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

BOARD MEETING AGENDA
January 8, 2015
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, January 8, 2015, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

   A. Approval of Minutes of the Meeting of December 18, 2014.* Board requested to authorize.

   B. 2015 Standing Committee and Special Appointments.* Board requested to authorize.

   C. Resolution of Project Compliance and Initial Project Report for Metropolitan Transportation Commission Bridge Tolls for the East Contra Costa County BART Extension (eBART) Project.* Board requested to adopt.

   D. Award of Contract No. 15QG-130, Replace Glass Panels at Coliseum, San Leandro, Bay Fair and South Hayward Stations Platform.* Board requested to authorize.

   E. Award of Contract No. 15SV-130, BART Earthquake Safety Program Seismic Retrofit and Repairs at Various Locations.* Board requested to authorize.

   F. Fiscal Year 2015 First Quarter Financial Report.* For information.

3. ADMINISTRATION ITEMS
   Director Saltzman, Chairperson

   A. Strategic Energy Procurement Plan.* For information.

4. ENGINEERING AND OPERATIONS ITEMS
   Director McPartland, Chairperson

   A. Award of Contract No. 02EE-140, Warm Springs Extension, Wetland Mitigation Site.* Board requested to authorize.

   B. Award of Contract No. 05LD-110, Richmond Intermodal Improvement Project.* Board requested to authorize.

   C. Agreement with Precision Escalator for Westinghouse Escalator Step Refurbishment (Agreement No. 6M3279).* Board requested to authorize.

* Attachment available

D. Report on Train Destination Sign System.* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson
NO ITEMS.

6. GENERAL MANAGER'S REPORT

A. Report of Activities, including Update of Roll Call for Introductions Items.

7. BOARD MATTERS

A. Amendment to the San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan to Provide for Additional Contributions for General Manager.* Board requested to adopt.

B. Report of the Board Rules Ad Hoc Committee. For information.

C. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

D. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

E. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

8. 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.)

* Attachment available

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

Board of Directors
Minutes of the 1,723rd Meeting
December 18, 2014

A regular meeting of the Board of Directors was held December 18, 2014, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

Director Keller introduced and welcomed the Honorable Mary Rocha, Antioch City Councilmember, and Ms. Barbara McCullough, Chief Executive Officer of Brighter Beginnings, the District's 2014 Holiday Toy Drive recipient. Ms. Rocha and Ms. McCullough addressed the Board.

Director Radulovich entered the Meeting.

Director Josefowitz introduced and welcomed his mother, god mother, and wife, Tali, and San Francisco Supervisor Scott Wiener.

Supervisor Wiener administered the oath of office to Director Josefowitz.

Director Josefowitz shared comments on the upcoming year.

Director Blalock introduced and welcomed his wife Gail and their daughter, Allison.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of November 20, 2014 (Regular); December 4, 2014 (Special); and December 11, 2014 (Special).

2. Declaration of November 4, 2014, Election Results.

3. Revision to 2014 Standing Committee and Special Appointments: Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District Ad Hoc Committee.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0.

1. That the Minutes of the Meetings of November 20, 2014 (Regular); December 4, 2014 (Special); and December 11, 2014 (Special), be approved.

2. That there be entered into the Minutes of the Board the official canvass of the returns for Election Districts 4 and 8 as taken by the Registrars of Voters of Alameda County and the City and County of San Francisco for the election of November 4, 2014, the elected candidates having received the highest number of votes cast in their respective election districts based on said official canvass; and that there be entered into the Minutes of the Board copies of the motion passed by the Board of Supervisors of Contra Costa County appointing Gail Murray as Director for District 1; and the motion passed by the Board of Supervisors appointing Thomas M. Blalock as Director for District 6; and that the following candidates are hereby declared elected or appointed to the Board of Directors of the San Francisco Bay Area Rapid Transit District:

District No.	Candidate Elected/Appointed
2	Joel Keller
4	Robert Raburn
6	Thomas M. Blalock
8	Nicholas Josefowitz

3. That the Board of Directors ratify the appointment of Directors Mallett, Radulovich, and Saltzman to the newly created Rules of the Board of Directors Ad Hoc Committee.

Director Saltzman, Chairperson of the Administration Committee, had no report.

Director McPartland, Chairperson of the Engineering and Operations Committee, had no report.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Keller called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Raburn reported he had attended a meeting on Black Lives Matter.

Director Josefowitz reported he had ridden the first bus in the new late night bus service.

Director Radulovich requested the development of a policy of divesting District assets from fossil fuel investments. Director Saltzman seconded the request.

President Keller brought the matter of Resolution Commending James Fang before the Board. Director McPartland moved adoption of Resolution No. 5283, Resolution Commending James Fang for Meritorious Service. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0.

President Keller brought the matter of Election of Officers before the Board.

President Keller shared his comments on the events of the past year of his Presidency.

President Keller opened the floor for nominations for President. Director McPartland nominated Director Blalock for President of the Board of Directors. President Keller closed nominations. Director McPartland moved that Director Blalock be elected Board President for 2015. Director Raburn seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0.

President Blalock assumed the gavel and shared comments on the upcoming year.

President Blalock opened the floor for nominations for Vice President. Director Saltzman nominated Director Radulovich for Vice President of the Board of Directors. Nominations were closed. Director Saltzman moved that Director Radulovich be elected Board Vice President for 2015. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Blalock, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0.

Director Radulovich shared comments on the upcoming year.

President Blalock called for Public Comment. Mr. Alan Smith addressed the Board.

The Board Meeting was adjourned at 9:42 a.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** December 31, 2014

FROM: President

SUBJECT: 2015 Standing Committee and Special Appointments

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

In accordance with Board Rule 3-3.2, I am bringing the 2015 Standing Committee and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on January 8, 2015.

In addition to membership adjustments, I am proposing the following:

- In response to interest expressed by Directors Raburn and Saltzman, I am proposing the renewal of the Environmental/Sustainability Ad Hoc Committee.

- I am recommending the extension of the Wayside Safety Ad Hoc Committee for another year and suggest consideration of a six month extension of the Labor Negotiations Review Ad Hoc Committee. These Ad Hoc Committees were ratified in 2014 with sunset dates of December 31, 2014.

- The Reserve Fund/Risk Management Ad Hoc Committee made significant progress in 2014 and as staff has committed to continued work on the risk management element, the Board may consider discontinuing this Ad Hoc Committee.

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

Thomas M. Blalock, P.E.

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

MOTION:

That the Board of Directors ratifies the proposed Standing Committee and Special Appointments for 2015 (attached).

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

STANDING COMMITTEES

ADMINISTRATION COMMITTEE */**
Joel Keller, Chairperson — Rebecca Saltzman, Vice Chairperson

ENGINEERING AND OPERATIONS COMMITTEE */**
John McPartland, Chairperson — Gail Murray, Vice Chairperson

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE */**
Robert Raburn, Chairperson — Zakhary Mallett, Vice Chairperson

SPECIAL/AD HOC COMMITTEES

PERSONNEL REVIEW SPECIAL COMMITTEE**
Thomas M. Blalock — Joel Keller — Tom Radulovich

WAYSIDE SAFETY AD HOC COMMITTEE (Proposed Sunset 12/31/15 unless extended by the Board)
Tom Radulovich, Chairperson — John McPartland
Nicholas Josefowitz — Rebecca Saltzman

LABOR NEGOTIATIONS REVIEW AD HOC COMMITTEE (Proposed Sunset 06/30/15 unless extended by the Board)
Rebecca Saltzman, Chairperson — Zakhary Mallett
Nicholas Josefowitz — Gail Murray

RESERVE FUND/RISK MANAGEMENT AD HOC COMMITTEE (Candidate to be discontinued)
Joel Keller — Gail Murray — Rebecca Saltzman

RULES OF THE BOARD OF DIRECTORS AD HOC COMMITTEE
Joel Keller — Tom Radulovich
Zakhary Mallett — Rebecca Saltzman

ENVIRONMENTAL/SUSTAINABILITY AD HOC COMMITTEE
Robert Raburn, Chairperson — Nicholas Josefowitz — Rebecca Saltzman

SPECIAL APPOINTMENTS - LIAISON

AMERICANS WITH DISABILITIES ACT (ADA) LIAISON
Robert Raburn, Primary — John McPartland, Alternate

BART and AC TRANSIT COORDINATING COMMITTEE
Robert Raburn — Rebecca Saltzman
Tom Radulovich

CONTRA COSTA TRANSPORTATION AUTHORITY** LIAISON
Gail Murray, Primary — Joel Keller, Alternate

SAN FRANCISCO TRANSPORTATION AUTHORITY** LIAISON
Tom Radulovich, Primary — Nicholas Josefowitz, Alternate

LIAISONS TO STATIONS IN SAN MATEO COUNTY

Daly City Station	Tom Radulovich
Colma Station	Robert Raburn
South San Francisco	John McPartland
San Bruno Station	Zakhary Mallett
San Francisco International Airport Station	Nicholas Josefowitz
Millbrae Station	Joel Keller

* All Directors are members of this Committee (Thomas M. Blalock, Nicholas Josefowitz, Joel Keller, Zakhary Mallett, John McPartland, Gail Murray, Robert Raburn, Tom Radulovich and Rebecca Saltzman)
** Brown Act Committee, subject to public meeting requirements.
*** Brown Act Board, subject to public meeting requirements.

Proposed: December 31, 2014

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

SPECIAL APPOINTMENTS - EXTERNAL

ALAMEDA COUNTY TRANSPORTATION COMMISSION **
Thomas M. Blalock, Primary
John McPartland, Alternate

ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS
Joel Keller

CAPITOL CORRIDOR JOINT POWERS BOARD***
Nicholas Josefowitz, San Francisco County
Zakhary Mallett, Contra Costa County
Gail Murray, Contra Costa County
Robert Raburn, Alameda County
Tom Radulovich, San Francisco County
Rebecca Saltzman, Alameda County
Joel Keller, Alternate Contra Costa County
John McPartland, Alternate Alameda County

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)**
Thomas M. Blalock

OAKLAND AIRPORT CONNECTOR JOINT ADMINISTRATIVE COMMITTEE**
Robert Raburn

EMERYVILLE-BERKELEY-OAKLAND TRANSPORTATION STUDY POLICY ADVISORY COMMITTEE**
Zakhary Mallett
Rebecca Saltzman, Alternate

OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY***
Tom Radulovich

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS**
Joel Keller
Gail Murray

SILICON VALLEY RAPID TRANSIT CORRIDOR/WARM SPRINGS BART EXTENSION POLICY ADVISORY BOARD**
Joel Keller
John McPartland
Thomas M. Blalock, appointed by Alameda County Transportation Commission

SOUTH HAYWARD BART STATION ACCESS AUTHORITY**
Thomas M. Blalock
John McPartland
Rebecca Saltzman, Alternate

TRI-VALLEY REGIONAL RAIL POLICY WORKING GROUP**
John McPartland, Chairperson
Gail Murray

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)**
Zakhary Mallett, Primary
Joel Keller, Alternate

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

Proposed: December 31, 2014

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D: Forward to Board for Action
DATE: c 12/30/14				BOARD INITIATED ITEM: No
Originator/Prepared by: Todd Morgan Dept: Capital Development Signature/Date: 12.22.14	General Counsel	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]

TITLE:

Approval of Resolution of Project Compliance and Initial Project Report for a Combination of Regional Measure 1, Regional Measure 2, and AB1171 Bridge Toll Funds for the eBART Project

NARRATIVE:

Purpose:

To obtain BART Board approval of an application for a total of $9,200,000 in a combination of Regional Measure 1 ("RM1"), Regional Measure 2 ("RM2"), and AB1171 bridge toll funds for the eBART Project. The application includes a Resolution of Project Compliance ("Resolution") and an Initial Project Report ("IPR"), as described in the attached IPR Summary. This application is a request for reimbursement to provide funding for, among other things, a portion of the construction of the Pittsburg Civic Center Station.

Discussion:

Metropolitan Transportation Commission ("MTC") Resolution No. 3636, as amended, Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2, requires that a project sponsor approve a Resolution and IPR when the project sponsor requests an allocation of RM1, RM2 or AB1171 bridge toll funds. Staff has prepared the attached IPR Summary and Resolution for adoption by the BART Board of Directors to meet MTC's requirement for an allocation of a total of $9,200,000 of RM1, RM2 and AB1171 bridge toll funding for the eBART Project. This allocation will consist of $2,400,000 for construction and construction management and design services during construction (CM and DSDC) of the Pittsburg Civic Center Station, $4,100,000 for eBART CM and DSDC, and $2,700,000 for program reserve.

The eBART Project has received all necessary environmental approvals. On April 23, 2009, the BART Board of Directors certified that the Final Environmental Impact Report (FEIR) for the eBART Project had been completed in compliance with the California Environmental Quality Act (CEQA), adopted the eBART Project and authorized the General Manager to proceed with implementation actions. Three Addenda to the FEIR have been approved and issued authorizing the revision of several aspects of the eBART Project, including the possibility of deferring

construction of the Pittsburg Civic Center Station until funding becomes available. BART and the Contra Costa Transportation Authority (CCTA) are co-sponsors for bridge toll funds associated with the eBART Project. Previous allocations of bridge toll funds have been used for final design, right of way acquisition, vehicle procurement, and construction of the maintenance facility, transfer platform at the Pittsburg/ Bay Point BART Station, the Antioch Station parking lot, and the trackwork, systems and facility finishes.

The Pittsburg Civic Center Station was included in the eBART Project's original scope but was included only as an option on the Track, System, and Facilities contract due to funding concerns. A favorable bid on the station construction option was received. Although it was originally planned to have the City of Pittsburg ("City") pay the entire costs for the station, BART, CCTA, and MTC have since partnered with the City to share the costs of station construction. A portion of this allocation will be used to fund MTC's share of the station construction costs. Such funding is needed to complete the funding picture for the station.

Approval of the IPR and Resolution is a requirement for the application for bridge toll funds.

Fiscal Impact:

Approval of the IPR and Resolution is a requirement for the District to receive an allocation of $9,200,000 in RM1, RM2 and AB1171 bridge toll funds for construction of the eBART Project.

Alternative:

Do not approve the IPR and Resolution. Failure to approve the IPR and Resolution would result in BART's not receiving these funds from MTC and would likely result in schedule impacts/delays and cost increases for construction of the eBART Pittsburg Civic Center Station. It would also likely eliminate the possibility of constructing the Pittsburg Civic Center Station in the first phase of the eBART Project.

Recommendation:

Adoption of the following motion.

Motion:

The Board of Directors approves the Resolution of Project Compliance and Initial Project Report dated November 14, 2014 for Regional Measure 1, Regional Measure 2 and AB1171 bridge toll funds for the eBART Project, as described in the attached Initial Project Report Summary.

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

In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 1, Regional Measure 2, and AB1171 Bridge Toll Funds for the East Contra Costa County Rail Extension/eBART Project

Resolution No.

Whereas, the Metropolitan Transportation Commission ("MTC") is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 *et seq.*; and

Whereas, Streets and Highways Code ("SHC") Sections 30950 *et seq.* created the Bay Area Toll Authority ("BATA") which is a public instrumentality governed by the same board as that governing MTC; and

Whereas, pursuant to SHC Section 31010 (b), funds (generally referred to as "AB1171 bridge toll funds") generated in excess of those needed to meet the toll commitments as specified in paragraph (4) of subdivision (b) of Section 188.5 of the SHC shall be available to BATA for funding projects consistent with SHC Code Sections 30913 and 30914; and

Whereas, Regional Measure 1 ("RM1") bridge toll funds, also known as "90 percent Rail Extension Reserves," approved by the voters of the San Francisco Bay Area in March 1988, provide bridge toll revenue funds from the San Francisco Bay Bridges for use in projects that extend passenger rail service in the San Francisco Bay Area (SHC Sections 30912(b) and 30914(a)(4)); and

Whereas, SB 916, (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 ("RM2"), identifies projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, MTC is responsible for funding projects eligible for RM2 funds pursuant to SHC Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for AB1171, RM1, and RM2 bridge toll funds; and

Whereas, allocation requests to MTC must be submitted consistent with such process as outlined in RM2 Policies and Procedures; and

Whereas, BART and the Contra Costa Transportation Authority ("CCTA") are sponsors of the East Contra Costa County Rail Extension/eBART project (the "PROJECT"), which is eligible for consideration of AB1171 and RM2 bridge toll funds; and

Whereas, the PROJECT is eligible for 90 percent Rail Extension Reserves RM1 funds; and

Whereas, the RM1, RM2, and AB1171 bridge toll funds allocation request, sponsored by BART, in the Initial Project Report ("IPR") dated November 14, 2014 and incorporated herein as though set forth at length, lists the purpose, schedule, budget, expenditure and cash flow plans for which BART is requesting that MTC allocate RM1, RM2, and AB1171 bridge toll funds for the PROJECT; and

Whereas, BART and its agents agree to comply with the provisions of the MTC's RM2 Policy Guidance (MTC Resolution No. 3636) for the drawdown of RM1, RM2 and AB1171 bridge toll funds;

NOW, THEREFORE, BE IT RESOLVED that:

1. BART certifies that the PROJECT is consistent with the Regional Transportation Plan ("RTP").

2. BART certifies that all environmental approvals necessary for the PROJECT have been obtained and that the year of funding for the construction phase has taken into consideration the time necessary to obtain permitting approval, as necessary for such construction.

3. BART certifies that the PROJECT phase or segment to be funded with RM1, RM2 and AB1171 bridge toll funds is fully funded and results in an operable and useable segment.

4. BART approves the updated IPR dated November 14, 2014 as described in the attached IPR Summary ("Summary").

5. BART approves the cash flow plan described in the IPR dated November 14, 2014, as described in the attached Summary.

6. BART has reviewed the PROJECT'S needs and has adequate staffing resources to deliver and complete the PROJECT within the schedule set forth in the IPR dated November 14, 2014, as described in the attached Summary.

7. BART is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with SHC Section 30914(c).

8. The PROJECT is eligible for receipt of RM1 and AB1171 bridge toll funds consistent with SHC Sections 31010(b), 30912(b) and 30914(a)(4).

9. The PROJECT is eligible for receipt of RM2 bridge toll funds consistent with SHC Section 30914.

10. BART is authorized to submit an application for RM1, RM2, and AB1171 bridge toll funds for the PROJECT in accordance with the provisions of SHC Sections 30913 and 30914, as applicable.

11. BART certifies that the PROJECT and purposes for which RM1, RM2 and AB1171 bridge toll funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.).

12. There is no legal impediment to BART's making allocation requests for RM1, RM2 and AB1171 bridge toll funds.

13. There is no pending or threatened litigation, which might in any way adversely affect the PROJECT, or the ability of BART, to deliver the PROJECT.

14. BART agrees to indemnify and hold harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM1, RM2 and AB1171 bridge toll funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM1, RM2 and AB1171 bridge toll funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

15. BART agrees that, if any revenues or profits from any non-governmental use of property (or PROJECT) are collected, those revenues or profits shall be used exclusively for the public transportation services for which the PROJECT was initially approved, either for capital improvements or maintenance and operational costs; otherwise, the MTC is entitled to a proportionate share equal to MTC's percentage participation in the PROJECT.

16. BART agrees that assets purchased with RM1, RM2 and AB1171 bridge toll funds, including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that RM1, RM2 and AB1171 bridge toll funds were originally used.

17. BART has authorized its General Manager or her designee to execute and submit an allocation request for the construction phase for the PROJECT to MTC for RM1, RM2, and AB1171 bridge toll funds in the amount of $9.2 million for the PROJECT purposes and amounts included in the IPR dated November 14, 2014.

18. BART's General Manager or her designee has been delegated the authority to make non-substantive changes or minor amendments to the IPR dated November 14, 2014 as she deems appropriate.

19. A copy of this Resolution shall be transmitted to MTC in conjunction with the filing of the IPR dated November 14, 2014 referenced herein.

###

eBART Project
Initial Project Report Summary – November 14, 2014

Project Description

The purpose of the eBART project and the State Route 4 widening project is to bring commute relief to the eastern portion of Contra Costa County in a reasonable period of time at a reasonable cost. Eastern Contra Costa County is the fastest growing part of the Bay Area, expecting population growth of 53% and job growth of 132% between 2000 and 2025. CCTA and BART have identified the SR 4 median as the preferred route for transit expansion. The eBART Project is currently under construction. This application is for funding for, among other things, a portion of the construction of the eBART Pittsburg Civic Center Station.

Current Allocation Request

Amount Requested	Phase Requested
$9,200,000	CON

Project Schedule

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Document	FY05	FY09
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	FY05	FY09
Final Design - Plans, Specifications & Estimates (PS&E)	FY08	FY15
Right-of-Way Activities /Acquisition (R/W)	FY05	FY15
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	FY11	FY18

Project Budget

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	$26,050
Final Design - Plans, Specifications and Estimates (PS&E)	$39,500
Right-of-Way Activities /Acquisition (R/W)	$117,000
Construction / Rolling Stock Acquisition (CON)	$342,441
Total Project Budget (in thousands)	$524,991

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:					GENERAL MANAGER ACTION REQ'D: Approve and forward to January 8, 2015 E&O Committe Meeting
DATE: c 12/31/14					BOARD INITIATED ITEM: No
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance and Engineering Signature/Date: 11/26/14	General Counsel 12/14/14	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ] 12/29/14	

TITLE:

Award Contract No. 15QG-130 Replace Glass Panels at Coliseum, San Leandro, Bay Fair and South Hayward Stations Platforms

NARRATIVE:

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QG-130, Replace Glass Panels at Coliseum, San Leandro, Bay Fair and South Hayward Stations platforms to Home Tech Remodeling, Inc., of Folsom, California.

DISCUSSION: The work of this contract consists of providing all labor, equipment, materials, and services required for removing and replacing the non-tempered glass panels with tempered glass panels at the platform level of Coliseum, San Leandro, Bay Fair and South Hayward Stations and removing four obsolete windscreens at South Hayward Station for safety reasons. A layer of anti-graffiti film will be applied to new tempered glass panels. Tempered glass is safer than the existing float glass (non-tempered glass) when broken.

Advance Notice to Bidders was e-mailed on September 11, 2014 to 111 prospective Bidders. Contract Books were e-mailed to twenty four (22) plan rooms. The Contract was advertised on September 16, 2014. A pre-bid meeting was held on October 2, 2014 with eleven (11) prospective Bidders attending the meeting. Thirteen (13) plan holders purchased the Contract Book.

The following seven (7) Bids were received on November 4, 2014:

No	BIDDER	LOCATION	TOTAL BID	SMALL BUSINESS
1	Home Tech Remodeling, Inc.	Folsom, CA	$135,045.93	X
2	Pinguelo Construction, Inc.	Fairfield, CA	$148,855.00	X
3	ACR Glazing Conractors, Inc.	Oakland, CA	$188,666.00	X
4	Sustainable Group	Moraga, CA	$261,965.00	X
5	United Builders Corp., dba Lincoln Glass & Mirror	San Jose, CA	$276,395.00	X
6	Gee Construction Co., Inc.	San Francisco, CA	$296,000.00	
7	Best Contracting Services, Inc.	Union City, CA	$344,400.00	
	Engineer's Estimate		$192,918.00	

After review by District staff, the Bid submitted by Home Tech Remodeling, Inc., (Bidder) has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of $135,045.93 which is approximately 30% below the Engineer's Estimate, is fair and reasonable.

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

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

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

FISCAL IMPACT:

Funding of $135,045.93 for executing this contract will come from project budget 15QG000, Replace Station Glass Panels System-wide. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2010, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund	Description	Amount
851W	FY07-11 Capital Allocation	552,908.00
8524	FY12 Operating Allocation to Capital	250,000.00
8525	FY13 Operating Allocation to Capital	400,000.00
8526	FY14 Operating Allocation to Capital	150,000.00
Grand Total		1,352,908.00

As of June 19, 2014, $1,352,908.00 is the total budget for this project. BART has expended $403,372.37, has committed $4,332.00 and has reserved $231,984.29.00 to date for other actions. This action will commit $135,045.93, thus leaving an available balance of $578,173.41 remaining in fund resources for this project.

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

ALTERNATIVE: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received. The ensuing delay of this safety related refurbishing work if it has to be rebid will potentially result in costlier repairs.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QG-130, Replace Glass Panels at Coliseum, San Leandro, Bay Fair and South Hayward Stations Platforms to Home Tech Remodeling, Inc., of Folsom, California for the Bid price of $135,045.93, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

bart

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:	GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors
DATE: 12/31/14	BOARD INITIATED ITEM: No

Originator/Prepared by: Hong Mei Dept: Planning and Development Earthquake Safety Program Signature/Date: 12/30/2014	General Counsel 12/29/14 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 12/31/14 [ ]

Status: Routed	Date Created: 12/12/2014

TITLE:

Contract No. 15SV-130 Earthquake Safety Program Seismic Retrofit and Repairs at Various Locations

NARRATIVE:

PURPOSE:

To obtain the Board's authorization for awarding Contract No. 15SV-130, Earthquake Safety Program, Seismic Retrofit and Repairs at Various Locations.

DISCUSSION:

As part of BART's Earthquake Safety Program, Contract No. 15SV-130 will provide:

1. Replacement of existing granite crossover curbs at six (6) entrances at Embarcadero Station.

2. Repair of existing fire coating of Fiber Reinforced Polymer (FRP) column casings of the columns indicated.

3. Repair of planters' leaking problem at San Francisco Transit Structure (SFTS).

The District sent out 123 Advance Notices on September 23, 2014. The Contract was advertised on September 25, 2014 and Contract Books were sent to 23 plan rooms. A total of 21 firms purchased copies of the Bid Documents. A Pre-Bid Meeting and Jobsite tour were conducted on October 3, 2014 with a total of 12 potential Bidders in attendance. One (1) Addendum was issued during the Bid period. Six (6) Bids were received and publicly opened on Tuesday, November 18, 2014.

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

BIDDER	LOCATION	TOTAL AMOUNT
1. Valentine Corporation	San Rafael, CA	$1,237,369.00

2. Sustainable Group, Inc.	Moraga, CA	$1,284.898.00
3. West Bay Builders, Inc.	Novato, CA	$1,319,078.00
4. Ashron Construction & Restoration, Inc.	Milpitas, CA	$1,386,174.00
5. Angotti & Reilly, Inc.	San Francisco, CA	$1,461,402.00
6. Turner Group Construction , Inc.	Oakland, CA	$1,645,928.00
ENGINEER'S ESTIMATE:		$1,450,000.00

The apparent low Bid submitted by Valentine Corporation ("Valentine"), was deemed responsive to the solicitation. The Bid Price was determined to be fair and reasonable. Examination of the Bidders' business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

The District corrected arithmetic errors found in three of the Bids received, but the errors did not affect the ranking of the Bids. Turner Group Construction , Inc.'s Bid was determined to be non-responsive because it did not acknowledge Addendum No. 1.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Valentine does not commit to subcontract any percentage of the subcontracted amount to MBEs or to WBEs. Therefore, Valentine was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by Valentine, the Office of Civil Rights found no evidence of discrimination.

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

FISCAL IMPACT:

Funding of $1,237,369 for award of Contract No. 15SV-130 is included in the total project budget for the FMS #15SV000, ESP- Site Restoration Outside Core. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since August 2008, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

F/G 801F - ESP GO Bond	$ 7,568,197
F/G 801J - ESP GO Bond	$15,500,000
Total	**$23,068,197**

As of December 10, 2014, $23,068,197 is the total budget for this project. BART has expended $9,691,051 and committed $4,272,563 and reserved $0 to date for other actions. This action will commit $1,237,369 leaving an available fund balance of $7,867,214 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:
The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in better pricing and will result in the deferral of executing the required Earthquake Safety Program work. There is no assurance that the Bids on a re-solicitation would be lower than those now available for award.

The Board may reject all Bids and not award a Contract. If no Contract is awarded, BART will be unable to complete the seismic retrofit and repairs at various locations identified at this time.

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

MOTION:
The General Manager is authorized to award Contract No. 15SV-130, Earthquake Safety Program Seismic Retrofit and Repairs at Various Locations to Valentine Corporation for the Bid amount of $1,237,369.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 12/30/14	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	$105,000,000	**$257,500,000**	
Other GEC	$81,478,000	**$0**	
Subtotal GEC	$186,478,000	**$257,500,000**	
CM	$61,498,000	**$95,400,000**	
Environmental	$1,042,796	**$2,198,237**	
TOTAL E, E & CM	**$249,018,796**	**$355,098,237**	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	$1,033,000	**$1,153,096**	
Oakland Landside	$17,970,000	**$10,699,433**	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	$73,037,000	**$5,655,414**	
Marine Vibro Demo	$101,285,000	**$11,000,000**	
Stitching	$82,962,000	**$0**	
Additional TBT Retrofits	$0	**$316,652,324**	
Aerial Guideways			
West Oakland/North Oakland	$112,923,000	**$72,300,000**	
Fremont	$178,224,000	**$45,700,000**	
Concord	$36,500,000	**$12,370,889**	
Richmond	$80,155,000	**$34,800,000**	
San Francisco/Daly City	$36,590,000	**$9,600,000**	
Stations (18)	$126,961,000	**$78,700,000**	
Other Structures			
LMA	$5,529,000	**$12,100,000**	
Yds & Shops	$12,436,000	**$19,500,000**	
Parking Structures	$14,437,000	**$14,600,000**	
Miscellaneous Cleanup		**$2,620,764**	
At Grade Trackway	$22,361,000	**$0**	
34.5kV Replacement		**$42,490,000**	
Systems	$7,066,000	**$17,500,000**	
TOTAL CONSTRUCTION	**$909,469,000**	**$707,441,920**	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	$159,894,204	**$230,800,000**	
Add Auth to Execute Agrnt w/Public & Private Entities		**$5,000,000**	
Contingency	$32,104,000	**$11,100,000**	
TOTAL PROGRAM COSTS	**$191,998,204**	**$246,900,000**	
BASELINE FUNDING	**$1,350,486,000**		
REVISED FUNDING		**$1,309,440,157**	
		$1,221,275,376	Adopted Funding
		$32,064,781	Outside Adopted Funding

Soft Cost/Hard Cost Ratio = 84%

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** January 2, 2015

FROM: General Manager

SUBJECT: **FY15 First Quarter Financial Report**

The FY15 First Quarter Financial Report (July - September 2014) is attached. The net operating result was favorable to budget by $10.8 million (M), in large part due to better than expected passenger revenue and sales tax combined with slow non-labor spending.

Operating Sources

Ridership was very strong during the first quarter of FY15. August and September weekday exits of 419,255 and 430,163, respectively, were the highest two monthly averages in BART's history. Attendance at baseball and football games contributed to these peak months. Total trips for the quarter were 3.9% over budget, with fare revenue 5.2% greater than expected.

Sales Tax revenue results in the first quarter of FY15 grew 8.1% from one year earlier, $2.2M over budget, which assumed 4% growth. Second quarter results were made available in December and showed 7.4% growth, bringing the year-to-date over budget variance to $4.1M.

Operating Uses

Labor and benefits were unfavorable by $1.8M (1.7%) for the quarter, although total expense was favorable to budget by $3.0M (2.1%). Overtime continues to be a problem, and is $6.7M over budget to date. Non-labor spending is typically slow at the beginning of the year, and this year is no exception. However, this tends to catch up as the year proceeds.

The year has gotten off to a very good start for revenue, but we should be cautious about expecting results as good as the first quarter to continue, as this is just three months of the fiscal year. With maintenance needs of the aging system continuously increasing, the expense budget has been under pressure for a number of years and has finished well over budget the last four years. In addition, the Asset Management Program has made it clear that increased investment in capital rehabilitation is a necessity.

The first quarter report is normally produced in November, however as with last year, the monthly general ledger closings were delayed due to work related to the annual financial audit and the labor negotiations related audit by the California State Auditor. Accounting plans to expedite closing processes during the remainder of the fiscal year.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Quarterly Financial Report
First Quarter
Fiscal Year- 2015

Revenue

- Avg weekday trips for the quarter were 421,336, 4.7% over budget and 11.5% over the same quarter last year due to the strike in July 2013. Excluding the strike days, ridership grew 4.9%, and as a result, net passenger revenue was 5.2% over budget.
- Parking revenue $0.1M unfavorable but is expected to be on budget for year.
- Other operating revenue $0.4M favorable due to one-time payments.

Expense

- Labor and benefits were unfavorable by $1.8M or (1.7%), with overtime and under budget capital labor credits the major factors.
- OPEB unfunded liability is shown as an expense and is offset; there is no bottom line impact.
- Electric Power was favorable for the quarter by $1.0M or 9.6% due to power market prices lower than budget, carbon fee timing & other.
- Other Non Labor was favorable by $3.9M or 14.1% for the quarter. The positive variance is due to timing of actual vs. budgeted expenses to date and is projected to decline the rest of the year.

Operating Deficit

- The operating deficit (revenue minus expense) was $9.1M favorable for the quarter because of the favorable revenue and operating expense variances.

MTC Rail Car Swap

- The MTC rail car fund swap is a funding exchange program between MTC and BART that does not affect the net operating result.

Financial Assistance and Allocations

- Sales Tax for the quarter grew 8.1% over 1QFY14, bringing the quarter $2.2M favorable to budget.
- Property Tax, Other Assistance was $0.6M unfavorable to budget due to timing of property tax payments and SMP grants.
- STA will likely be negative for year, based upon recent estimates from MTC; payments are budgeted over next 3 quarters.

Net Operating Result

- The Net Operating Result for the quarter was favorable by $10.8M, due to favorable Revenue and Operating Expense results. Part of the YTD result is due to timing, which adds to favorable results to date.

Current Quarter Budget	Current Quarter Actual	Current Quarter Var	($ Millions)	Year to Date Budget	Year to Date Actual	Year to Date Var
			Revenue			
111.7	117.5	5.2%	Net Passenger Revenue	111.7	117.5	5.2%
6.5	6.4	-2.5%	Parking Revenue	6.5	6.4	-2.5%
5.1	5.5	8.4%	Other Operating Revenue	5.1	5.5	8.4%
123.3	**129.4**	**4.9%**	**Total Net Operating Revenue**	**123.3**	**129.4**	**4.9%**
			Expense			
104.1	105.9	-1.7%	Net Labor	104.1	105.9	-1.7%
0.6	0.6	0.9%	OPEB Unfunded Liability	0.6	0.6	0.9%
9.9	8.9	9.6%	Electric Power	9.9	8.9	9.6%
4.2	4.1	0.6%	Purchased Transportation	4.2	4.1	0.6%
27.6	23.7	14.1%	Other Non Labor	27.6	23.7	14.1%
146.3	**143.3**	**2.1%**	**Total Operating Expense**	**146.3**	**143.3**	**2.1%**
(23.0)	**(13.9)**	**39.5%**	**Operating Surplus (Deficit)**	**(23.0)**	**(13.9)**	**39.5%**
(19.3)	(23.1)	-19.9%	**MTC Rail Fund Car Swap**	(19.3)	(23.1)	-19.9%
			Taxes and Financial Assistance			
56.0	58.2	4.0%	Sales Tax	56.0	58.2	4.0%
1.9	1.3	-30.5%	Property Tax, Other Assistance	1.9	1.3	-30.5%
19.3	23.1	19.9%	MTC Rail Fund Car Swap	19.3	23.1	19.9%
-	-	-	State Transit Assistance	-	-	-
(14.0)	(14.0)	0.0%	Debt Service	(14.0)	(14.0)	0.0%
(45.8)	(45.7)	-0.1%	Capital and Other Allocations	(45.8)	(45.7)	-0.1%
0.6	0.6	0.2%	OPEB Unfunded Liability Offset	0.6	0.6	0.2%
17.9	**23.5**	**30.8%**	**Net Financial Assistance**	**17.9**	**23.5**	**30.8%**
(24.3)	**(13.5)**		**Net Operating Result**	**(24.3)**	**(13.5)**	
84.3%	90.3%	**6.0%**	**System Operating Ratio**	84.3%	90.3%	**6.0%**
0.32 ¢	**0.30 ¢**	**7.5%**	**Rail Cost / Passenger Mile**	**0.33 ¢**	**0.30 ¢**	**6.7%**

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

No Problem

Caution: Potential Problem/Problem Being Addressed

Significant Problem

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** January 2, 2015

FROM: General Manager

SUBJECT: Administration Item #3.A: Strategic Energy Procurement Plan – For Information

At the Board of Directors meeting on January 8, 2015, staff will present an information item regarding the elements of a strategic energy procurement plan. We will seek input from the Board prior to finalizing a District Strategic Energy Procurement Plan.

Please contact Carter Mau at (510) 464-6194, if you have questions regarding this presentation.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Managers

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:	GENERAL MANAGER ACTION REQ'D: Approve and foward to Board
DATE: 12/31/14	BOARD INITIATED ITEM: No

Originator/Prepared by: Zhiming Fan Dept: Planning and Development Signature/Date: 12/19/14	General Counsel 12/18/14 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 12/29/14 [ ]

Status: **Approved**	Date Created: **11/20/2014**

TITLE:

Award of Contract No. 02EE-140, Warm Springs Extension Wetland Mitigation Site

NARRATIVE:

DISCUSSION:

This contract is the last of the five construction contracts associated with the Warm Springs Extension Project. The scope of this contract was initially in the Warm Springs Extension Line, Track, Station, and Systems Contract. In an effort to provide opportunity to small and M/WBE businesses and contractors, the construction of the wetland mitigation site was "unbundled" from the larger contract and made into its own contract. This construction of the wetland mitigation site is required to meet the CEQA and environmental permitting requirements for the Warm Springs Extension Project.

Following an Advance Notice to Bidders mailed on October 9, 2014 to 149 prospective bidders, the Wetland Mitigation Site Contract was advertised for bids on October 10, 2014. Bid Documents were mailed to 23 plan rooms and two minority assistance organizations. A total of 18 firms purchased copies of the Bid Documents. On October 28, 2014 a Pre-Bid meeting followed by site visit was attended by over 20 interested parties.

Eight bids were received by the District on November 18, 2014. A list of the bids received on November 18, 2014, plus the Engineer's Estimate, is as follows:

I	Siteworks Construction, Inc.	$2,319,935
II	Hanford ARC	$2,473,138
III	Empire Landscaping Inc.	$2,770,000
IV	DMZ Builders	$2,790,000
V	Grade Tech Construction	$2,954,000
VI	Galeb Paving	$3,051,060
VII	Gorden Ball, Inc.	$3,210,000
VIII	Water Rock Construction	$3,478,230
	Engineer's Estimate	**$2,489,266**

The apparent low Bid was submitted by Siteworks Construction, Inc. This Bid has been determined to be fair and reasonable and deemed to be responsive to the solicitation. Examination of the Bidder's business experience and financial capabilities has resulted in a

determination that this Bidder is responsible. The Bid is 7 percent below the Engineer's Estimate.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The responsive low bidder, Siteworks Construction, Inc. committed to 39.7% MBE and 2.9% WBE. Siteworks' commitment did not meet the WBE availability percentage. Therefore the bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by Siteworks, the Office of Civil Rights found no evidence of discrimination.

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

FISCAL IMPACT:

Funding of $2,319,935 for WSX Wetland Mitigation Site is available in project 02EE000. The Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since January 2010, and is included in totality to track finding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

As of December 4, 2014, $418,820,694.50 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
535A	State	Prop 1B – PTMISEA	$ 6,987,098.00
535X	State	Prop 1B – PTMISEA	$ 1,092,440.00
535Y	State	Prop 1B – PTMISEA	$ 31,274,999.99
536B	State	Prop 1B – SLPP	$ 23,341,000.00
5553	State	CTC Warmsprings	$ 727,000.00
555N	State	CTC Warmsprings	$ 12,000,000.00
6216	Regional	RM2 Alloc.	$ 10,315,956.49
663R	Regional	ACTIA Meas. B – WSX Stage 2.	$ 112,925,000.01
536C	State	WSX SLPP FY11 / 12	$ 11,894,000.00
6102	Regional	MTC RM1 WSX	$ 113,000,000.00
6403	Regional	MTC AB1171 WSX2	$ 5,000,000.00
656F	Regional	VTA/Santa Clara Meas. C – WSX2	$ 8,000,000.01
536A	State	WSX SLPP FY09 / 10	$ 23,158,000.00
535V	State	Prop 1B – PTMISEA FY10-11	$ 28,338,275.00
6218	Regional	RM2 Alloc. 11366705	$ 21,254,925.00
536D	State	Prop 1B – SLPP	$ 9,512,000.00
		Total	$418,820,694.50

BART has expended $277,839,196.06, encumbered $102,440,694.37, and pre-encumbered $4,045,268.41 to date. This action will encumber a maximum of an additional $2,319,935 leaving an available fund balance of $32,175,600.66.

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

ALTERNATIVE:
The alternative is to decline authorization to award this Contract. If the Contract is not awarded, the WSX Project will be unable to timely meet its obligation to replace and thus mitigate loss of seasonal wetlands due to WSX Project construction.

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

MOTION:
The General Manager is authorized to award Contract No. 02EE-140, Warm Springs Extension Wetland Mitigation Site to Siteworks Construction Inc. for the Bid amount of $2,319,935.00 pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c 12/31/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Scott Smith Dept: Planning and Development Signature/Date: 12/29/14	General Counsel 12/29/14 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 12/31/14 [ ]

TITLE:

Award Contract No. 05LD-110, Richmond Intermodal Improvement Project

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 05LD-110 to West Bay Builders for the Bid price of $2,668,000.00.

DISCUSSION: This Contract provides for the construction of the redesigned intermodal area at the Richmond BART station. The redesigned intermodal area will provide clear pedestrian pathways, drop offs, and taxi areas with effective bus and vehicular traffic flow. In addition, the Contract will provide new bus shelters, LED lighting, and treatment of all on site stormwater through the use of bio-retention planters and landscaping.

The District provided advanced notice to 62 prospective Bidders on August 1, 2014 and Contract Documents were sent to 22 plan rooms. The Contract was advertised on August 7, 2014 in local publications. A total of 17 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on August 14, 2014 with 7 prospective Bidders attending the meeting. Four (4) Bids were received. Bids were publicly opened on September 23, 2014. The Bids received and the Engineer's Estimate are shown below:

Bidder	Location	Total Base Bid Price
Ghilotti Brothers, Inc.	San Rafael, CA	$2,471,000.00
West Bay Builders	Novato, CA	$2,668,000.00
Robert A Bothman, Inc.	San Jose, CA	$2,887,713.00
Gordan N. Ball, Inc	Alamo, CA	$2,958,350.00
Engineer's Estimate		$2,898,000.00

The bid submitted by low Bidder Ghilotti Brothers failed to meet the DBE goal set for this contract and failed to demonstrate good faith efforts to meet the goal. Accordingly, the bid of Ghilotti Brothers is non-responsive. The bid of the second low bidder, West Bay Builders, met the DBE goal and has otherwise been determined by Staff to be responsive. Furthermore, a review of the second low Bidder's license, business experience, and financial capabilities has resulted in a determination that the second low Bidder is responsible and that the Total Base Bid

Price of $2,668,000.00, which is 7.9% below the engineer's estimate, is fair and reasonable.

Staff has determined that there will be no significant effect on the environment from the intermodal improvements and that this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines section 15301, improvements to existing facilities and structures involving negligible expansion of existing use, and section 15304, minor alterations to land. The project will receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), concurred that the project qualifies for a categorical exclusion as defined under 23 CFR 771,118 (c)(5), activities to promote transportation safety, security and access.

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this Contract and determined that there were subcontracting opportunities and a DBE participation goal of 12% was set. The apparent low Bidder, Ghilotti Brothers, Inc. ("Ghilotti") committed to 11.1% DBE participation. Ghilotti did not meet the DBE goal, therefore, it was required to submit Good Faith Efforts documentation to the District. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that Ghilotti did not make sufficient good faith efforts to meet the DBE goal, rendering the Bid non-responsive. At Ghilotti's request, a good faith efforts hearing was held on December 5, 2014 before an independent hearing officer. The hearing officer upheld the findings of the Office of Civil Rights that Ghilotti neither met the DBE goal nor demonstrated sufficient good faith efforts to do so, therefore, rendering Ghilotti's Bid non-responsive.

The next low bidder, West Bay Builders ("WBB"), committed to subcontracting 36.3% to DBEs. The Office of Civil Rights has determined WBB has met the DBE participation goal set for this contract.

FISCAL IMPACT:

Funding of $2,668,000 for award of Contract No. 05LD-110 is included in the total project budget for the FMS #05LD000, Access Improvement West County Station. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2011, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

F/G 3008 - Federal	$2,900,000
F/G 8524 - Bart	$ 500,000
F/G 535V - State Prop 1B	$ 262,549
F/G 535X - State Prop 1B	$ 482,251
F/G 6639 - County	$ 186,200
Total	$4,331,000

As of December 22, 2014, $4,331,000 is the total budget for this project. BART has expended $452,527 and committed $188,930 and reserved $25,000 to date for other actions. This action

will commit $2,668,000 leaving an available fund balance of $996,543 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: To reject all bids and readvertise. Readvertising the contract would delay the District's ability to provide improved accessibility for the Richmond Intermodal and is unlikely to result in lower pricing.

RECOMMENDATION: Based on analysis by Staff, it is recommended that the Board adopt the following Motion:

MOTION: The General Manager is authorized to award Contract No. 05LD-110, to West Bay Builders for the Bid price of $2,668,000, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and FTA requirements related to protests.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors		
DATE: c 12/31/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: Maintenance & Engineering Signature/Date: 12/22/14	General Counsel 12/22/14	Controller/Treasurer [ ]	District Secretary [ ]	BARC 12/29/14 [ ]

TITLE:

AUTHORITY TO EXECUTE AGREEMENT NO. 6M3279 WESTINGHOUSE ESCALATOR STEP REFURBISHMENT

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M3279 with Precision Escalator, Kenilworth, New Jersey for the refurbishment of Westinghouse Escalator Step assemblies Districtwide.

DISCUSSION:

A large number of existing escalator step tread boards do not comply with the current Title 8, California Code of Regulations Subsection 3089(f) and must be replaced. The District currently has twenty (20) Westinghouse Escalators operating on permit extensions from The Department of Industrial Relations (DIR) for a cumulative total of two thousand and sixty seven (2067) non-code compliant step treads.

Earlier this year, the Board approved IFB 8928 Escalator Step assemblies for the purchase of new Westinghouse steps. The quantity of new steps approved through this IFB is not sufficient to meet the District's need for Westinghouse steps. Step refurbishment, rather than the purchase of new Step Assemblies, drastically reduces the lead time (30 vs 60 days) and cost ($245 vs $515 per step) required to achieve compliance. In addition, refurbishment is environmentally preferred over purchasing new steps and recycling the old steps. A market survey of Westinghouse Step Refurbishment companies was conducted and results indicate there are no escalator parts suppliers and no metal working companies licensed or qualified to provide the refurbishment service on Westinghouse escalator parts in California. Due to the rigorous step refurbishment specifications and Westinghouse escalator step proprietary rights, Precision Escalator was identified as the sole company capable of meeting the District's immediate demands for Westinghouse step refurbishment. Staff requested quotations from six (6) other escalator/elevator companies around the country but none of them are capable of providing the refurbishment services needed by the District at this time. Consequently, none of the companies contacted provided quotations.

Westinghouse Escalators total eighty eight (88) escalators throughout the District , which equates to fifty percent (50%) of District escalator assets. Total overall step count is approximately 8600 steps. Establishing a Step Refurbishment Service Agreement will ensure critical step inventory will be available with minimum lead time, at half the cost of a new step and will promote proactive removal and replacement of worn out non-compliant steps.

The District's independent estimate of two hundred and fifty dollars ($250.00) per refurbished step is based on prior refurbishment contracts. Therefore, Precision Escalator's quotation of two hundred and forty five dollars ($245.00) per refurbished step assembly, including freight charge, is considered fair and reasonable. Staff is seeking to enter into a three (3) year service Agreement with Precision Escalator for the refurbishment of three thousand, six hundred (3,600) Westinghouse step assemblies at a price not to exceed $882,000, plus applicable sales tax.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply. The Office of the General Counsel will approve the Agreement as to form.

FISCAL IMPACT:

Funding for this three year (3) service Agreement in the not-to-exceed amount of $882,000, plus applicable sales tax, will be provided from the Maintenance and Engineering (M&E) Maintenance Contracts, Service Account 680-230, estimated as follows:

Fiscal Year 2015,	$294,000
Fiscal Year 2016,	$294,000
Fiscal Year 2017,	$294,000
Total	$882,000

Expenditures for FY2015 is included in M&E operating budget for FY2015. The expenditures for FY2016 and FY2017 will be included in future M&E operating budgets. Availability of funding exceeding $882,000 must be confirmed with the Controller-Treasurer, up to limits established for this escalator step refurbishment service agreement.

ALTERNATIVE:

Issue a Request for Proposals with the likelihood of receiving only a single Proposal from Precision Escalator. This approach will result in significantly longer delivery time. Prolonging the refurbishment cycle and delivery time puts the District at risk of having Cal/OSHA, DIR Elevator Unit, refuse to extend the red-tag extensions and require BART to remove the escalators form service until the step are replaced.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to execute Agreement No. 6M3279 Westinghouse Escalator Steps Refurbishment, with Precision Escalator Kenilworth, New Jersey, at a price not to exceed $882,000, plus applicable sales tax.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors DATE: January 2, 2015

FROM: General Manager

SUBJECT: E&O Item #4.D: Report on Train Destination Sign System

At the Board meeting on January 8, 2015, staff will present an information item on the Destination Sign System (DSS). The presentation will include an overview of the current DSS, and future plans for the DSS.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Managers

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors ***DATE:*** January 2, 2014

FROM: Associate General Counsel

SUBJECT: Amendment to Money Purchase Pension Plan

Attached please find a resolution to amend the District's Money Purchase Pension Plan to provide for additional contributions on behalf of the General Manager in accordance with the Board's direction at its December 11, 2014 meeting.

Andrea Ravas

Andrea Ravas

Attachments

cc: Board Appointed Officers (w/attachments)
Deputy General Manager (w/attachments)
AGM, Employee Relations (w/attachments)

Motion: Adoption of the attached resolution "In the Matter of Amendment of the Money Purchase Pension Program."

BEFORE THE BOARD OF DIRECTORS OF THE

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of An
Amendment to the Money
Purchase Pension Plan

Resolution No. _____

WHEREAS, at its December 11, 2014 meeting the Board expressed its wish to provide an annual matching contribution to the Money Purchase Pension Plan equal to the General Manager's deferral contributions to the Deferred Compensation Plan provided the General Manager is employed on December 1 of the year, with such match limited to the combined deferral limits under Internal Revenue Code Sections 457(e)(15) and (18); and

WHEREAS, California Government Code Section 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; and

WHEREAS, at the December 11, 2014 meeting it was publicly disclosed that the actuarial impact upon future annual costs to the District of this change as determined by the District's actuaries will not exceed $24,000 in 2015 and each year thereafter, as adjusted each year for inflation in the same amount as the combined adjustment, if any, to Internal Revenue Code sections 457(3)(15) and (18).

NOW, THEREFORE, BE IT RESOLVED that the Board approves the attached Amendment No. Nine to the February 1, 2013 Restatement of the Money Purchase Pension Plan which adds new Subsection (d) (in underlined text) to current Section 3.01 and authorizes the Board President to sign the amendment on behalf of the Board; and

BE IT FURTHER RESOLVED that the Board reserves the right to modify this annual contribution to the Money Purchase Pension Plan in the future.

Adopted: _____

AMENDMENT NO. NINE TO THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
MONEY PURCHASE PENSION PLAN
(As restated effective February 1, 2013)

The San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan (as restated effective February 1, 2013) (the "Plan") is hereby amended as follows:

Effective January 1, 2015 Section 3.01 of the Plan, "Determination of Contribution," is hereby amended to state in its entirety as follows:

Section 3.01 Determination of Contribution. With respect to each Plan Year the Employer shall pay to the Trustee as its contribution to the Plan an amount equal to the sum of the following:

(a) 6.65% of the Compensation of each Participant for such Plan Year, provided, however, that in determining this portion of the contribution, the following shall not be taken into account:

(i) Compensation on or after January 1, 2010 and before July 1, 2013 of Participants who are represented by BART Police Managers Association;

(ii) Compensation on or after July 1, 2010 and before July 1, 2013 of Participants who are represented by BART Police Officers Association; and

(b) 1.627% of Payroll, provided, however, that in determining this portion of the contribution, the following shall not be taken into account:

(i) $37 per month on or after March 1, 2014 and before July 1, 2017 for Participants who are members of Amalgamated Transit Union, Local 1555 or Service Employees International Union, Local 1021 and who participate in a District medical plan;

(ii) $37 per month on or after February 1, 2014 and before July 1, 2017 for Participants who are members of American Federation of State, County and Municipal Employees, Local Union 3993 and who participate in a District medical plan;

(iii) An additional .0888% of Payroll on or after March 1, 2014 and before July 1, 2017 for Participants who are members of Amalgamated Transit Union, Local 1555 or Service Employees International Union, Local 1021;

(iv) An additional .0888% of Payroll on or after February 1, 2014 and before July 1, 2017 for Participants who are members of American Federation of State, County and Municipal Employees, Local Union 3993;

(v) Payroll of Participants who are members of the BART Police Officers Association and are sworn police officers with full peace officer powers pursuant to the California Penal Code;

(vi) Payroll of Participants who are either the BART Chief of Police or are represented by the BART Police Managers Association and are sworn police officers with full peace officer powers pursuant to the California Penal Code;

(vii) Payroll on or after July 1, 1992 and before July 1, 2013 of Participants who are members of the BART Police Managers Association, other than sworn police officers with full peace officer powers pursuant to the California Penal Code;

(viii) Payroll on or after July 1, 1992 and before July 1, 2013 of Participants who are represented by the BART Police Officers Association other than sworn police officers with full peace officer powers pursuant to the California Penal Code;

(ix) .0888% of Payroll on or after March 1, 2014 and before July 1, 2017 for non-represented Participants; and

(c) From October 1, 2001, until the Employer's account within CalPERS ceases to be "superfunded," as determined by CalPERS, 3.5% of the Reportable Compensation of non-represented Participants (other than the Chief of Police as of April 25, 2002) and of Participants who are members of the Amalgamated Transit Union, Local No. 1555, the Service Employees International Union, Local No. 790, the American Federation of State, County and Municipal Employees, Local No. 3993, the BART Police Officers' Association, or the BART Police Managers' Association, provided such members of the BART Police Officers Association and BART Police Managers' Association are also local miscellaneous members of CalPERS, provided further, however, that in determining this portion of the contribution Reportable Compensation on or after July 1, 2003 and before July 1, 2004 of the following Participants shall not be taken into account: the General Manager, the Controller-Treasurer, the General Counsel, the District Secretary, the Deputy General Manager, the Executive Assistant to the General Manager, the Assistant General Managers of Administration and Operations, the Executive Managers of External Affairs, Planning & Budget, Transit System Compliance and Transit System Development, the Managing Director, Capitol Corridor, and members of the Service Employees International Union, Local 790, whose classifications are in the Clerical Subunit, but are not in the Professional Chapter; and

(d) On behalf of the General Manager, an additional amount equal to the General Manager's deferral of compensation under the San Francisco Bay Area Rapid Transit District Deferred Compensation Plan (the "Deferred Compensation Plan") for such Plan Year, taking into account Pre-Tax Contributions, Designated Roth Contributions and Catch-up Deferrals, as those terms are defined in the Deferred Compensation Plan. In no event, however, shall the Employer contribution under this subsection (d) exceed the maximum total amount of compensation permitted to be deferred under Section 4.2(c) of the Deferred Compensation Plan, and as described in Internal Revenue Code sections 457(e)(15) and (18). Furthermore, the Employer contribution under this subsection (d) is conditioned on the General Manager being employed with the Employer as of December 1st of such Plan Year.

The contributions shall be paid in cash and allocated as described in Article IV of the Plan. The Trustee shall not be responsible for the collection of any contributions to the Trust Fund.

IN WITNESS WHEREOF, this Amendment No. Nine to the Plan has been executed on this _____ day of January, 2015.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

By: _____

Its: Board President