section 28793 authorizes the Board to do any and all things necessary to carry out the purposes of the District; and

WHEREAS, the Board has determined that the adoption of this ordinance is necessary to maintain the financial stability of the District;

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

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

Section 1. Findings and declaration.

The San Francisco Bay Area Rapid Transit Board of Directors finds :

The annual loss of revenue due to evasion of the payment of a fare while riding BART justifies the adoption of reasonable regulations to ensure compliance with fare payment requirements. It is the intention of this ordinance to reduce fare evasion and the revenue loss due to fare evasion, which causes a financial burden to the District that otherwise must be addressed through other revenue sources. If voluntary fare compliance fails, this ordinance authorizes BART Police to act to fulfill this ordinance's objectives.

Section 2. Definitions

Ticket: The term "ticket" as used herein is intended to include Clipper Cards, BART magnetic stripe tickets, BART issued voucher or pass, or other fare media as otherwise authorized by BART.

Section 3. Prohibition on entering or exiting the "paid" area of BART Stations without a valid exit coded ticket.

No Minor may enter into or exit from the paid area of a BART Station other than through the use of a BART ticket at the fare gates.

Section 4. Preemption.

Nothing in this ordinance shall be interpreted or applied so as to create any power, duty, or obligation in conflict with, or preempted by, any Federal or State law. Even if not preempted by Federal or State law, the provisions of this ordinance shall not apply if the Federal or State law is more restrictive toward the practices, activities, and/or uses banned herein. If it is determined that a provision included herein becomes preempted by Federal or State law, that preempted provision shall be automatically rescinded from this ordinance. Such rescission shall not affect the validity of the remaining portions of this ordinance.

Section 5. Civil Administrative Penalties

Public Utilities Code Section 28766 authorizes the BART Board of Directors to regulate its transit facilities including the fixing of charges and the making and enforcement of rules for or in connection with any transit facility owned or controlled by the District. The imposition of civil administrative penalties are a typical type of charge imposed by governments to serve a regulatory purpose and to facilitate the recovery of governmental expenses incurred as a consequence of a rule violation.

Minors who are observed entering or exiting the system without using a valid BART ticket may be assessed an administrative penalty not to exceed sixty dollars (\$60).

In lieu of an administrative penalty being issued for violation of this ordinance, a warning may be given to the Minor. Record of any previous warning will be retained by the Police Department.

Minors who are observed entering or exiting the BART system without using a valid ticket may be subject to ejection from the BART system.

**Section 6. Statutory Severability.**

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

**Section 7. Liberal Construction.**

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

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

**SECTION III.** This ordinance shall be and the same is hereby declared to be in full force and effect on January 1, 2018 and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation published in the Counties of the District. (Public Utilities Code Sections 28794)

In regular session of the Board of Directors of the San Francisco Bay Area Rapid Transit District introduced on the \_\_\_ day of August, 2017, and finally passed and adopted this \_\_\_ day of September, 2017, on regular roll call of the members of said Board by the following vote:

Directors:

Allen: Keller: Saltzman: Raburn: McPartland: Blalock: Simon: Josefowitz: Dufty:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and  
SO ORDERED.

---

President, Board of Directors

(Public Utilities Code Section 28796)

ATTEST:

---

Ken Duron

District Secretary

(Public Utilities Code Section 28796)

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## MEMORANDUM

**TO:** Board of Directors

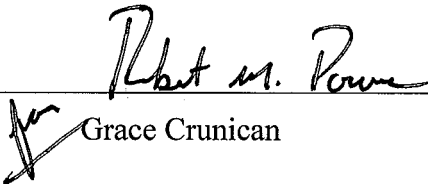
**DATE:** September 8, 2017

**FROM:** General Manager

**SUBJECT: For Information: Transportation Resource Associates Maintenance and Service Options Study**

Attached is the Transportation Resource Associates Maintenance and Service Options presentation that will be presented at the September 14, 2017 Board Meeting.

If you have any questions, please call Paul Oversier, Assistant General Manager, Operations at (510) 464-6710.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## MEMORANDUM

**TO:** Board of Directors

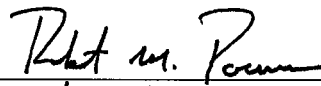
**DATE:** September 8, 2017

**FROM:** General Manager

**RE:** Public Safety Initiatives

BART's adopted FY18 budget includes a Public Safety and Security Initiative. Staff has been working on several fronts to address customer and employee concerns about station cleanliness, safety and security in the four downtown San Francisco stations, and especially at Civic Center and Powell St. stations. At the September 14 meeting, staff will present a summary of the challenges at these stations and an update on the many efforts being led by BART and City and County of San Francisco (SFMTA, SF Public Works, SF Police Department, and Department of Homeless and Supportive Housing).

If would like additional information, please contact Bob Powers, Deputy General Manager, at 510-464-6126 or [RPowers@bart.gov](mailto:RPowers@bart.gov).

  
\_\_\_\_\_  
for Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pava</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/23/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access <i>SB</i> Signature/Date: 9-6-2017	General Counsel <i>[Signature]</i> 9/6/17 [ ]	Controller/Treasurer <i>[Signature]</i> 9/7/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 9.7.17 [ ]

## On-demand Bike Locker and Bike Station Kiosk Maintenance Agreement

### PURPOSE:

To request Board authorization to negotiate and execute an Agreement with eLock Technologies of Berkeley, CA, for a three-year bike locker and bike station kiosk maintenance agreement.

### DISCUSSION:

On-demand (BikeLink) bicycle lockers and bike station entry kiosks are currently used to provide secure bike parking at all BART stations except Montgomery, Powell St. and the airport stations. The lockers and kiosks are manufactured by and have been maintained to date by eLock Technologies. eLock provides a comprehensive package of interrelated services that support their maintenance and operations through (1) a user-funded customer service program, and (2) a District-funded maintenance agreement.

The District has used a time and materials agreement for maintenance of lockers and kiosks which requires extensive tracking and review. To increase efficiency and predictability, the District has determined that it would be beneficial to adopt a per-space/kiosk flat rate service and operations agreement that includes:

- Two proactive maintenance visits per year
- Unlimited service visits based on problem reports and automated alerts
- Replacement parts
- Travel time
- Software licenses

The eLock lockers are the only product that currently meets BART's requirement for

security, shared use and visibility of contents (*see attached comparison matrix*). By entering into this agreement with eLock, BART is able to coordinate a streamlined approach that addresses customer support, maintenance and operations in a single visit to a station. This approach would provide a high level of customer satisfaction and a more cost-effective operation.

eLock is able to provide the following services:

-- *Specialized, multi-generational product*: These are specialized products and require knowledge of software, firmware and mechanical locker components for each locker type. eLock technicians are familiar with the multiple generations of lockers and kiosks present at BART stations. This level of familiarity with software, firmware, replacement parts and common problems is the District's best approach for efficient maintenance and repair.

-- *Specialized equipment*: Many repairs require specialized equipment for accessing and transporting lockers.

-- *Problem tracking*: Because of the complexity of these products it is important to maintain records of problems reported and service records for the District's equipment. eLock has developed custom software to track problems, document service visits and track when and how a problem was resolved.

-- *Cardholder agreement enforcement*: eLock maintains and enforces cardholder agreements on behalf of owners such as BART. The cardholder agreement ensures that the same rules are enforced consistently on behalf of all eLocker owners. Enforcement of the parking rules is done by eLock during service visits and on an as-needed basis when problems are reported.

-- *BikeLink software/firmware maintenance and upgrades*: As part of routine maintenance or user support visits to BART facilities, eLock is able to provide upgrades to the software and firmware (since lockers are not yet connected to the Internet upgrades must be done on site). This is proprietary software so this function can only be performed by eLock. Including this task with other ongoing maintenance is the most efficient approach.

-- *Data Acquisition*: Usage data (essential to the District management of facilities) is collected on site periodically as part of ongoing maintenance and support.

eLock also provides secure bike parking options and the BikeLink operating system throughout the region. Lockers owned and operated by partner agencies (e.g. City of Oakland, City of El Cerrito, City of Richmond, Contra Costa Center, Capital Corridor, City of San Leandro, City of Hercules, City of San Francisco, VTA), all provide customer support and maintenance through eLock. Other transit agencies around the country (e.g.

TriMet, WAMTA, Sound Transit) also utilize eLock for maintenance and customer support.

The District is fortunate to have a local, small business providing these specialized services with a track record of excellent service. A coordinated approach, which addresses multiple tasks in a single visit including customer support, maintenance and operations provides a high level of customer satisfaction and cost-effective operation.

Prior to the contract execution, the The Procurement Department will review the contract to confirm compliance with the District's procurement standards and the Office of the General Counsel will approve the Contract as to form.

#### **FISCAL IMPACT:**

eLock's standard locker maintenance rate is \$120 per locker space per year. Because BART is a high-volume client, the rate is being discounted to \$100 per space per year. Relocation fees are based on actual time and materials up to \$750 and included as an option in this contract. Kiosk software license fees are the standard rate and kiosk maintenance is based on historical costs.

Funding for FY 18 is included in the Customer Access operating budget (accounts 680230 and 681300). Funding for out years, FY 19 and FY 20, will be included as part of each year's proposed operating budget. Total funding for this Contract in the amount not to exceed \$582,755 from the Customer Access operating budget is based on the following:

Maintenance Component	FY 18*	FY 19	FY 20
On-demand locker spaces	1,548	1,608	1,628
\$100 per space per year	\$116,000	\$160,800	\$162,800
Optional relocation of locker quads	10	20	40
\$750 per quad (four spaces)	\$7,500	\$15,000	\$30,000
Kiosk software license	4	5	5
\$3,500 per year	\$14,000	\$17,500	\$17,500
Kiosk maintenance	5	5	5
\$1,500 per year	\$5,625	\$7,500	\$7,500
Contingency @ 5%	\$00	\$10,040	\$10,890
<b>Total by year</b>	<b>\$143,225</b>	<b>\$210,840</b>	<b>\$228,690</b>
		<b>Total = \$582,755</b>	

\* FY 18 is prorated for a nine month (October 1, 2017 through June 30, 2018) partial year.

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

**ALTERNATIVES:**

The alternative is to not authorize the contract or to continue with a time and materials based agreement which staff believes to be less efficient.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The Board authorizes the General Manager to enter into direct negotiations with eLock Technologies to execute an agreement in an amount not-to-exceed \$582,755.

**SURVEY**  
**U.S. Manufactured Bike Lockers**  
 Jun-17

No.	Manufacturer	Contact	Contact Email or Phone	Location	Model (if they build multiple types)	Electronic *	Material (if plastic, fire rating)	Transparency (are contents visible at all times?)	Power requirement (battery, solar, hard wired, etc.)	Advertised or quoted price per space	Meets BART requirements **?	Notes
1	eLock Technologies	Steven Grover sgrover@elocktech.com	510/549-2853	800 Heinz Avenue Suite 11, Berkeley, CA 94710	Guard, Double, P/e	yes standard	perforated stainless steel	yes (perforated metal)	battery, solar	\$3,450.00	Y	electronic card reader
2	CycleSafe, Inc. cyclesafe.com	Brian info@cyclesafe.com	888-950-6531 X104	5211 Cascade Rd. SE, Suite 210 Grand Rapids, Michigan 49546	Pro Park Bike Locker CycleSafe	yes option	fiberglass reinforced plastic Not Rated	opaque* *door window option	none *with app = batteries	\$1,897.50	N	padlock, U-lock, OR key new technology; use of Mowat's app (no maintenance)
3	American Bicycle Security Co. ambrbike.com	Brittany info@ambrbike.com	800-245-3723	P.O. Box 7359 Ventura, CA 93006	302 / 301W / 301WL / 32	yes option	fiberglass reinforced plastic Not Rated	opaque	none	\$1,505.00	N	standard key-lock mechanism electronic lock option - (RFID box - card reader)
4	Columbia - Cascade Co. columbia-cascade.com	Jordan	800/547-1940	1300 S.W. Sixth Avenue, Suite 310 Portland, Oregon 97201-3464	Cyclocker 2176-2PR	no	14 ga steel, perforated metal	yes (perforated metal)	none	\$1,750.00	N	padlock, U-lock, OR key no electronic locking option
5	Madrax madrax.com	Sarah info@madrax.com	800-448-07931	1080 Unitek Drive, Wauwatosa, WI 53597	Madlocker	no	metal Not Rated	opaque* (perforated metal door option)	none	\$1,799.00	N	padlock, U-lock, OR key no electronic locking option
6	DERO dero.com	Phyllis phyllis@dero.com	888/337-6729	42 Northern Stack Dr. Ste 100 Minneapolis, MN 55421	Bike Locker 40	no	steel construction Not Rated	opaque* (perforated metal door option)	none	\$1,297.50	N	padlock, U-lock, OR key no electronic locking option
7	Ground Control Systems (formerly Park-A-Bike)	Jason	800/650-7225	708 Alhambra Blvd. Ste 280 Sacramento, CA 95816	Visilocker Bicycle Vault	no no	steel frame with heavy gauge steel Not Rated fiberglass reinforced plastic Not Rated	yes opaque* (steel grate option for front door)	none none	\$800.00 \$1,750.00	N N	padlock, U-lock, OR key no electronic locking option padlock, U-lock, OR key no electronic locking option
8	SCH Enterprises (formerly Creative Pipes bankrupt)	Sarah sarah@creativepipes.com	503/364-1353 800/644-8467	79405 Hwy 111, Ste. 9 PMB 466 La Grange, CA 92253	Cycle Shed Bike Locker	no	steel	Option: perfor side walls and door	none	\$1,245.00	N	padlock, U-lock, OR key no electronic locking option

\* Electronic = shared use

\*\* BART Bicycle locker requirements:

1. Shared used electronic capability
2. Fire-rated
3. Visibility



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rbt M. Pann</i> 8 Sept 2017		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 8/28/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Shaffer Dept: Real Estate and Property Development <i>Susan Shaffer</i> 9/5/17	General Counsel <i>[Signature]</i> 9/6/17 [ ]	Controller/Treasurer <i>[Signature]</i> 9/6/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 9.5.17 [ ]
Signature/Date: <i>Sean Broderick</i> 9/5/17				

### Amendment No.8 to Lease for 300 Lakeside Drive, Oakland

#### PURPOSE:

To authorize the General Manager or her designee to execute Amendment No. 8 to the Lease for 300 Lakeside Drive in Oakland (the "Building") with SIC- Lakeside Drive LLC, resulting in adding the entire 8<sup>th</sup> floor of the Building to the existing lease.

#### DISCUSSION:

In July 2004, BART entered into a lease with Summit Commercial Partners for 317,222 square feet of office space at 300 Lakeside Drive in Oakland (the "Lease"). The Lease includes a ten-year base term with two 5-year options. The Lease has since been amended seven times.

In the fall of 2016, Measure RR was passed and approved BART's \$3.5 billion general obligation bond to be used to rebuild and upgrade the backbone of the BART system. The passage of Measure RR has resulted in the need for over one hundred new staff and consultants to manage the many District projects funded by this bond. As a result, supplementary space is required to house the additional staff.

Staff began discussions with SIC-Lakeside Drive LLC ("SIC"), the current owner of the Building, to determine if more space in the Building could be leased. SIC proposed that the District could lease the 8<sup>th</sup> floor of the Building. Staff considered the impacts of a Lease expansion in the Building as opposed to other potential short-term leasing opportunities and determined that adding an additional floor was the most favorable option. With the assistance and expertise of a broker that staff has utilized in the prior amendments to the Lease, staff negotiated satisfactory terms for the entire 8<sup>th</sup> floor of the Building. Based on the proposed

modifications to the 8<sup>th</sup> floor, the proposed expansion will accommodate approximately 100 - 110 staff and consultants. Similar to previous leases of this magnitude, staff also engaged the on-call Economic and Property Development consulting firm, BARD Consulting, to examine the proposed rent and deal terms to ensure that they are reasonable for Class A buildings near 300 Lakeside.

The proposed Lease amendment includes the following terms:

- The new premises consist of approximately 28,303 rentable square feet (RSF) consisting of the entire 8<sup>th</sup> floor of the Building.
- The Lease Term for the new premises will commence upon the later of (i) substantial completion of tenant improvements or (ii) November 1, 2017, and will expire on the expiration date of the existing Lease Term (July 17, 2021).
- Base rent will be \$52.00 per RSF per year, full service, and be increased by three percent per RSF on each one-year anniversary of the Lease Term commencement date.
- BART will be responsible for paying its proportionate share of increases in Building operating expenses and property taxes above a base year of 2018.
- The base rent for the new premises and any and all of District's pro-rata share of operating expenses and property taxes for the expansion premises shall be abated for the initial four months of the Expansion Premises Lease Term.
- Landlord will provide turn-key tenant improvements for the expansion premises including the following:
  - o Two (2) large conference rooms (10-14 people seated)
  - o One (1) medium conference room (8 people seated)
  - o One (1) small conference room (4 people seated)
  - o Twenty-two (22) private offices
  - o Adequate electrical distribution for District's layout
  - o Installation of District's cable and data wiring
  - o Provision of stair access and installation of card key reader(s)
  - o Painting and installation of new Building Standard carpet tile in colors selected by District
  - o New workstations to accommodate up to 50-65 persons
  - o New benching stations to accommodate up to 40-50 persons
- BART will have the right to an additional forty-four (44) parking spaces in the parking garage for the duration of the Expansion Lease Term and extensions (if any).
- District's two existing renewal rights (as outlined in the Master Lease) will remain in

place and will also be exercisable for the expansion premises at the end of the Lease Term (7/17/21).

Because of the large amount of space the District already leases in the Building, the District has far more leverage to negotiate favorable terms than in a location where the District would be a new tenant. In addition, the close proximity of the new premises to the District's headquarters is highly advantageous to project continuity and productivity.

**FISCAL IMPACT:**

The initial annual rent for the 8<sup>th</sup> floor will be \$981,171 (this amount includes the first four months of rent abated) plus the pro-rata share of operating, maintenance and tax costs for the Building. The four months' free rent will offset the cost of tenant improvements. Funding for the base rent and operating and property tax expenses will come from Measure RR. Funding for the expanded premises lease term will be allocated from Measure RR in each successive fiscal year.

**ALTERNATIVES:**

1. Do not exercise the Lease Amendment and continue the existing lease at 300 Lakeside, housing the new Measure RR staff in existing space, resulting in overcrowded and unproductive conditions.
2. Commence an additional search for other locations to house the new Measure RR staff.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager or her designee is authorized to execute Amendment No. 8 to the Lease for 300 Lakeside Drive in Oakland with SIC-Lakeside Drive LLC, consistent with the terms contained in SIC's proposal dated September 7, 2017.