

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

BOARD MEETING AGENDA

October 10, 2019

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, October 10, 2019, in the BART Board Room, 2040 Webster Street, Third Floor, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at [bart.legistar.com](http://bart.legistar.com); and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=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 and [bart.legistar.com](http://bart.legistar.com) no later than 48 hours in advance of the meeting.

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

Patricia K. Williams  
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 Meeting of September 26, 2019.\*  
Board requested to authorize.
- B. Audit of Directors' Use of District Property for Fiscal Year 2019.\*  
Board requested to accept.
- C. Revision to 2019 Organization of Committees and Special Appointments.\*  
Board requested to ratify.
- D. Update to District Guidelines for Disposition of Tangible and Surplus Property.\* Board requested to authorize.
- E. Award of Contract No. 54RR-170, Richmond-Concord-Hayward Dust Collectors Replacement Project.\* 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. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Fiscal Year 2019 Year-End Budget Revision.\* Board requested to adopt.
- B. Resolution of Intention to Amend California Public Employees Retirement System (CalPERS) Contract to Include Cost Sharing of Employer Contribution for BART Police Officers' Association and BART Police Managers' Association.\* Board requested to adopt.
- C. Resolution for Pension Cost Sharing under the California Public Employees Retirement System (CalPERS) for Safety Non-Represented Employees.\* Board requested to adopt.

5. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Award of Request for Proposal No. 6M3440, High Pressure Wash of Station Plazas and Parking Lot Structure Stairwells Services.\* Board requested to authorize.
- B. Award of Request for Proposal No. 6M3453, Systemwide Parking Lot Sweeping Services.\* Board requested to authorize.
- C. Update on BART Safety, Reliability, and Traffic Relief Program (Measure RR).\* For information.

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

Director Raburn, Chairperson

- A. Update on the Parking Program.\* For information.
- B. Update on BART and Valley Transportation Authority Phase I, and the Operations and Maintenance Agreement.\* For information.

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Titles: General Counsel, Controller-Treasurer, District Secretary,  
Independent Police Auditor, and Inspector General  
Government Code Section: 54957

B. CONFERENCE WITH NEGOTIATORS  
Designated Representatives: Directors Dufty, McPartland, and Simon  
Titles: General Counsel, Controller-Treasurer, District Secretary, and  
Independent Police Auditor  
Government Code Section: 54957.6

11. OPEN SESSION

A. Compensation and Benefits for General Counsel, Controller-Treasurer,  
District Secretary, and Independent Police Auditor. Board requested to authorize.

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

Board of Directors  
Minutes of the 1,849th Meeting  
September 26, 2019

A regular meeting of the Board of Directors was held September 26, 2019, convening at 9:05 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California and Wye River, A Dolce Conference Center, 600 Aspen Drive, Conference Center, Queenstown, MD. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present in Oakland: Directors Allen, Ames, Foley, McPartland, Raburn, Saltzman and Dufty.

Present in Queenstown, Maryland: Director Simon.

Absent: None. Director Li entered the meeting later.

President Dufty acknowledged Hispanic Heritage Month and the activities that the San Francisco Bay Area Rapid Transit District's Diversity Committee introduced to the District.

President Dufty announced that Introduction of Special Guest would be continued to later in the agenda.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of September 12, 2019.
2. Award of Invitation For Bid No. 9064, Puncture Resistant Hand Gloves.

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

1. That the Minutes of the Meeting of September 12, 2019, be approved.
2. That the General Manager be authorized to award Invitation For Bid No. 9064 to Consumer Net Services of Petaluma, California for the purchase of puncture resistant hand gloves in the amount of \$154,663.04, including taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

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

President Dufty called for Public Comment. Steven Pehfield and Sean Mulligan addressed the Board.

Director Li entered the meeting.

President Dufty called for the Controller/Treasurer's Report.

Ms. Rose Poblete, Controller/Treasurer; and Mr. Christopher Gan, Assistant Controller, presented the Quarterly Report of the Controller/Treasurer for the period ending June 30, 2019. The item was discussed.

Director Allen, Vice - Chairperson of the Administration Committee, brought the matter of Amendment to Transit Security Advisory Committee (TSAC) Bylaws before the Board. Ms. Patricia Williams, District Secretary, presented the item. Director Raburn acknowledged Armando Sandoval, Vice-Chairperson for the TSAC Committee. Director Raburn moved that the Board of Directors approve the amended Transit Security Advisory Committee Bylaws. President Dufty seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IJ-120A, Fire Alarm System Replacement, Phase 2 before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Mr. Myat San, Group Manager, Electrical and Mechanical Engineering; and Mr. Juan Ulloa, Manager of Electrical Engineering, presented the item. Tamar Allen requested that paragraph four under the Discussion section be removed from the Executive Decision Document as the information was incorrect. The item was discussed. Director Simon moved that the General Manager be authorized to award Contract No. 15IJ-120A for Fire Alarm System Replacement, Phase 2 to Becker Electric, Inc. of San Francisco, California for the total base bid price of \$5,076,299 pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures. President Dufty seconded the motion. Discussion continued. Director Simon and President Dufty rescinded their motions and Director McPartland moved the item and Director Foley seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley brought the matter of Award of Invitation For Bid No. 9066, Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement Projects, before the Board. Ms. Tamar Allen; and Mr. Bryant Fields, Project Manager, Maintenance and Engineering, presented the item. The item was discussed. Director Allen moved that the General Manager be authorized to award Invitation For Bid No. 9066 for Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement Project to Electrical Design Technology, Inc. for an amount of \$5,038,125.11 (includes applicable taxes) pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures. President Dufty seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley brought the matter of Fare Gate Pilot Project before the Board. Mr. Robert Powers; Ms. Tamar Allen; Ms. Mitra Moheb, Manager of Engineering Programs, Maintenance and Engineering; and Mr. Aaron Weinstein, Director of Marketing and Research, presented the item.

AC MacLeod and James Bryant addressed the Board.

The item was discussed.

Director Allen moved that the General Manager be authorized to adopt the swing style barrier gate design as the standard design for new fare gates. The BART Facilities Standards (BFS) is to be updated to ensure that future station modernization and extension stations incorporate swing style barrier fare gates. The General Manager is directed to develop a funding strategy, including phasing options, for replacement of existing fare gates with new swing style barrier gates. President Dufty seconded the motion.

Discussion continued.

Director Li requested an amendment to the motion to add that in addition, staff will endeavor to install a pilot swing Americans with Disabilities gate at the Richmond Station within six months, and that Staff shall come back at the first April 2020 meeting with a status update along with an action item regarding disposition of the stacked Americans with Disabilities fare gate at the Richmond Station. Both Directors Allen and Dufty accepted the amendment.

Discussion continued.

The amended motion carried by unanimous roll call vote. Ayes – 9: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

President Dufty returned to Introduction of Special Guests and announced on behalf of the entire BART Board, it was a pleasure to welcome Assemblymember Buffy Wicks. President Dufty thanked Assemblymember Wicks for her leadership and perseverance with shepherding Assembly Bill 2923 through the nine-month legislative process and congratulated her on having her first bill signed into law.

Assemblymember Wicks addressed the Board.

Director Simon exited the meeting.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter Update on Valley Link Project before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Mr. Val Menotti, Chief Planning Development Officer, Systems Development; Mr. Andrew Tang, Manager Special Projects, Systems Development; Mr. Michael Tree, Executive Director, Tri Valley San Joaquin Regional Rail Authority; and Ms. Diane Cowen, Public Transportation Planning Manager, AECOM, presented the item. The item was discussed.

Matt Williams addressed the Board.

Discussion continued.

Director Raburn brought the matter of BART and Valley Transportation Authority Phase I, and the Operations and Maintenance Agreement Update before the Board. Mr. Powers; Mr. Holmes; Mr. Shane Edwards, Chief Maintenance and Engineering Officer; Ms. Pamela Herhold, Assistant General Manager, Performance and Budgets; and Ms. Bernadette Lambert, Project Manager, Extensions, presented the item.

Sean Mulligan addressed the Board.

The item was discussed.

President Dufty announced that the Board would enter into closed session under Item 11-A (Public Employee Performance Evaluation) of the Regular Meeting agenda, and that the Board would reconvene in open session.

The Board Meeting recessed at 1:19 p.m.

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The Board reconvened in closed session at 1:25 p.m.

Directors present: Directors Allen, Ames Foley, Li, McPartland, Raburn, Saltzman and Dufty.

Absent: Director Simon.

The Board Meeting recessed at 1:45 p.m.

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The Board reconvened in open session at 1:47 p.m.

Directors present: Directors Allen, Ames Foley, Li, McPartland, Raburn, and Dufty.

Absent: Directors Saltzman and Simon.

President Dufty announced that there were no announcements to be made from the closed session.

President Dufty called for the General Manager's Report. Mr. Powers reported on Clipper usage, Police Department recruitment, and steps he had taken and activities and meetings he had participated in.

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

President Dufty requested the meeting be adjourned in honor of Jennie Lee Olson, mother of Teri Zink, Executive Vice President, AECOM.

President Dufty thanked staff for the addition of a bench at the 16<sup>th</sup> Street and Mission BART Station. He reported he had attended the Asian American Architects & Engineers Dinner with Directors Li and Raburn. He announced that he would like to host events in Oakland and San Francisco that could help with the buildout of the BART Webster Street Building.



Director Raburn reported he had attended the Asian American Architects & Engineers Dinner, Sierra Club, a David Brower event, Tradeswoman Event, Alameda Chamber of Commerce meeting on the USS Hornet, a Jobs Housing Coalition meeting, Healthy Living Festival, Capitol Corridor Joint Powers Authority Board Meeting, and had presented a resolution to the Port of Oakland's Board for their assistance with wayfinding signage in the Oakland International Airport.

Director Ames reported she had attended the Capitol Corridor Joint Powers Authority Board Meeting, the Niles Canyon Stroll & Roll, and the City of Newark Parade.

Director Allen inquired about the six police officers promised to the eBART/Antioch line in a previous budget.

Director McPartland reported he had attended the Capitol Corridor Joint Powers Board Meeting, and an orientation at the Pacific Gas & Electric, Emergency Operations Center.

Director Foley reported he had attended the Delta-6 Meeting which included Mayors and City Managers of the Cities of Brentwood, Oakley, Pittsburg, Antioch, and a Labor to Labor Dinner.

President Dufty called for Public Comment. Sean Mulligan addressed the Board.

The Meeting was adjourned at 2:05 p.m. in honor of Jennie Lee Olson.

Patricia K. Williams  
District Secretary

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Inter-Office Communication

**To:** Board of Directors

**Date:** October 4, 2019

**From:** General Manager

**Subject:** Consent Calendar: Audit of Directors' Use of District Property

Attached is the Performance and Audit Department's final audit report – *Audit of Directors' Use of District Property for Fiscal Year 2019*. The audit report will appear on the October 10, 2019, Board Consent Calendar.

If you have any questions regarding the audit, please contact Dennis Markham at (510) 464-6275.



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Robert Powers

Attachment

cc: Board Appointed Officers  
Executive Staff

*Audit of Directors' Use of District Property  
for Fiscal Year 2019*

**BACKGROUND**

The Performance and Audit Department has audited the District's compliance with the requirements of the San Francisco Bay Area Rapid Transit District's *Rules of the Board of Directors* Board Rule 5-3.5, Use of District Property Other than Automobiles. The Rules require that the Internal Audit Department (currently the Internal Audit Division of the Performance and Audit Department) shall complete an annual audit for the previous fiscal year for compliance with the requirements of Board Rule 5-3.5, and shall submit the audit report, including a list of property issued to each Director, to the next Administration Committee following September 15 for review and forwarding to the full Board.

Board Rule 5-3.5 requires that:

- Directors may have use and possession of specifically identified District property that is comparable in cost and function to equipment available to District employees;
- The property shall be returned when a Director leaves office;
- Directors request the property through the District Secretary's Office;
- The District Secretary shall request quarterly that the Directors review their cellular phone and mobile device charges;
- Directors reimburse the District within 30 days of the quarterly request for reimbursement of costs that are not for District business; and
- The District Secretary shall report to the Board President or Vice President if the quarterly requests are not responded to or reimbursements not made within 30 days.

The purpose of our audit was to determine whether the District complied with the requirements of Board Rule 5-3.5 for the fiscal year ended June 30, 2019. To accomplish our purpose, we reviewed the requirements of the Board Rule, reviewed the report for the audit of compliance with the Board Rule done for the previous year, examined records maintained by the District Secretary, notified Directors of the property recorded in the District's records as issued to each Director, and conducted discussions with the staff of the District Secretary's Office.

*Audit of Directors' Use of District Property  
for Fiscal Year 2019*

**BACKGROUND**  
*(Cont'd)*

We performed the audit in accordance with generally accepted government auditing standards and included such tests as we considered necessary in the circumstances. We used the *Rules of the Board of Directors* Board Rule 5-3.5 as criteria for the audit.

We provided Patricia Williams, District Secretary, with a draft copy of our audit report on September 6, 2019. We discussed the draft audit report with her on September 9, 2019, and she had no additional comments.

**SUMMARY OF**  
**AUDIT RESULTS**

We found that in fiscal year 2019, the District complied in all material respects with the requirements of Board Rule 5-3.5. A list of property issued to each Director as recorded in the District's records is shown in Exhibit A.

The cellular phone bills for May and June 2019 were not available in time for this audit. We will review those bills as part of next year's audit.



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Dennis Markham, Director of Performance  
and Audit

*Audit of Directors' Use of District Property  
for Fiscal Year 2019*

**Exhibit A**

Schedule of District Property in Directors' Custody  
As of June 30, 2019

<b>DIRECTOR</b>	<b>PROPERTY DESCRIPTION</b>
Debora Allen 1st District	(No Equipment Issued)
Mark Foley 2nd District	(No Equipment Issued)
Rebecca Saltzman 3rd District	(No Equipment Issued)
Robert Raburn 4th District	(No Equipment Issued)
John McPartland 5th District	Apple iPhone 7 External Computer Hard Drive MiFi Device
Elizabeth Ames 6th District	Apple iPhone 8
Lateefah Simon 7th District	Apple iPhone 7
Janice Li 8th District	(No Equipment Issued)
Bevan Dufty 9th District	(No Equipment Issued)

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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MEMORANDUM

**TO:** Board of Directors

**DATE:** October 4, 2019

**FROM:** District Secretary

**SUBJECT:** 2019 Organization of Committees and Special Appointments Revision

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

In accordance with Board Rule 3-3.2, President Dufty is bringing a revision to the 2019 Organization of Committees and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on October 10, 2019.

The proposed change is:

- Appointment of Bevan Dufty to Oversight Board to Successor Agency of San Francisco Development Agency

The draft revised 2019 Organization of Committees and Special Appointments is attached.

Should you have any questions about the revisions, please contact President Dufty or me at your convenience.

Thank you.

  
Patricia K. Williams

cc: Board Appointed Officers  
Executive Staff

**MOTION:**

That the Board of Directors ratifies the proposed revisions to the 2019 Organization of Committees and Special Appointments.

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

**STANDING COMMITTEES**

**ADMINISTRATION\*\***

Lateefah Simon, Chairperson  
Debora Allen, Vice Chairperson  
Rebecca Saltzman

**ENGINEERING AND OPERATIONS\*\***

Mark Foley, Chairperson  
John McPartland, Vice Chairperson  
Janice Li

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

Robert Raburn, Chairperson  
Rebecca Saltzman, Vice Chairperson  
Liz Ames

**SPECIAL COMMITTEES**

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

Bevan Dufty, Chairperson                      Rebecca Saltzman, Vice Chairperson                      Mark Foley

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

Bevan Dufty, Chairperson                      John McPartland, Vice Chairperson                      Lateefah Simon

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

Bevan Dufty                      Liz Ames                      John McPartland                      Robert Raburn

**SPECIAL APPOINTMENTS – LIAISON**

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

Debora Allen, Primary                      Mark Foley, Alternate

**PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEES LIAISON**

Robert Raburn                      Debora Allen

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

Janice Li, Primary                      Bevan Dufty, Alternate

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

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

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

**SPECIAL APPOINTMENTS – EXTERNAL**

ALAMEDA COUNTY TRANSPORTATION COMMISSION \*\*

Rebecca Saltzman, Primary                      John McPartland, Alternate

ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS

Robert Raburn

BART AND AC TRANSIT COORDINATING COMMITTEE \*\*

Robert Raburn (Co-Chair)                      Rebecca Saltzman                      Lateefah Simon

CAPITOL CORRIDOR JOINT POWERS BOARD\*\*\*

Debora Allen, Contra Costa County                      John McPartland, Alameda County  
Bevan Dufty, San Francisco County                      Robert Raburn, Alameda County  
Janice Li, San Francisco County                      Rebecca Saltzman, Contra Costa County

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

Robert Raburn

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

Bevan Dufty

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

Debora Allen                      Mark Foley

SOUTH HAYWARD BART STATION ACCESS AUTHORITY\*\*

Liz Ames                      John McPartland                      Robert Raburn, Alternate

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

John McPartland

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

Lateefah Simon, Primary                      Mark Foley, Alternate

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





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 Oct 2019</i> <i>Rhett M. Pown</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 9/13/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: James Wiscarson Dept: Procurement	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 10-1-19	<i>[Signature]</i> 10/1/19 [ ]	<i>[Signature]</i> 10/1/19 [ ]	[ ]	<i>[Signature]</i> 10/1/19 [ ]

### Update to District Guidelines for Disposition of Tangible and Surplus Property

#### PURPOSE:

To approve the attached resolution for the updated "Guidelines for Disposition of Tangible and Surplus Property."

#### DISCUSSION:

An outside consultant, Evision Partners, performed a study of the District's current inventory control process and procedures and recommended updates to the District's surplus property policy to better align with current inventory and warehousing requirements. The District's original policy for the disposition of surplus property adopted November 9, 1967, needs to be updated to meet the District's current tangible and surplus property disposition requirements.

This update to the guidelines includes an increase to the property value threshold from \$5,000.00 to \$100,000.00, to be commensurate with the General Manager's current authority.

With the arrival of the Fleet of the Future, its corresponding spare parts, the decommissioning of the existing legacy fleet, and yearly processing of obsolete materials, the guidelines will be imperative to manage and maintain valuable warehouse space and inventory capacity. The updated policy, if adopted, will allow for the opportunity to recycle or sell items of interest to the public through a competitive process. The updated policy will also create a more fiscally and environmentally responsible inventory system.

#### FISCAL IMPACT

There is no negative fiscal impact for this action. The new policy will potentially provide a revenue source by allowing the District to recycle or sell otherwise obsolete items.

**ALTERNATIVES:**

Reject the motion and continue to apply the original policy, which would impact the District's ability to effectively manage and maintain inventory.

**RECOMMENDATION:**

The Board adopt the following motion.

**MOTION:**

To adopt the attached resolution, "In the matter of authorizing the Guidelines for the Disposition of Tangible and Surplus Property."

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

In the matter of authoring  
the Guidelines for the Disposition of Tangible  
and Surplus Property. /

Resolution No.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District authorizes the General Manager or their designee to sell, recycle or otherwise dispose of tangible and surplus property within the District when in the judgment of the General Manager it is for the best interest of the District so to do, and when a District department head has certified to the General Manager that the property concerned has an estimated market value of less than \$100,000; and

BE IT FURTHER RESOLVED that all authority granted to the General Manager hereunder applies to tangible and surplus property only and not to real property in accordance with the Guidelines for Disposition of Tangible and Surplus Property attached hereto and marked Exhibit A Guidelines for Disposition of Tangible and Surplus Property.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
EXHIBIT A  
GUIDELINES FOR DISPOSITION OF TANGIBLE AND SURPLUS PROPERTY

November 2, 1967, UPDATED October x, 2019

STATEMENT

BART strives to maintain all assets used in delivery of its services in a state of good repair consistent with the BART Asset Management Plan. Tangible property which has reached the end of its projected useful life or has otherwise been deemed unusable by the General Manager or their designee, either because of the damage to the asset is beyond the economic repair of the asset, the asset is obsolete, or the asset is otherwise no longer suitable for use in delivering BART transit services, need to be declared surplus property and disposed of in an orderly and fiduciarily responsible manner.

PURPOSE

To establish a uniform procedure for the disposal of tangible and surplus property in order to prevent it from utilizing valuable space and either to obtain an advantageous monetary return from its sale, recycle, or to make effective use of it in another department. This policy EXCLUDES:

- a) The transfer, sale or other disposal of real property; and
- b) Any items seized, confiscated, or found by the BART Police department

APPLICATION

This procedure shall apply to all tangible and surplus property, i.e., inactive stock and excess, obsolete, worn-out, discarded, or otherwise unusable materials, supplies and equipment.

## PROCEDURE

1. Each department head shall review all tangible and surplus property in his custody at least once a year.
2. Each department head shall prepare and submit to the General Manager or their designee, a list of all surplus tangible and surplus property in his custody as soon as it becomes surplus. This list shall include a complete description of each item, serial number (if applicable), Maximo system item number (if applicable), the quantity or bulk weight, and location.
3. The General Manager or their designee will determine whether the surplus item can be used effectively by another department, and if so, will arrange for its transfer.
4. If a surplus item cannot be used by the District, the General Manager or their designee will dispose of it by the most advantageous of the following methods:
  - (a) Trade-in on new equipment.
  - (b) Public sale where the estimated value warrants the expense of advertising. Public sale will normally be accomplished by publication of a notice requesting bids at least once in a newspaper of general circulation which publication shall be made at least ten days before bids are received. Such notice shall declare that the District may reject any and all bids and re-advertise at its discretion.
  - (c) Where the value of the item concerned does not warrant the expense of advertising, disposition may be by informal sale. Wherever reasonably possible, several bids should be solicited.

GUIDELINES FOR DISPOSITION OF TANGIBLE AND SURPLUS PROPERTY(Continued)

(d) Where cost of removing the surplus item exceeds its value,  
such removal will be obtained at the least cost to the District.

Note: Preference in the disposition of property will be given public agencies wherever reasonably possible.

5. Prior contractual commitments concerning the disposition of property, as, for example, in the case of Federally assisted projects, must be strictly observed and will normally take precedence over the terms of this guideline.
6. Disposition of scrap metal items will include recycling.
7. Disposition of any surplus property with an estimated market value of \$100,000 or more shall be authorized by the Board of Directors.
8. Disposition of surplus items shall not be made to an employee of the District.
9. As a supplement to the monthly financial statements, District Accounting shall fully report all personal property dispositions occurring during the preceding Quarter.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
EXHIBIT A  
GUIDELINES FOR DISPOSITION OF ~~SURPLUS PERSONAL PROPERTY~~

TANGIBLE AND SURPLUS PROPERTY

November 2, 1967, UPDATED October x, 2019

STATEMENT

BART strives to maintain all assets used in delivery of its services in a state of good repair consistent with the BART Asset Management Plan. Tangible property which has reached the end of its projected useful life or has otherwise been deemed unusable by the General Manager or their designee, either because of the damage to the asset is beyond the economic repair of the asset, the asset is obsolete, or the asset is otherwise no longer suitable for use in delivering BART transit services, need to be declared surplus property and disposed of in an orderly and fiduciarily responsible manner.

PURPOSE

To establish a uniform procedure for the disposal of tangible and surplus personal property in order to prevent it from utilizing valuable space and either to obtain an advantageous monetary return from its sale, recycle, or to make effective use of it in another department. This policy EXCLUDES:

- a) The transfer, sale or other disposal of real property; and
- b) Any items seized, confiscated, or found by the BART Police department

APPLICATION

This procedure shall apply to all ~~surplus personal property~~ tangible and surplus property, i.e., inactive stock and excess, obsolete, worn-out, discarded, or otherwise unusable materials, supplies and equipment.



PROCEDURE

1. Each department head shall review all tangible and surplus property in his custody at least once a year.
2. Each department head shall prepare and submit to the General Manager ~~or their his / her designee~~, a list of all surplus ~~personal-tangible and surplus~~ property in his custody as soon as it becomes surplus. This list shall include a complete description of each item, serial number (if applicable), Maximo system item number (if applicable), the quantity or bulk weight, and location.
3. The General Manager ~~or their his / her designee~~ will determine whether the surplus item can be used effectively by another department, and if so will arrange for its transfer.
4. If a surplus item cannot be used by the District, the General Manager ~~or theirhis / her designee~~ will dispose of it by the most advantageous of the following methods:
  - (a) ) Trade-in on new equipment.
  - (b) ) Public sale where the estimated value warrants the expense of advertising. Public sale will normally be accomplished by publication of a notice requesting bids at least once in a newspaper of general circulation which publication shall be made at least ten days before bids are received. Such notice shall declare that the District may reject any and all bids and re-advertise at its discretion.
  - (c) ) Where the value of the item concerned does not warrant the expense of advertising, disposition may be by informal sale.Wherever reasonably possible, several bids should be solicited.

GUIDELINES FOR DISPOSITION OF ~~SURPLUS PERSONAL PROPERTY—TANGIBLE AND~~  
~~SURPLUS PROPERTY~~(Continued)

(d) ) Where cost of removing the surplus item exceeds its value,  
such removal will be obtained at the least cost to the District.

Note: Preference in the disposition of property will be given  
public agencies wherever reasonably possible.

5. Prior contractual commitments concerning the disposition of prop  
erty, as, for example, in the case of Federally assisted projects,  
must be  
strictly observed and will normally take precedence over the t  
erms of this guideline.

6. Recycle

~~6-7.~~ Disposition of any surplus property with an estimated market value of  
\$5100,000 or more shall be ~~referred to authorized by~~ the Board of  
Directors.

~~7-8.~~ Disposition of surplus items shall not be made to an employee of the  
District.

~~8-9.~~ As a supplement to the monthly financial statements, District Account-  
ing shall fully report all personal property dispositions  
occurring during the preceding Quarter.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pourn</i> 3 OCT 2019		GENERAL MANAGER ACTION REQ'D: Request Board Authorization to award contract 54RR-170		
DATE: 9/12/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Gerbracht Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 10/1/19	General Counsel <i>[Signature]</i> 10/1/19 [ ]	Controller/Treasurer <i>[Signature]</i> 10/1/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 10.1.2019 [ ]

### Award of Contract 54RR-170 Dust Collector Replacement

#### PURPOSE:

To request Board Authorization to award Contract Number 54RR-170 Richmond - Concord - Hayward Dust Collectors Replacement in the amount of \$1,646,400 to iTech Solution of San Jose, California.

#### DISCUSSION:

At the District's four rail yards, train cars are pressure washed prior to the commencement of maintenance activities. Each car is moved into an inspection building above a pit, and workers in the pit use high-pressure water to clean the underside of the car. Ducts extract the air to a Dust Collector located on the roof. The Dust Collector uses water to remove particulates from the air. The water and particulates are disposed to the sewer system and the clean air is vented to the atmosphere - all in compliance with state and federal environmental regulations.

This contract will remove and replace the aging Dust Collectors, add a new electric pressure washer, and repair corroded ducting to improve the reliability of operations at the Richmond, Concord, and Hayward yards. Additionally, at the Concord and Hayward yards, a new water filtration and re-use system will be installed (one already exists at Richmond) that will greatly reduce the usage of water in the dust collection process. Finally, at Concord and Hayward a new Programmable Logic Controller (PLC) control system will be installed on the Dust Collection system (one already exists at Richmond.).

On June 14, 2019, the District sent out Advance Notices to 427 potential Bidders, and 21 plan rooms. The Contract was advertised and posted to the BART Procurement Portal on

June 14, 2019. A total of 22 firms downloaded copies of the Bid Documents. A Pre-Bid Meeting was conducted on June 26, 2019, with a total of 6 potential Bidders in attendance. Three Bids were received and publicly opened on Tuesday, August 27, 2019.

iTech Solution	\$1,646,400
Sonnikson & Stordahl Construction	\$2,023,080
Blocka Construction Inc	\$2,688,000
Engineering Estimate	\$2,353,393

The apparent low-bidder is iTech Solution with a Bid price of \$1,646,400. The Bid price is 30% below the Engineering Estimate and pricing is deemed acceptable. In addition, iTech Solution meets all technical requirements provided for in the Invitation For Bid.

Pursuant to the District’s Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 6.0% for Minority Business Enterprises (MBEs) and 3.9% for Women Business Enterprises (WBEs). The Bidder iTech Solution will not be subcontracting any portion of the Work and therefore, the provisions of the District’s Non-Discrimination Program for Subcontracting do not apply.

Pursuant to the District’s Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services (DGS) and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. It was determined that there were no certified Local Small Businesses certified by the DGS among the responsive Bidders and, therefore, the Local Small Business Prime Preference is not applicable.

**FISCAL IMPACT:**

Funding in the amount of \$1,646,400 for Contract No. 54RR-170 is included in the total project budget for FMS# 54RR170 – Rotoclone Replacement.

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

<b>Proposed Funding</b>	
F/G 802A – 2017 Measure RR GOB	3,395,024
<b>TOTAL</b>	<b>3,395,024</b>

As of September 9, 2019, \$3,395,024 is the total budget for this project. BART has expended \$68,408, committed \$184,276, and reserved \$0 to date. This action will commit \$1,646,400, leaving an available fund balance of \$1,495,940 in these fund sources for this project.

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

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

**ALTERNATIVES:**

The Board can elect not to authorize the General Manager to award the Contract.

The District would continue to operate and maintain the Dust Collectors in their existing condition. As they age, they will create an increasing burden to Maintenance, an increasing disruption to Operations and an increasing risk of violating Environmental Regulations. The equipment would be at increased risk of a complete failure, which would impact the District's ability to properly maintain vehicles.

**RECOMMENDATION:**

Staff recommends that the Board approve the following Motion:

**MOTION:**

The General Manager is authorized to award Contract Number 54RR-170 Richmond - Concord - Hayward Dust Collectors Replacement in the amount of \$1,646,400 to iTech Solution of San Jose, California, subject to the District's protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <span style="float: right;">3 OCT 2019</span> <i>Phil M. Pannunzi</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/27/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kate Jordan Steiner Dept: Budget <i>[Signature]</i> Signature/Date: 9/30/19	General Counsel <i>[Signature]</i> 10/2/19 [ ]	Controller/Treasurer <i>[Signature]</i> 10/2/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 9/30/19 [ ]

### Fiscal Year 2019 Year-End Budget Revision

**PURPOSE:** To amend the Fiscal Year 2019 (FY19) Budget for year-end adjustments.

**DISCUSSION:** The District finished FY19 favorable by 1.8%, or \$16.2 million (M). Sources were \$30.4M (3%) favorable and uses were \$14.2M (2%) unfavorable. Results are summarized below with additional detail in Attachments 1, 2, and 3.

#### FY19 Operating Results (\$ million)

		Budget	Actual	Var.	%
<b>Sources</b>	Operating Revenue	\$ 560.8	\$ 558.4	\$ (2.5)	-0.4%
	Sales Tax	264.6	280.4	15.8	6.0%
	Other Assistance	96.7	113.8	17.1	17.6%
	<b>Total Sources</b>	<b>922.2</b>	<b>952.5</b>	<b>30.4</b>	<b>3.3%</b>
<b>Uses</b>	Labor	560.7	554.2	6.5	1.2%
	Non-Labor	207.1	204.0	3.2	1.5%
	<b>Total Expense</b>	<b>767.8</b>	<b>758.1</b>	<b>9.7</b>	<b>1.3%</b>
	Debt Service	46.6	46.7	(0.0)	0.0%
	Capital & Other Allocations	107.8	131.6	(23.8)	-22.1%
<b>Total Debt Service &amp; Allocations</b>	<b>154.4</b>	<b>178.2</b>	<b>(23.8)</b>	<b>-15.4%</b>	
<b>Total Uses</b>	<b>922.2</b>	<b>936.4</b>	<b>(14.2)</b>	<b>-1.5%</b>	
<b>NET RESULT</b>		<b>\$ -</b>	<b>\$ 16.2</b>	<b>\$ 16.2</b>	

*Note: For clarity, the above table excludes Other Post Employment Benefit (OPEB) Unfunded Liability and GASB 68 and GASB 75 pension and OPEB adjustments, which do not impact the Net Result. Results including such adjustments are shown in Attachment 3.*

**BACKGROUND:** The District finished FY19 within 1.8% of budget:

- Approximately \$30.4 (3%) favorable in sources, due to \$12.3M better-than-budget Low Carbon Fuel Standard (LCFS) revenue, plus receipt of \$15.8M of sales tax revenue;
- Approximately \$9.7M (1%) favorable in labor and non labor expenses, due to vacant positions and reduced power costs;
- Offset by approximately \$23.8M (22%) of increased allocations to various reserves.

Total Operating Sources were \$30.4M (3.3%) favorable for FY19. Operating Revenue was \$2.5M unfavorable to budget, including unfavorable passenger revenue (\$3.2M) and favorable other operating revenue (\$0.8M). Passenger trips in FY19 totaled 118.1M, 1.4% unfavorable to budget and average weekday ridership was 410,774, 0.5% unfavorable. The \$0.8M favorable result in other operating revenue was due to better than budget investment revenue (\$2.3M), parking revenue (\$0.4M), and miscellaneous other revenue (\$2.1M); but was offset by unfavorable results in advertising (\$2.8M) and fiber optics and cell site revenue (\$1.2M).

In Financial Assistance, sales tax was favorable to budget by \$15.8M with much of the variance due to delays in FY18 sales tax revenues remitted by the state to the District in FY19. The California Department of Tax and Fee Administration (CDTFA), which collects and distributes sales tax revenues, has experienced sustained reporting challenges following a spring 2018 change in their data systems. As a result, sales tax recipient agencies, including BART, have seen delays in payments and resulting uncertainty when projecting future sales tax receipts. Staff expects this uncertainty to continue into FY20.

Other Assistance was \$17.1M favorable, mostly from property tax revenue (\$1.3M), local financial assistance (\$1.6M), various federal funds (\$1.0M), and revenue from the sale of Low Carbon Fuel Standard (LCFS) credits(\$12.3M).

Total FY19 operating expenses were \$9.7M (1%) favorable to budget. Net labor and benefits were \$6.5M (1%) favorable to budget due to vacant operating positions. FY19 overtime totaled \$75.6M, including \$54.8M of operating overtime plus \$20.8M of capital overtime. Over-budget operating overtime totaled \$30.9M, driven by increased maintenance needs and filling behind vacant positions.

Non-labor was \$3.2M (2%) under budget due to reduced power costs due to lower than expected electric consumption, and reductions in transmission and distribution costs; offset by increased utility costs driven by extensions and rate increases; ongoing maintenance and station cleaning; OSHA/ADA compliance efforts; operating support for Measure RR; increased inventory write-offs; and increased materials delivery to support car maintenance. Note that \$0.2M of access funds, originally programmed for Station Design Guidelines, will

be used to address state and federal historic preservation requirements associated with BART infrastructure approaching 50 years old.

Capital and other allocations were \$23.8M greater than budget largely due to increased allocations to reserves including:

- a. \$3.5M of the year-end positive result added to the District's operating reserve per the Financial Stability Policy which requires increasing the reserves to 15% of operating expense by allocating half of a positive operating result up to \$3.5M;
- b. \$12.2M of over-budget Low Carbon Fuel Standard (LCFS) Program revenue, allocated equally between capital reserves for sustainability and the District's LCFS operating reserves, per LCFS Policy; and
- c. \$7.5M of the year-end positive result added to the District's pension reserve to address the Board priority of increasing fiscal stability related to pensions. Combined with \$2.5M set aside at FY18 year end, this completes the first \$10M commitment to the pension reserve.

Additional allocations include \$0.4M for stations and access due to over budget parking revenue, of which staff recommends directing \$0.3M towards Mobility as a Service (MaaS) improvements to be delivered by the Office of the Chief Information Officer, plus \$0.1M to the above-noted state and federal historic preservation requirements.

Increased allocations to reserves were slightly offset by reduced allocations to both the SFO net reserve and priority capital projects due to under budget fare revenue.

The allocation listed in (a) above increases the District's operating reserve to approximately \$50.2M, or 6.3% of the FY20 operating expense budget.

#### **SUMMARY OF PROPOSED YEAR-END ALLOCATIONS:**

Staff recommends balancing the FY19 budget by allocating \$16.2M of unprogrammed favorable result as follows:

- \$10.0M to reserves for economic uncertainty, to protect the District against severe operating funding shortfalls projected for the next several years,
- \$4.7M to fund systems hardening and modernization including fare gate improvements, cyber security investments, and communications upgrades to protect our assets and our riders, and
- \$1.5M to fund Quality of Life efforts, including addressing fare evasion, safety and security, homelessness, cleanliness, and the pilot ambassador program.

All budgeted allocations have been made in FY19 and no projects will be impacted by this recommended action.



In addition to the proposed capital allocations discussed above, the budget revision also requests Board approval for other adjustments that conform the final budget to Board Rules. These adjustments increase or decrease categories of expense, revenue and allocations and offset each other. For example, the budget for revenue is decreased; budgets for various categories of financial assistance are increased; budgets for labor and non labor are decreased; and certain allocations are increased as described in the Background section of this document.

**FISCAL IMPACT:** Board approval of the proposed allocations closes the fiscal year and results in a balanced FY19 Budget.

**ALTERNATIVES:** If the Board does not approve the recommended allocations, the District would end the year with a favorable result of \$16.2M. Alternatively, the Board could change the split of funding between the recommended uses of systems hardening and financial stability; or identify alternate uses for the funding.

**RECOMMENDATION:** Approval of the motion below.

**MOTION:** Approval of the attached resolution "In the Matter of Amending Resolution No. 5373 regarding Fiscal Year 2019 Annual Budget."

# Attachment 1

## Quarterly Financial Report Fourth Quarter Fiscal Year - 2019

### Revenue

- Average weekday trips for the quarter were 413,362, 0.8% over budget but 0.8% below the same quarter last year. For FY19, avg weekday ridership was 410,774, 0.5% under budget, and total trips were 118.1M, 1.4% under budget. Total trips were 2.0% lower than FY18.
- FY19 net passenger revenue was \$3.2M unfavorable due to below budget ridership.
- Parking revenue was \$0.4M favorable for FY19 due to above-budget single-day reserve, daily non-reserve, and long-term parking revenue.
- Other operating revenue was \$0.4M favorable for FY19 due to investment income, but offset by below budget advertising & telecom revenue.

### Expense

- Labor (excluding OPEB and GASB) was \$6.5M favorable in FY19 due to savings from vacancies, offset by unfavorable overtime.
- Power was favorable in FY19, mostly due to lower than expected electric consumption and reductions in transmission and distribution costs.
- Other Non Labor was over budget for the year driven by \$3.1M in unbudgeted Inventory Write Offs and materials supporting RR projects; \$1.5M in Utility rate increases and additional usage for new facilities; and \$1.5M in inventory adjustments, ongoing maintenance and station cleaning, and OSHA/ADA compliance efforts. Unfavorable variance was offset by underspending of Professional Fees and rent credit for Lakeside.

### Financial Assistance and Allocations




- FY19 Sales Tax grew 8.7% over FY18 and was \$15.8M favorable due to FY18 payments received in FY19 (2.6% growth budgeted). These results overstate actual year-over-year growth in sales tax because they include receipt of delayed sales tax payments from the State associated with an ongoing reporting problem at CDTFA.
- Property Tax was \$1.3M favorable. State Transit Assistance was \$0.7M favorable. Other financial assistance was \$1.3M favorable.
- Low Carbon Fuel Standard (LCFS) Program revenue for FY19 was \$12.3M favorable due to higher than anticipated sale of credits generated as a result of high market prices.
- Debt service was on budget at \$46.7M.
- Capital and other allocations for FY19 were \$23.8M greater than budget due to \$18.5M of LCFS Program revenue, which is allocated equally between operating reserves and the Sustainability Group per the LCFS Policy; \$3.5M allocated to operating reserves per Financial Stability Policy; \$7.5M of the year-end positive result added to the District's pension reserve to address the Board priority of increasing fiscal stability related to pensions; \$1.6M under budget SFO Ext fare revenue; and \$1.0M under budget incremental fare increase revenue.

### Net Operating Result

- The Net Operating Result for Q4 was \$2.7M unfavorable driven by year end expense reconciliation. FY19 total year Net Operating Result was \$16.2M favorable, primarily due to Sales Tax revenue that exceeded budget, a one-time revenue increase related to state payment issues.

Current Quarter			(\$ Millions)	Year to Date		
Budget	Actual	Var		Budget	Actual	Var
<b>Revenue</b>						
122.3	127.6	4.3%	Net Passenger Revenue	485.9	482.6	-0.7%
9.2	9.5	3.2%	Parking Revenue	36.7	37.0	1.0%
6.9	4.7	-32.2%	Other Operating Revenue	38.3	38.7	1.0%
<b>138.4</b>	<b>141.8</b>	<b>2.4%</b>	<b>Total Net Operating Revenue</b>	<b>560.8</b>	<b>558.4</b>	<b>-0.4%</b>
<b>Expense</b>						
140.2	133.0	5.1%	Net Labor	560.7	554.2	1.2%
0.0	36.7	-	GASB 68 Pension Adjustment	0.0	36.7	-
0.0	(4.0)	-	GASB 75 OPEB Adjustment	0.0	(4.0)	-
11.0	10.1	8.0%	Electric Power	43.8	39.2	10.5%
7.6	7.1	5.6%	Purchased Transportation	30.2	29.9	1.1%
36.6	44.8	-22.3%	Other Non Labor	133.1	134.8	-1.3%
<b>195.3</b>	<b>227.7</b>	<b>-16.6%</b>	<b>Total Operating Expense</b>	<b>767.8</b>	<b>790.8</b>	<b>-3.0%</b>
<b>(56.9)</b>	<b>(85.9)</b>	<b>-51.1%</b>	<b>Operating Result (Deficit)</b>	<b>(206.9)</b>	<b>(232.4)</b>	<b>-12.3%</b>
<b>Taxes and Financial Assistance</b>						
69.6	65.4	-6.0%	Sales Tax	264.6	280.4	6.0%
21.4	24.1	12.7%	Property Tax, Other Assistance	52.2	56.3	7.9%
19.0	20.9	9.9%	State Transit Assistance	38.0	38.7	1.8%
1.6	5.2	219.8%	Low Carbon Fuel Std Prog	6.5	18.8	189.1%
(11.7)	(11.7)	0.0%	Debt Service	(46.6)	(46.7)	0.0%
(35.2)	(53.5)	-51.9%	Capital and Other Allocations	(107.8)	(131.6)	-22.1%
0.0	36.7	-	GASB 68 Pension Adj. Offset	0.0	36.7	-
0.0	(4.0)	-	GASB 75 OPEB Adj. Offset	0.0	(4.0)	-
<b>64.8</b>	<b>83.3</b>	<b>28.5%</b>	<b>Net Financial Assistance</b>	<b>206.9</b>	<b>248.6</b>	<b>20.2%</b>
<b>7.9</b>	<b>(2.7)</b>	<b>(10.6)</b>	<b>Net Operating Result</b>	<b>(0.0)</b>	<b>16.2</b>	<b>16.2</b>
70.9%	72.7%	1.8%	<b>System Operating Ratio</b>	73.0%	73.7%	0.6%
<b>0.416 ¢</b>	<b>0.413 ¢</b>	<b>0.8%</b>	<b>Rail Cost / Passenger Mile</b>	<b>0.412 ¢</b>	<b>0.410 ¢</b>	<b>0.4%</b>

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

-  No Problem
-  Caution: Potential Problem/Problem Being Addressed
-  Significant Problem

## Attachment 2

### Explanation of GASB 68 and 75

Governmental Accounting Standards Board (GASB) Statements No. 68 and No 75 establish accounting and financial reporting standards and requirements related to pension liability and post-employment benefits other than pensions (Other Post-Employment Benefits or OPEB), respectively, for state and local government employers. The standards represent a shift from the "funding based approach" to an "accounting based approach" and are intended to provide standardization and additional transparency for public agency pension and OPEB reporting. The standards call for public agencies to report their present obligation to pay future benefits. These future benefits are recognized in the financial statements but not paid. Therefore, the expenses reported in the District's financial statements, which follow Generally Accepted Accounting Principles (GAAP) and GASB guidelines, will be different than the amounts required to be paid to CalPERS annually to fund the pension plans and contributions to OPEB. The District's annual operating budget accounts for actual payment to CalPERS as an expense based on the amount of funds contributed to pensions during the year and the amounts contributed to OPEB per actuarial calculations. The expenses determined under GASB 68 and GASB 75 are not funded by the District, so the recognized expenses are backed out as non-expense allocations to reconcile with the District's annual operating budget.

The main changes to financial statements from adopting the GASB 68 and 75 are that employers now report the pension and OPEB liabilities on their balance sheet, and expenses are calculated in a different manner than the payments required to fund the contributions. Local governments now receive two actuarial reports for each pension plan and OPEB program, one for funding contributions and a second valuation for financial reporting. The actuarial reports for GASB 68 and GASB 75 use new fiscally conservative pension and OPEB measurements. For example, for pensions investment returns are amortized over five years vs. the CalPERS actuarial method of a fixed thirty year period. Similar differences are applied to OPEB programs. It should be noted that GASB 75 applies to all OPEB programs, which include retiree medical, survivor benefits, and life insurance. Prior to GASB 75, the "OPEB Unfunded Liability" listed in BART budget resolutions referred to primarily life insurance.

### Attachment 3

#### FY19 Operating Results, Including Accounting Adjustments

##### FY19 Operating Results (\$ million)

	Budget	Actual	Var.	%
<b>Sources</b>				
Operating Revenue	\$ 560.8	\$ 558.4	\$ (2.5)	-0.4%
Sales Tax	264.6	280.4	15.8	6.0%
Other Assistance	96.7	113.8	17.1	17.6%
<b>Total Sources</b>	<b>922.2</b>	<b>952.5</b>	<b>30.4</b>	<b>3.3%</b>
<b>Uses</b>				
Labor	560.7	554.2	6.5	1.2%
OPEB Unfunded Liability <sup>(1)</sup>	-	-	-	
Pension - GASB 68 Adjustment <sup>(2)</sup>	-	36.7	(36.7)	
Non-Pension - GASB 75 Adjustment <sup>(3)</sup>	-	(4.0)	4.0	
Non-Labor	207.1	204.0	3.2	1.5%
<b>Total Expense</b>	<b>767.8</b>	<b>790.8</b>	<b>(23.1)</b>	<b>-3.0%</b>
Debt Service	46.6	46.7	(0.0)	0.0%
Capital & Other Allocations	107.8	131.6	(23.8)	-22.1%
<b>Total Debt Service &amp; Allocations</b>	<b>154.4</b>	<b>178.2</b>	<b>(23.8)</b>	<b>-15.4%</b>
<b>Total Uses</b>	<b>922.2</b>	<b>969.1</b>	<b>(46.9)</b>	<b>-5.1%</b>
OPEB Unfunded Liability <sup>(1)</sup>	-	-	-	
Pension - GASB 68 Adjustment Offset <sup>(2)</sup>	-	(36.7)	36.7	
Non-Pension - GASB 75 Adjustment Offset <sup>(3)</sup>	-	4.0	(4.0)	
<b>Total Uses - After Adjustments</b>	<b>922.2</b>	<b>936.4</b>	<b>(14.2)</b>	<b>-1.5%</b>
<b>NET RESULT</b>	<b>\$ -</b>	<b>\$ 16.2</b>	<b>\$ 16.2</b>	

<sup>(1)</sup> OPEB Unfunded Liability: Other Post Employment Benefits, primarily life insurance (non-cash adjustment)

<sup>(2)</sup> GASB 68 requires restating of pension expense (non-cash adjustment)

<sup>(3)</sup> GASB 75 requires restating of non-pension post-employment expense (non-cash adjustment)

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

In the matter of amending Resolution No. 5373 regarding Fiscal Year 2019 Annual Budget

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

RESOLVED, that Resolution No. 5373 is amended by changing the following line items in Exhibit A thereof:

<u>Fund Source Line Item:</u>	<u>Current Amount</u>	<u>Increase/ (Decrease) In This Resolution</u>	<u>Amended Amount</u>
Operating Revenue	\$ 560,837,443	\$ (2,453,018)	\$ 558,384,425
Property Tax	\$ 46,762,737	\$ 1,323,228	\$ 48,085,965
1/2 ¢ Sales Tax	\$ 264,622,284	\$ 15,762,658	\$ 280,384,942
Measure B, BB, & J Assistance	\$ 4,418,238	\$ 1,089,048	\$ 5,507,286
Other Financial Assistance	\$ 110,000	\$ 685,262	\$ 795,262
Caltrain - Millbrae Station Joint Use	\$ 915,774	\$ -	\$ 915,774
State Transit Assistance	\$ 38,012,361	\$ 666,332	\$ 38,678,693
Low Carbon Fuel Standards Program	\$ 6,500,000	\$ 12,291,000	\$ 18,791,000
Financial Assistance - Federal	\$ -	\$ 1,005,612	\$ 1,005,612
<u>Fund Use Line Item:</u>			
Net Labor Expense	\$ 560,662,421	\$ 26,208,399	\$ 586,870,820
Non-Labor Expense	\$ 207,109,680	\$ (3,151,191)	\$ 203,958,489
Revenue Bond Debt Service	\$ 46,639,568	\$ 20,610	\$ 46,660,178
Allocations to Capital - Rehabilitation	\$ 29,867,309	\$ 4,687,853	\$ 34,555,162
Allocations to Capital - Priority Capital Programs	\$ 42,862,759	\$ (1,057,477)	\$ 41,805,282
Allocations to Capital - Stations & Access Projects	\$ 3,725,140	\$ 364,905	\$ 4,090,045
Allocations to Capital & Operating - Other	\$ 4,638,703	\$ 15,366,167	\$ 20,004,870
Allocation to Rail Car Project from SFO Net Result	\$ 4,827,714	\$ (1,594,594)	\$ 3,233,120
Allocation to Reserves from LCFS	\$ 3,250,000	\$ 6,119,256	\$ 9,369,256
Allocation to Capital - Sustainability	\$ 3,250,000	\$ 6,119,256	\$ 9,369,256
Allocation - Operating Reserves for Economic Uncertainty	\$ 15,345,543	\$ 10,000,000	\$ 25,345,543
PERS Employer Current Year Contrib - Offset (GASB 68)	\$ -	\$ 73,476,168	\$ 73,476,168
PERS Pension Expense - Offset (GASB 68)	\$ -	\$ (110,170,231)	\$ (110,170,231)
Non-Pension Employer Current Year Contrib - Offset (GASB 75)	\$ -	\$ 40,545,000	\$ 40,545,000
Non-Pension Expense - Offset (GASB 75)	\$ -	\$ (36,564,000)	\$ (36,564,000)



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <span style="float: right;">3 Oct 2019</span> 		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/27/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration  Signature/Date: 10/1/2019	General Counsel  10/2/19 [ ]	Controller/Treasurer  10/2/19 [ ]	District Secretary    [ ]	BARC  10/5/19 [ ]

### Resolution of Intention to Amend CalPERS Contract to Include Cost Sharing of Employer Contribution for BPOA and BPMA

**PURPOSE:**

To adopt a resolution of intention to approve an amendment to the contract between the District and the California Public Employees Retirement System (“CalPERS”) to be subject to California Government Code, Section 20516 (cost sharing of employer contribution) for the BART Police Officers’ Association (“BPOA”) and BART Police Managers’ Association (“BPMA”). Attached is a sample amendment to the PERS contract.

**DISCUSSION:**

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

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

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

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

For the initial contract amendment, CalPERS also requires a secret ballot vote by the affected employees. The contract shall not be amended if a majority of the affected employees vote to disapprove the proposed plan. In this case, the additional pension contributions would still be deducted but not credited to the employee’s CalPERS account.

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

**FISCAL IMPACT:**

There is no fiscal impact to adopt this resolution.

**ALTERNATIVES:**

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

**RECOMMENDATION:**

That the Board adopts the following motion.

**MOTION:**

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



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

### Certification of Compliance with Government Code Section 7507

I hereby certify that in accordance with Government Code section 7507, the future annual costs as determined by the California Public Employees' Retirement System for the increase or change in retirement benefit(s) have been made public at a public meeting of the \_\_\_\_\_ of the \_\_\_\_\_

(governing body)

(public agency)

on \_\_\_\_\_ which is at least two weeks prior to the adoption of the Resolution /  
 (date)

Ordinance. Adoption of the retirement benefit increase or change will not be placed on the consent calendar.

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

\_\_\_\_\_  
 Title

Date \_\_\_\_\_





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

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## Certification of Compliance with Government Code Section 20516

I hereby certify that in accordance with Government Code section 20516 San Francisco Bay Area Rapid Transit District and its local miscellaneous employees and its local safety employees have agreed in writing to the following:

Section 20516 (Employees Sharing Additional Cost) of 6% for classic local miscellaneous members, 8% for classic local safety members and 2% for new local safety members in the Bart Police Managers' Association; and

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date



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### Certification of Employee Election

I hereby certify that the following employees of the San Francisco Bay Area Rapid Transit District have expressed their approval or disapproval of said agency's intention to amend its contract to provide Section 20516 (Employees Sharing Additional Cost) of 6% for classic local miscellaneous members, 8% for classic local safety members and 2% for new local safety members in the Bart Police Managers' Association; and 4% for local miscellaneous members, 8% for classic local safety members and 2% for new local safety members in the Bart Police Officers' Association. on the basis described in the Resolution of Intention adopted by said agency's governing body on \_\_\_\_\_, \_\_\_\_\_, in such manner as to permit each employee to separately and secretly express his choice and that the outcome of such election was as follows:

	Number of employees eligible to vote	Number of votes approving said participation	Number of votes disapproving said participation
Local Miscellaneous Members as defined in section 20383	_____	_____	_____
Local Police Officers as defined in section 20425	_____	_____	_____

\_\_\_\_\_  
Clerk or Secretary

\_\_\_\_\_  
Date



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

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## Certification of Governing Body's Action

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

\_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ of the  
(public agency)

on \_\_\_\_\_  
(date)

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

\_\_\_\_\_  
Title

**RESOLUTION OF INTENTION**  
**TO APPROVE AN AMENDMENT TO CONTRACT**  
**BETWEEN THE**  
**BOARD OF ADMINISTRATION**  
**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
**AND THE**  
**BOARD OF DIRECTORS**  
**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 6% for classic local miscellaneous members, 8% for classic local safety members and 2% for new local safety members in the Bart Police Managers' Association; and

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

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date adopted and approved



## EXHIBIT

California  
Public Employees' Retirement System

# AMENDMENT TO CONTRACT

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

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

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

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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

PLEASE DO NOT SIGN "EXHIBIT ONLY"

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

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

k. Section 20516 (Employees Sharing Additional Cost):

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

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

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

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



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

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

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS  
SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT

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

BY \_\_\_\_\_  
PRESIDENTIAL OFFICER

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

Attest:

\_\_\_\_\_  
Clerk



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 Oct 2019</i> <i>Robert M. Powner</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/27/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration <i>Diane Iwata</i> Signature/Date: <i>10/1/2019</i>	General Counsel <i>[Signature]</i> <i>10/2/19</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>10/2/19</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>10/2/19</i> [ ]

## Resolution for Pension Cost Sharing to CalPERS for Safety Non-Represented Employees

### PURPOSE:

To approve the attached resolution for pension cost sharing for Non-Represented Safety employees for the California Public Employees Retirement System ("CalPERS").

### DISCUSSION:

At the June 13, 2019 Board Meeting, the Board approved the collective bargaining agreement ("CBA") for the BART Police Managers' Association. Included in the CBA was the following provision for Safety employees to contribute to the employer's pension cost:

	7/1/2018	7/1/2019	7/1/2020	7/1/2021
Classic	7%	8%	9%	10%
PEPRA	3%	2%	1%	0%

The effective date is the first full pay period after July 1st of each fiscal year.

The General Manager applied this provision to Non-Represented Safety employees. For the pension cost share, CalPERS requires a separate resolution for the Non-Represented Safety employees.

California Government Code 7507 requires that adoption of a retirement benefit change

occur no less than two weeks after the actuarial impact upon future annual costs is made public at a public meeting. At the May 23, 2019, Board meeting, the actuarial impact upon future annual costs of the change to pension contributions was publicly disclosed in compliance with this requirement.

**FISCAL IMPACT:**

There is no fiscal impact to adopt this resolution.

**ALTERNATIVES:**

CalPERS requires the Board to adopt the attached resolution in order to amend the District's contract with CalPERS to reflect the same pension cost sharing that was agreed to in the CBA.

**RECOMMENDATION:**

Adoption of the following motions:

**MOTION:**

The Board approves the following motion:

To adopt the attached resolution regarding additional pension cost sharing for Safety Non-Represented employees.

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

In the Matter of The  
Employee Sharing Additional Cost  
Under the California Public Employees  
Retirement System for  
Non-Represented Safety Employees:

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

**RESOLUTION FOR EMPLOYEE SHARING ADDITIONAL COST**

WHEREAS, the governing body of the San Francisco Bay Area Rapid Transit District has the authority to implement Government Code Section 20516; and

WHEREAS, the governing body of the San Francisco Bay Area Rapid Transit District has identified the following conditions for the purpose of its election to pay the additional cost share:

- Classic Non-represented safety employees will pay 7% effective on the first full pay period after July 1, 2018, 8% effective on the first full pay period after July 1, 2019, 9% effective on the first full pay period after July 1, 2020 and 10% effective on the first full pay period after July 1, 2021.
- PEPRAs Non-represented safety employees will pay 3% effective on the first full pay period after July 1, 2018, 2% effective on the first full pay period after July 1, 2019, 1% effective on the first full pay period after July 1, 2020 and 0% effective on the first full pay period after July 1, 2021.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the San Francisco Bay Area Rapid Transit District elects the Employee Sharing Additional Cost, as set forth above.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this \_\_\_ day of \_\_\_\_\_ 2019.

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

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



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pean</i> 3 OCT 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/23/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Adam Elsibai Dept: Maintenance and Engineering	General Counsel <i>[Signature]</i> 9/27/19	Controller/Treasurer <i>[Signature]</i> 9/28/19	District Secretary [ ]	BART <i>[Signature]</i> 10.1.2019 [ ]
Signature/Date: <i>[Signature]</i> 9/27/19				
Status: Approved		Date Created: 9/23/2019		

## Award of 6M3440 High Pressure Wash of Station Plazas and Parking Lot Structure Stairwells Services

### PURPOSE:

To request Board authorization for the General Manager to award Agreement No. 6M3440 to Puma Power Wash, Inc. for High Pressure Wash of Station Plazas and Parking Lot Structure Stairwells Services at the West Bay, East Bay North, and East Bay South station locations (Areas 1, 3 and 4). The Agreement will be for a three-year base term with one one-year option period.

### DISCUSSION:

Pressure washing is required to maintain cleanliness of areas at BART facilities that are subject to accumulation of stains, soil, food, drink, etc., to satisfy aesthetic and health concerns. Puma Power Wash, Inc. has been providing this service at 16<sup>th</sup> Street & 24<sup>th</sup> Street locations since 2018 through Agreement No. 6M3405.

Notice to Proposers were distributed to 36 firms on July 1, 2019. An additional 165 notices were sent by the Office of Civil Rights to Small Businesses certified by the California Department of General Services. Additionally, the Request for Proposal was advertised and posted to the BART Procurement Portal on July 1, 2019 where it was sent to 20 additional prospective bidders. A Pre-proposal meeting was conducted on July 12, 2019, with 8 potential proposers in attendance. Proposers were advised that they could submit a Proposal on one, two or three service areas. A total of 25 firms downloaded copies of the Request for Proposal documents. Five Proposals were received on August 20, 2019.

The Proposals were reviewed by a Source Selection Committee (Committee). Technical Proposals were reviewed by the Committee for compliance with the minimum technical requirements set forth in the RFP. The technical requirements included items such as recent experience, personnel qualifications, possession of required equipment in good order, and working capital. The Committee found that two of the Proposals, those of Old World Building Services and JD Services, were incomplete and therefore non-responsive. Two of the remaining proposers, Puma Power Wash, Inc. (Puma) and WEBCO Sweeping LLC met the minimum technical requirements. An additional proposer, NRC Environmental Services, Inc., was asked for, and furnished, minor clarifications on technical and cost Proposal details and was found to meet the minimum technical requirements.

Prices for each Area are for a three-year base term plus one one-year option term. The option is exercisable at the sole discretion of the District.

	<b>AREA 1</b>	<b>AREA 3</b>	<b>AREA 4</b>
<b>PROPOSER</b>			
Puma Power Wash, Inc.	\$824,000.00	\$1,878,800.00	\$1,535,600.00
WEBCO Sweeping	\$1,680,000.00	\$2,366,400.00	\$2,075,200.00
NRC Environmental Services, Inc.	\$1,123,272.00	\$4,813,804.00	\$3,590,724.00

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for these Agreements for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder for Areas 1, 3, and 4, Puma, is a certified Small Business, thus, making it eligible for the Prime Preference. Since Puma is the lowest responsive Bidder and is eligible for the 5% Small Business Prime Preference, the application of the Prime Preference will not alter the award to Puma.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Puma will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

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

**FISCAL IMPACT:**

Under the proposed award, the District would use Puma Power Wash, Inc. for Areas 1, 3, and 4 for a total amount of \$4,238,400.00. Funding for these Agreements is available in the current FY20 budget and will be requested in the future Maintenance Support (Department 805781) operating budget account 680210 (Buildings and Grounds Maintenance) for fiscal years 2020 through 2024. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the Current Fiscal Year.

The total estimated compensation by fiscal year for the combined cost of this proposed Agreement is:

FY20 11/2019 - 06/2020	\$706,400
FY21 07/2020 - 06/2021	\$1,059,600
FY22 07/2021 - 06/2022	\$1,059,600
FY23 07/2022 - 06/2023	\$1,059,600
FY24 07/2023 - 10/2023	\$353,200
Total not to exceed	\$4,238,400

**ALTERNATIVES:**

To not award the Agreement would disrupt the continuity of providing plaza cleaning services, thereby potentially creating a hazardous health condition and reduction patron satisfaction.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to award Agreement No. 6M3440 to Puma Power Wash, Inc. for High Pressure Wash of Station Plazas and Parking Structure Stairwells Services (Areas 1, 3, and 4) for a 3-year period for a total compensation of \$3,178,800 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. In addition, the General Manager is authorized to exercise one option year to Agreement No. 6M3440 for an amount of \$1,059,600. The exercise of this option is subject to the availability of funding.





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 Oct 2019</i> <i>R. M. P...</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/16/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Myra Francisco Dept: Maintenance and Engineering <i>Myra CL - 09/27/19</i> Signature/Date:	General Counsel <i>[Signature]</i> <i>9/27/19</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>9/27/19</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>10.1.2019</i> [ ]
Status: Routed		Date Created: 9/16/2019		

## Award of Agreement 6M3453 - Systemwide Parking Lot Sweeping Services

### PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M3453, Systemwide Parking Lot Sweeping Services, to Universal Site Services, Inc. of Milpitas, California.

### DISCUSSION:

This Agreement provides for sweeping and cleaning services and vacuuming of all trash and debris from station parking lots, station plazas, yard and shop parking lots, yard and shop patios and plazas for a base term of three years, with two one-year options to extend the term, for a maximum term of five years. The District facilities maintained under this Agreement were divided into two zones for bidding allowing the District to evaluate proposals for each zone and awarding one agreement per zone to the Proposer with the lowest priced, technically acceptable proposal. The zones were comprised of C and R lines for Zone 1, and A,K,L,M and W lines for Zone 2.

In July 2019 Advance Notice to Bidders of this Agreement was sent to approximately 241 prospective bidders and the Request for Proposal (RFP) was advertised in ten (10) publications from July 4-18, 2019. On July 2, 2019 the RFP was posted on the BART Procurement Portal. Nineteen (19) firms downloaded the RFP. A Pre-Proposal Meeting was held on July 30, 2019, attended by representatives from four (4) prospective Proposers. On August 20, 2019, the District received three proposals.

A Selection Committee, consisting of representatives from Contract Administration, Maintenance and Engineering, and the Office of Civil Rights (OCR) conducted a technical

evaluation and price analysis of the submitted proposals. Technical proposals were reviewed for compliance with the Minimum Technical Requirements of the Agreement, including experience, qualifications and performance capacity.

The Technical Proposal submitted by Bernardini Enterprises Inc. was evaluated and deemed unacceptable due to failure to meet the Minimum Technical Requirements on the RFP. The two other Technical Proposals submitted by Universal Site Services, Inc. (Milpitas, CA) and Webco Sweeping LLC. (Morgan Hill, CA) were evaluated and deemed acceptable, in accordance with the RFP requirements.

**Table 1 - Zone 1 Proposal Price Summary**

<b>Zone 1</b>		
<b>Proposal Price Summary</b>	<b>Universal Site Services, Inc. Proposal Prices</b>	<b>Webco Sweeping LLC Proposal Prices</b>
<b>Agreement Term/Duration</b>		
<b>Base Agreement (Years 1-3)</b>	\$868,609.10	\$1,680,960.00
<b>Option Year 1 (Year 4)</b>	\$303,940.02	\$566,560.00
<b>Option Year 2 (Year 5)</b>	\$312,945.64	\$566,560.00
<b>Total Proposal Price</b>	\$1,485,494.76	\$2,814,080.00
<b>Total Proposal Price with 5% Small Business Preference, if applicable</b>	Not Applicable	2,739,805.00
<b>Total Proposal Price for Evaluation for Zone 1</b>	<b>\$1,485,494.76</b>	<b>\$2,739,805.00</b>

**Table 2- Zone 2 Proposal Price Summary**

<b>Zone 2</b>	<b>Universal Site Services, Inc.</b>	<b>Webco Sweeping LLC</b>
<b>Proposal Price Summary</b>	<b>Proposal Prices</b>	<b>Proposal Prices</b>
<b>Agreement Term/Duration</b>		
<b>Base Agreement (Years 1-3)</b>	\$1,636,803.54	\$2,902,752.00
<b>Option Year 1 (Year 4)</b>	\$572,906.12	\$964,464.00
<b>Option Year 2 (Year 5)</b>	\$589,984.48	\$969,144.00
<b>Total Proposal Price</b>	\$2,799,694.14	\$4,836,360.00
<b>Total Proposal Price with 5% Small Business Preference, if applicable</b>	Not Applicable	4,696,375.00
<b>Total Proposal Price for Evaluation for Zone 2</b>	<b>\$2,799,694.14</b>	<b>\$4,696,375.00</b>

Based upon the Selection Committee's evaluation of the Price Proposals, Universal Site Services Inc. had the lowest priced proposal for both Zone 1 and Zone 2. The sum of their proposed prices for both zones is not to exceed \$4,285,188.90, for the maximum term of five years.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Preference for this Agreement for Small Businesses certified by the California Department General Services. The lowest responsive Bidder for Zone 1 and Zone 2, Universal Site Services Inc., is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low Bidder, Webco Sweeping LLC, is a certified Small Business, make it eligible for the 5% Small Business Prime Preference for this Contract for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference, Universal Site Services Inc. remains the lowest responsive Bidder.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). The Proposer, Universal Site Services Inc. will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

**FISCAL IMPACT:**

Funding for this Agreement will include the following estimated expenditures:

FY20 (December 1, 2019 – June 30, 2020)	\$ 487,163.55
FY21 (July 1, 2020 – June 30, 2021)	\$ 835,137.53
FY22 (July 1, 2021 – June 30, 3022)	\$ 835,137.53
FY23 (July 1, 2022 – June 30, 2023)	\$ 859,467.54
FY24 (July 1, 2023 – June 30, 2024)	\$ 892,061.79
FY25 (July 1, 2024 – November 30, 2024)	\$ 376,220.96

Agreement will be funded by the Facilities Maintenance Operating Budget (Department 0802852 – Grounds Maintenance, account 680210 - Buildings and Grounds Maintenance) in the amount of not to exceed \$4,285,188.90.

Funding for fiscal year 2020 in the amount of \$487,163.55 is included in the operating budget of Ground Maintenance Department - 0802852. The budget for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal Year.

**ALTERNATIVES:**

Reject the Proposal and re-advertise the RFP. Failure to award this Agreement would disrupt the continuity of the parking lot sweeping program. Failure to sweep the parking lots on a regular schedule would create unacceptable conditions for our patrons and surrounding neighbors. Station appearance and general safety would be degraded.

**RECOMMENDATION:**

Based on the evaluation by Staff and certification by the Controller/Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following Motion.

**MOTION:**

That the General Manager is authorized to award Agreement No. 6M3453, to provide Systemwide Parking Lot Sweeping Services (Zone 1 and Zone 2) to Universal Site Services Inc., for an amount not to exceed \$2,505,412.64 for a base term of three years. And that the General Manager is authorized to exercise up to two one-year options for Zone 1, each for \$303,940.02 and \$312,945.64, and up to two one-year options for Zone 2, each for \$572,906.12 and \$589,984.48 for a maximum term of five years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** October 4, 2019

**FROM:** Robert Powers

**SUBJECT:** Measure RR Update

Attached is the "Measure RR Update" presentation that will be presented at the October 10, 2019 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.



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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors **DATE:** October 4, 2019  
**FROM:** Robert Powers  
**SUBJECT:** Parking Program Update – For Information

At the October 10, 2019 Board meeting, BART staff will present an informational update on the District's Parking Program. This update will include initiatives to modernize the program, as well some proposed policy changes that could be studied in an upcoming Title VI analysis.

Please contact Val Menotti (510) 287-4794 if you have any questions.



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Robert Powers

cc: Board Appointed Officers  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** October 4, 2019

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda: BART-VTA Update – For Information

At the Board of Directors meeting on October 10, 2019, the BART Silicon Valley Extension (Phase I and the Operating & Maintenance Agreement) will be presented for information.

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



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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff