

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

March 13, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, March 13, 2008, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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 General Discussion and Public Comment.

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

Items placed under “consent calendar” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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 February 28, 2008.* Board requested to authorize.

- B. Agreement with The Segal Company for Classification and Compensation Study (Agreement No. 6M4072).* Board requested to authorize.
- C. Authorization of Deputy General Manager to Exercise the Powers of the Office of the General Manager and the Associate General Counsel to Exercise the Powers of the Office of the General Counsel.* Board requested to authorize.
- D. Award of Contract No. 11AF-130A, Procurement of Street Level Elevator Enclosures at Civic Center, Embarcadero, Montgomery Street, and Powell Street Stations.* Board requested to authorize.
- E. Award of Contract No. 11AF-140, Modification of Street Level Elevators at Civic Center, Embarcadero, Montgomery Street, and Powell Street Stations.* Board requested to authorize.
- F. Award of Contract No. 15PH-120, Daly City Station – Retrofit of Railway Bridge Pier B-206.* Board requested to authorize.
- G. Award of Invitation for Bid No. 8829, Current Collector Fuse.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. Change Order to Agreement No. 65BK-301, with Karen Antion Consulting and Parsons Brinkerhoff, A Joint Venture, for Program Management Services in Support of the District Business Advancement Plan.* Board requested to authorize.
- A-2. Agreement with Titan Outdoor LLC for Poster Advertising Franchise Services (Agreement No. 6M7066).* Board requested to authorize.
- A-3. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. Award of Contract No. 09AT-110, Retrofit of East and West Seismic Joints at the San Francisco Transition Structure.* Board requested to authorize.

B-2. Change Order to Agreement No. 6G5739A, Emergency Restoration Services for Fiber Optics Network, with Phase-3 Communications, Inc., to Increase Expenditure of Funds and Extend Contract Duration (C.O. No. 1).* Board requested to authorize.

B-3. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting
Director Ward Allen, Chairperson

C-1. Approval of New Parking Fines.* Board requested to authorize.

C-2. District-wide Newspaper Advertising.* For information.

C-3. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

A-1. Change Order to Agreement No. 65BK-301, with Karen Antion Consulting and Parsons Brinkerhoff, A Joint Venture, for Program Management Services in Support of the District Business Advancement Plan.* Board requested to authorize.

A-2. Agreement with Titan Outdoor LLC for Poster Advertising Franchise Services (Agreement No. 6M7066).* Board requested to authorize.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Award of Contract No. 09AT-110, Retrofit of East and West Seismic Joints at the San Francisco Transition Structure.* Board requested to authorize.

B-2. Change Order to Agreement No. 6G5739A, Emergency Restoration Services for Fiber Optics Network, with Phase-3 Communications, Inc., to Increase Expenditure of Funds and Extend Contract Duration (C.O. No. 1).* Board requested to authorize.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

C-1. Approval of New Parking Fines.* Board requested to authorize.

C-2. District-wide Newspaper Advertising.* For information.

5. GENERAL MANAGER'S REPORT

NO REPORT.




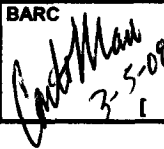
6. BOARD MATTERS

- A. Directors' Compensation.* Board requested to authorize. (Director Blalock's request.)
- B. Report of the District Organizational Review Committee.
- C. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Administrative Committee		
DATE: 3/7/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patrice McElroy Dept: Human Resources 	General Counsel MB 3/5/08	Controller/Treasurer 	District Secretary []	BARC  3-5-08 []
Signature/Date: 3/5/08				
Status: Routed		Date Created: 02/26/2008		

TITLE:

CLASSIFICATION AND COMPENSATION STUDY AGREEMENT NO. 6M4072

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Agreement No. 6M4072 with The Segal Company of San Francisco, CA to assist the District in conducting a classification and compensation study involving the District's Non-Represented and AFSCME employees. The term of the Agreement will be for one year.

DISCUSSION:

The District's current classification system was approved in December 1998. The industry norm is to recalibrate such systems at intervals no greater than ten years. Many concerns underlie this conventional wisdom: a poorly maintained classification system loses the consistent underlying rationale for decisions; poorly accommodates changes in the organization and in occupations; is poorly understood by managers and employees alike; and may allow circumstances in which employees performing very similar duties and responsibilities are in different job titles and compensation levels.

A classification and compensation study is the best way to ensure that positions are classified in a manner that is consistent, grounded in business needs, and equitably related to both internal and external labor markets. It is also important in the hiring and selection process because it groups similar duties and levels of responsibility into job classifications and/or job series. In addition, the District will request its consultant to consider and advise on areas including movement on the pay scales of a given pay range; career paths that support non-competitive promotions to reflect increased skills in some circumstances; dealing with periodic swings in the external labor market that tend to distort usual job analysis; rationalizing bargained and non-bargained pay scales in a single pay system; recognizing performance in compensation, and other pay policies. As is usual with any classification study, the District is also seeking to reduce the number of individual classification titles, and clean up its roster of positions so that all are current and appropriate.

The District's last classification and compensation study was awarded on January 15, 1996 to Ralph Anderson and Associates, of Rocklin, California.

A Request for Proposals (RFP) to procure services for a classification and compensation study was mailed to seventeen (17) firms. The distribution list was derived from the Sponsor's and Contract Administration's research. The RFP was advertised in eleven (11) local newspapers beginning on January 23, 2008 and a Pre-Proposal Meeting was held on January 29, 2008 with four (4) firms attending. Two proposals were received by the District on February 12, 2008 from The Hay Group of San Francisco, CA and The Segal Company of San Francisco, CA.

The Source Selection Committee chaired by Contract Administration included representatives from Human Resources, Government and Community Relations, Maintenance and Engineering and Transit System Development. The Committee evaluated the proposals utilizing the best value methodology. This approach compares the differences in the value of the combined qualifications/technical/oral presentation with differences in the pricing proposed, resulting in a recommendation of the proposer that will provide the District the best value for the services proposed.

In line with the Districts' best value methodology, the proposals were reviewed and determined to meet the minimum qualifications including such items as having experience in conducting classification/compensation studies with transit and public sector agencies, and classification/compensation studies that incorporate represented and non represented employees with in a single pay plan structure. The proposals were then scored based on technical approach, organizational experience, and project team experience. The Committee then reviewed the price proposals and determined that both proposers were in the competitive range. Both were invited to make oral presentations. The Committee combined the qualifications/technical/oral presentation scores and determined that The Segal Company presents the District with the best value for this study. Segal's price proposal was \$82,108 less than its competitor, and slightly above the staff estimate of \$150,000 at \$185,000. Moreover, the Committee was impressed with Segal's commitment to tailor-made solutions, rather than off-the-shelf systems; ability to commit to a fiscal year-based timeline; integration of new/modified job descriptions into the proposal; and attention to policies and procedures for maintaining the new program. The agreement will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT: The maximum compensation for this one- year agreement will not exceed \$185,000. The funding for this agreement has been included in the Human Resources FY08 operating budget.



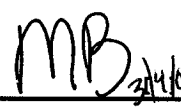
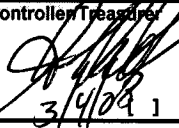
ALTERNATIVE: 1) Not to complete the study; or 2) Complete another Request For Proposal to procure another firm to perform the services needed.

RECOMMENDATION: Adoption of the following motion.

MOTION: That the General Manger or her designee is authorized to execute Agreement No. 6M4072 with The Segal Company for a Classification and Compensation Study, in an amount not to exceed \$185,000, 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 of Directors		
DATE: 3/4/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Matthew Burrows Dept: Office of the General Counsel  Signature/Date: 3/4/08	General Counsel  3/4/08	Controller/Treasurer  3/4/08	District Secretary []	BARC []
Status: Routed		Date Created: 03/04/2008		

TITLE:

REVISION TO SUCCESSION RESOLUTION TO REFLECT NEW GENERAL MANAGER AND GENERAL COUNSEL

NARRATIVE:

PURPOSE: To update the Board's existing succession plan for vacancies in District offices to reflect the new incumbents in the General Manager position, General Counsel position, Deputy General Manager position and Associate General Counsel position.

DISCUSSION: Board Resolution 5016, adopted June 14, 2007 represents the succession plan for the District in the event any officer of the District is absent or disabled. That Resolution lists the names and positions of those who shall act for the absent officer and needs to be updated to reflect recent internal promotions which have resulted in a new General Manager, General Counsel, Deputy General Manager and Associate General Counsel.

As such, Resolution No. 5016 should be repealed and a new Resolution adopted to ensure the orderly conduct of District business.

FISCAL IMPACT: None.

ALTERNATIVES: Delay revision of the existing Resolution. This would result in an incomplete succession plan.

RECOMMENDATION: Adoption of the attached Resolution.

MOTION: That the Board of Directors adopts the attached Resolution.

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

**In the Matter of Designating an
Alternate for the General Manager
And Authorizing Certain District
Officers to Use Facsimile Signatures
On District Warrant-Checks _____/**

Resolution No. _____

WHEREAS, Public Utilities Section 28810 provides in part:

**“The officers of the district shall consist of the members of the board of directors; a president and vice president of the board, each of whom shall be a member of the board; a secretary, a general manager, a general counsel, a treasurer, a controller, and such other or subordinate officers, assistants and deputies as the board may deem necessary and provide for by ordinance or resolution.”
and,**

WHEREAS, Public Utilities Code Section 28817 provides:

**“The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the general manager. He shall keep an account of all receipts and disbursements. With the approval of the board, the treasurer and general manager may designate alternates to act for them.”
and,**

WHEREAS, it is necessary to the orderly conduct of the business of the District that the powers of the General Manager be exercised during the absence or disability of the holder; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to authorize the use of facsimile signatures for signing warrant-checks of the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby confirms that only the following are officers of the District:

**Members of the Board of Directors
President of the Board
Vice President of the Board
Secretary
General Manager
General Counsel
Controller-Treasurer**

Assistant District Secretary
Deputy Assistant District Secretary
Associate General Counsel
Deputy General Manager
Assistant General Manager – Operations
Assistant Controller
Assistant Treasurer, and

BE IT FURTHER RESOLVED that the Board hereby authorizes Marcia DeVaughn (Deputy General Manager) to exercise the powers of the Office of General Manager in the absence or disability of the General Manager. In the case of the absence or disability of the General Manager and the Deputy General Manager, Paul Oversier (Assistant General Manager – Operations) is authorized to exercise the power of the Office of the General Manager. In the absence or disability of the General Manager, Deputy General Manager and Assistant General Manager, Operations, Matthew Burrows (General Counsel) is authorized to exercise the powers of the Office of the General Manager; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the named holders of the positions set forth below to exercise the powers of the office listed opposite such position in the absence or disability of the holder of such office;

<u>INCUMBENT</u>	<u>POSITION</u>	<u>OFFICE</u>
Patricia K. Williams	Assistant District Secretary	Secretary
Jacqueline R. Edwards	Deputy Assistant District Secretary	Secretary (in the absence of Patricia K. Williams)
Andrea Ravas	Associate General Counsel	General Counsel
Roberta L. Collier	Assistant Treasurer	Treasurer
Edgardo J. Pangilinan	Assistant Controller	Controller
and		

BE IT FURTHER RESOLVED that the Board hereby authorizes the use of facsimile signatures by Dorothy W. Dugger (General Manager) or Marcia DeVaughn (Deputy General Manager) or Paul Oversier (Assistant General Manager-Operations) and Scott L. Schroeder (Controller-Treasurer) or Roberta L. Collier (Assistant Treasurer), or Edgardo J. Pangilinan (Assistant Controller), all of whose verified signatures have been or will be filed with the Secretary of State, on warrant-checks used for making payments out of the funds of the District; and

BE IT FURTHER RESOLVED that Resolution No. 5016 is hereby repealed; and

BE IT FURTHER RESOLVED that the District Secretary is directed to transmit a copy of this resolution to the Secretary of State.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maia Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: c 3/5/08		BOARD INITIATED ITEM: No	
Originator/Prepared by: Isaac Lim Dept: M&E Ext. 6150 <i>Isaac Lim</i>	General Counsel <i>MB</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>
Signature/Date: 03/03/08			BARC <i>Paul Chenier</i> 3/2/08

TITLE:

Award Contract 11AF-130A, Procurement of Street Level Elevator Enclosures

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 11AF-130A, Procurement of Street Level Elevator Enclosures to Nari Construction Co. Inc. of Livermore, CA.

DISCUSSION:

This Contract provides for procurement of the enclosures to replace the street level elevator enclosures at Civic Center, Embarcadero, Montgomery Street, and Powell Street Stations. The new enclosures are required to provide structural support for the elevator cabs. Modification of these elevators is under a separate Contract, No. 11AF-140.

On December 19, 2007, Advance Notice to Bidders was mailed to 36 prospective bidders. The Contract was advertised on December 19, 2007, and Contract books were mailed to 17 plan rooms and minority assistance organizations. A joint pre-bid conference and site inspection tour was conducted on January 8, 2008, for this Contract and for Contract No. 11AF-140, Modification of Street Elevators. Six prospective bidders attended the pre-bid meeting. Two addenda were issued for the Contract to extend the bid due date. Five firms purchased copies of the Bid Documents. A single bid was submitted on February 5, 2008, as follows:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid Amount Including 8.75% Sales Tax</u>
Nari Construction Co. Inc.	Livermore, CA	\$621,000.00
ENGINEER'S ESTIMATE		\$600,000.00

After review by District staff, the bid submitted by Nari Construction Co. Inc., has been deemed to be responsive. Furthermore, a review of this bidder's license, business experience, and financial capabilities has resulted in a determination that the bidder is responsible. Staff has also determined that its bid of \$621,000, which is approximately 3.5% above the Engineer's Estimate, is fair and reasonable.

FISCAL IMPACT:

Funding for this \$621,000 Contract award is included in the total project budget for FMS

Number 11AF, SF Elevator Headhouse Study. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

Capital Allocation FY 00 - 06

50W

\$621,000.00

As of the period ending January 2008, \$1,676,880 is available for commitment from this fund source for this Project, and \$517,435 has been committed by BART to date. There are pending commitments of \$505,000 in BART's financial management system. This action will commit \$ 621,000, leaving an uncommitted balance of \$33,445 in this fund source.

There is no fiscal impact on available unprogrammed District reserves attributable to this fund grant source.

ALTERNATIVE: The alternative is to reject all bids, which will compromise or delay the District's ability to provide adequate elevator service at these four locations.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 11AF-130A, Procurement of Street Level Elevator Enclosures, to Nari Construction Co. Inc. for the bid price of \$621,000.00, which includes applicable taxes, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: c 3/5/08		BOARD INITIATED ITEM: No	
Originator/Prepared by: Isaac Lim Dept: M&E Ext. 6150 <i>[Signature]</i> Signature/Date: 03/03/08	General Counsel <i>[Signature]</i> MB 3/6/08	Controller/Treasurer <i>[Signature]</i> 3/3/08	District Secretary BART <i>[Signature]</i> 3/2/08

Award Contract 11AF-140, Modification of Street Elevators at Civic Center, Embarcadero, Montgomery Street and Powell Street Stations

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 11AF-140, Modification of Street Elevators at Civic Center, Embarcadero, Montgomery Street and Powell Street Stations to Ascent Elevator Services Inc. of San Francisco, CA.

DISCUSSION:

This Contract provides for furnishing all labor, equipment, materials and services to extend the guide rails, modify the frame to provide for guide shoes at the top of the elevator cab, and provide for new hoistway doors. A new elevator cab is also included at Powell Street Station. The elevator enclosures are procured under a separate Contract, No. 11AF-130A.

On December 19, 2007, Advance Notice to Bidders was mailed to 21 prospective bidders. The Contract was advertised on December 19, 2007, and Contract books were mailed to 17 plan rooms and minority assistance organizations. A joint pre-bid conference and site inspection tour was conducted on January 8, 2008, for this Contract and for Contract No. 11AF-130A, Procurement of Street Level Elevator Enclosures. Six prospective bidders attended the pre-bid meeting. Two addenda were issued for the Contract to extend the bid due date. Three firms purchased copies of the Bid Documents. A single bid was submitted on February 5, 2008, as follows:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
Ascent Elevator Services Inc.	San Francisco, CA	\$505,000.00

ENGINEER'S ESTIMATE

\$600,000.00

After review by District staff, the bid submitted by Ascent Elevator Services Inc., has been deemed to be responsive. Furthermore, a review of this bidder's license, business experience, and financial capabilities has resulted in a determination that the bidder is responsible. Staff has also determined that its bid of \$505,000, which is approximately 15.8% below the Engineer's Estimate, is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment due to the elevator work at these four BART facilities, and that such work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA

Guidelines Section 15301, Existing Facilities.

FISCAL IMPACT:

Funding for this \$505,000 Contract award is included in the total project budget for FMS Number 11AF, SF Elevator Headhouse Study. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

Capital Allocation FY 00 - 06	<u>50W</u>	<u>\$505,000.00</u>
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As of the period ending January 2008, \$1,676,880 is available for commitment from this fund source for this Project, and \$517,435 has been committed by BART to date. There are pending commitments or \$621,000 in BART's financial management system. This action will commit an additional \$505,000, leaving an uncommitted balance of \$33,445 in this fund source.

There is no fiscal impact on available unprogrammed District reserves attributable to this fund grant source.

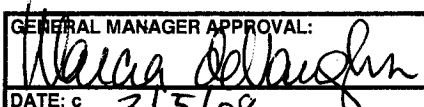
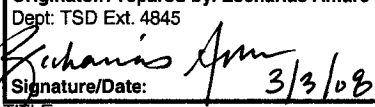
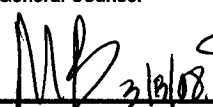
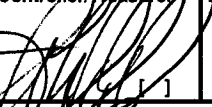
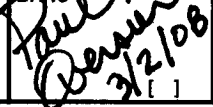
ALTERNATIVE: The alternative is to reject all bids, which will compromise or delay the District's ability to provide adequate elevator service at these four locations.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 11AF-140, Modification of Street Elevators at Civic Center, Embarcadero, Montgomery Street and Powell Street Stations, to Ascent Elevator Services Inc. for the bid price of \$505,000.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: c 3/5/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Zecharias Amare Dept: TSD Ext. 4845  Signature/Date: 3/3/08	General Counsel  3/3/08	Controller/Treasurer  3/3/08	District Secretary []	BARC  3/2/08

Award of Contract No. 15PH-120, Daly City Station - Retrofit of Pier B-206(W)

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Contract No. 15PH-120, Daly City Station – Retrofit of Pier B-206(W), to Power Engineering Contractors Inc., the business address of which is located at 1501 Viking Street Suite 200 in Alameda, California, 94501.

DISCUSSION:

The BART Earthquake Safety Program determined that seismic strengthening of an existing railway bridge pier identified as Pier B-206(W) was needed at the Daly City Station and produced the relevant construction contract documents for that work. The pier strengthening involves wrapping of the concrete column using a fiber reinforced polymer material, installing steel reinforced concrete at joints that connect the column to the footing and the beam, and installing steel reinforced concrete in between the station platform girders. Advance Notice to Bidders was mailed on December 10, 2007 to 112 firms. The Contract was advertised on December 18, 2007 and Contract Books were sent to 17 Plan Rooms. A total of 21 firms purchased copies of the Bid Documents. A Pre-Bid Meeting was held on January 8, 2008 with 19 potential bidders attending. Eleven bids were received. Bids were opened publicly on February 5, 2008. Tabulation of the bids, including the Engineer's Estimate, is as follows:

Bidder

Bid

- | | |
|--------------------------|-----------|
| 1. Power Engineering | \$183,947 |
| 2. Valentine Corporation | \$221,369 |
| 3. William P Young | \$254,281 |
| 4. NTK Construction | \$254,400 |
| 5. Solid Builders | \$257,600 |
| 6. Chow Engineering | \$269,000 |
| 7. Anderson Pacific | \$269,500 |

8. McQuire and Hester	\$271,070
9. American Civil / West Coast	\$280,300
10. Bugler Construction	\$283,000
11. Mitchell Engineering	\$299,000

Engineer's Estimate: \$460,000

After review by the District staff, the apparent low bid submitted by Power Engineering Contractors, Inc. has been determined to be fair and reasonable and deemed to be responsive to the solicitation. Examination of this bidder's business experience and financial capabilities has resulted in a determination that this bidder is responsible.

FISCAL IMPACT:

Funding for \$183,947 for award of Contract No. 15PH-120 is included in the total project budget for the FMS #15PH, Daly City Station Retrofit. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 01F – Earthquake Safety G.O. Bond: \$183,947

As of month ending 1/27/08, \$603,000 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$183,947 leaving an uncommitted balance of \$419,053 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The alternative is not to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic strengthening of the railway bridge column, identified as Pier B-206(W), at the Daly City Station.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No.15PH-120, Daly City Station - Retrofit of Pier B-206(W), to Power Engineering Contractors Inc., for the Bid amount of \$ 183,947 pursuant to the 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	Current Forecast as of 2/29/08	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$176,650,003	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$176,650,003	
CM	\$61,498,000	\$53,340,000	
Environmental	\$1,042,796	\$2,850,820	
TOTAL E, E & CM	\$249,018,796	\$232,840,823	
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	\$5,605,380	
Marine Vibro Demo	\$101,285,000	\$137,852,879	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$132,254,000	
Fremont	\$178,224,000	\$159,046,000	
Concord	\$36,500,000	\$37,185,000	
Richmond	\$80,155,000	\$76,811,000	
San Francisco/Daly City	\$36,590,000	\$50,032,000	
Stations (18)	\$126,961,000	\$104,427,000	
Other Structures			
LMA	\$5,529,000	\$5,003,339	
Yds & Shops	\$12,436,000	\$22,318,000	
Parking Structures	\$14,437,000	\$16,252,000	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$11,898,000	
TOTAL CONSTRUCTION	\$909,469,000	\$770,537,127	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$221,598,430	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$125,509,620	
TOTAL PROGRAM COSTS	\$191,998,204	\$347,108,050	
TOTAL FUNDING	\$1,350,486,000	\$1,350,486,000	Funding may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43.3m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors	
DATE: 3/5/08		BOARD INITIATED ITEM: No	
Originator/Prepared by: Susan Presley Dept: Rolling Stock & Shops	General Counsel <i>MB</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 3/3/08	<i>[Signature]</i> 3/3/08	<i>[Signature]</i> 3/3/08	<i>[Signature]</i> 3/2/08
Status: Approved		Date Created: 02/21/2008	

TITLE:

Invitation for Bid No. 8829 - Current Collector Fuses

NARRATIVE:

Purpose:

To obtain Board authorization to award Invitation for Bid No. 8829 to Alameda Electrical Distributors, Inc., Alameda, CA. in the amount of \$470,887.50, including sales tax, for the purchase of Current Collector Fuses.

Discussion:

The current collector fuse is the primary protection device for the transit vehicle. There are four (4) fuses on each vehicle. This fuse must be of the correct configuration, size, design, and specification for this purpose. This is a routine purchase to replenish inventory.

A notice requesting bids was advertised on September 19, 2007. Bid requests were mailed to six (6) prospective bidders. Bids were opened on October 2, 2007 and four (4) bids were received.

<u>Bidder</u>	<u>2000 Each Unit Price</u>	<u>Total Including 8.75% Sales Tax</u>
Alameda Electrical Distribution, Inc.	\$216.50	\$ 470,887.50
FUSECO	\$219.80	\$ 478,065.00
Plough Electric Supply	\$224.95	\$ 489,226.25
Advantage Electric Supply	\$827.04	\$1,798,812.00

Independent cost estimate by BART staff: \$472,736.00.

Staff has determined that the apparent low bidder, Alameda Electrical Distributors, Inc., submitted a responsive bid. Staff has determined that the bid pricing is fair and reasonable based on previous purchases of this item.

Fiscal Impact:

Funding will be provided from the General Fund, Materials & Supplier Inventory build-up account (140-010). The Office of the Controller-Treasurer certifies that funds are currently available.

Alternative:

The Collector Shoe Fuse is the primary protection for the 1000 volt DC power system on the revenue vehicle. Failure to have fuses available will directly affect revenue service.

Recommendations:

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

Motion:

The General Manager is authorized to award Invitation for Bid No. 8829 for the purchase of Current Collector Fuses, to Alameda Electrical Distributors Inc., Alameda, CA for the amount of \$470,887.50, including sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/5/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joan Duffield Dept: <i>[Signature]</i> Signature/Date: <i>[Signature]</i> 3/5/08	General Counsel <i>[Signature]</i> MB 3/5/08	Controller/Treasurer <i>[Signature]</i> 3/5/08	District Secretary []	BARC <i>[Signature]</i> 3-5-08 []
Status: Routed		Date Created: 02/19/2008		

TITLE:

Change Order to Agreement 65BK-301: Karen Antion Consulting, LLC/PB Consult, Inc.

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute a change order for a two-year extension to Agreement No. 65BK-301 with Karen Antion Consulting, LLC/PB Consult, Inc., a joint venture for program management services in support of the District's Business Advancement Program (BAP). The change order will be in an amount not to exceed \$2,500,000. Work Directives under the Agreement will define individual assignments and are subject to funding availability.

DISCUSSION:

The Board approved BAP Part 1 in August 2001, by awarding a contract to IBM, Inc. The scope of the original agreement was to compare the District's technology and processes against best practices and then build an appropriate business case for change. The Board also approved a change order to the IBM contract for BAP Part 2 in October 2002, to identify the commercial application suites that best met the District's business requirements.

In June 2003, the Board approved an Agreement with Karen Antion Consulting, LLC/PB Consult, Inc., (KAC/PB Consult), a joint venture for program management services to support District efforts to develop an RFP, select and negotiate contract terms and conditions for a Systems Integrator. In August 2004, Maximus was selected as the BAP Systems Integrator. Additionally, KAC/PB Consult has provided key project management oversight during the implementation and transformation work by Maximus.

The joint venture program management services have yielded great benefit to the District. The consultant team assisted the District in saving money through: 1) negotiating better value for our software and hardware purchases; 2) negotiating a strong contract with a deliverable based payment schedule between the District and the Systems Integrator; and 3) providing strong oversight and project management for the Systems Integrators contract. The estimated value of the actual dollar savings to date has been approximately \$5.3M.

Several factors contribute to the need to extend the KAC/PB Consult Agreement. The original

Systems Integrator engagement was delayed from actual start by six (6) months and the complexity of Phase I Time & Labor Rules delayed the Go-Live date by twelve (12) months. Additionally, Phase II start-up was delayed by six (6) months due to contractual issues between the Systems Integrator and their subcontractor.

An Agreement change order with KAC/PB Consult will enable the continuation of services in accordance with District Work Directives. Each Work Directive defines individual assignments (in each case subject to funding availability), and has its own scope, schedule and budget. The Work Directives to KAC/PB Consult will align with the Work Directives that will be established for the work of the Systems Integrator.

The Office of General Counsel will approve the change order as to form. The Office of the Controller Treasurer will certify that funds are currently available to meet this obligation.

FISCAL IMPACT:

District obligations will be subject to a series of Work Directives. Each Work Directive will have a defined scope of services and a separate schedule and budget. The costs associated with the change order are included in the total project budget of the BAP project. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against this Agreement and the execution of each Work Directive.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

If the Board does not approve the recommended change order, staff would seek to engage contract employees to assist with program management. This alternative most likely would result in:

- loss of intellectual knowledge gained from the consultants' experience managing the Systems Integrator;
- increased administrative costs associated with hiring new staff; and
- disruption to the continuity and momentum of the project.

RECOMMENDATION:

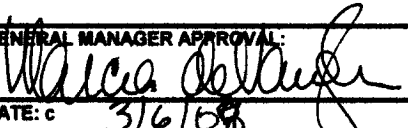

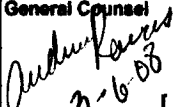

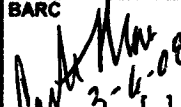
Due to the complexity of this project, staff recommends that an extension to the Agreement be issued to the joint venture of Karen Antion Consulting, LLC/PB Consult, Inc. to assist the District with completion of the BAP transformation. Staff recommends that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute a change order to the Agreement 65BK-301 with Karen Antion Consulting, LLC/PB Consult, Inc. for program management services in support of the District's Business Advancement Program, in an amount not to exceed \$2,500,000 for a period of twenty-four (24) months.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approved and Forward to Administration Committee		
DATE: c 3/6/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lewis Martin Dept: Marketing & Research  Signature/Date: 3/6/08	General Counsel  3-6-08 []	Controller/Treasurer  3/6/08 []	District Secretary []	BARC  3-6-08 []
TITLE:				

Award of Agreement No. 6M7066 for Poster Advertising Franchise Services

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M7066 with Titan Outdoor LLC to provide poster advertising franchise services for a period of ten (10) years. The Agreement will begin on October 1, 2008 and expire on September 30, 2018.

DISCUSSION:

For the past 35 years, the District has sold advertising space on BART property as a source of ancillary revenue, and the District has had Franchise Agreements with outside firms to obtain these services. The current such agreement, with CBS Outdoor, Inc., expires on September 30, 2008. As such on October 25, 2007 the District issued a Request for Proposals (RFP No. 6M7066) to provide poster advertising franchise services for the period beginning October 1, 2008. The Poster Advertising Franchise Services RFP called for proposals from qualified operators to provide for the sale and display of advertising in the BART system and in nine (9) San Francisco MUNI Metro stations. Under the Franchise Agreement, the District will not be required to incur any costs for equipment, purchasing, installation, operations, maintenance, or any associated support costs.

A total of twenty-four (24) potential proposers received advance notice of the RFP. These Advance Notices to Proposers were mailed on October 19, 2007. In addition, the RFP was advertised on October 25, 2007. A Pre-Proposal Meeting, attended by six (6) firms, was conducted on November 14, 2007. Two (2) proposals were received on January 29, 2008 from CBS Outdoor Group, Inc. and Titan Outdoor LLC.

A Source Selection Committee, which included representatives from Contract Administration, Marketing and Research, Budget, and Office of Civil Rights conducted technical evaluations and revenue analyses of the proposals. The Selection Committee evaluated proposals using the Acceptable Technical Proposal – Highest Revenue methodology set forth in the RFP. This approach first evaluates a proposer's technical qualifications and experience, followed by selection of the proposer offering the highest revenue to the District over a ten-year period. Technical proposals were reviewed and found to be compliant with the minimum technical requirements set forth in the RFP. The technical requirements included items such as firm

qualifications and experience in the provision of transit/municipal advertising franchise services. Subsequently the Committee opened and evaluated the two revenue proposals.

The results of the financial evaluation of the two qualified proposers, which was completed on February 22, 2008, are as follows:

<u>Proposer</u>	<u>Guaranteed Income</u>	<u>Revenue Share</u>
Titan Outdoor LLC, New York, NY	\$140,000,000	65%
CBS Outdoor Group, Inc., New York, NY	\$75,000,000	65%

Based on the selection methodology, the Selection Committee recommends award to Titan Outdoor LLC. The Selection Committee determined that the proposal submitted by Titan Outdoor LLC is responsive and Titan Outdoor LLC is responsible. The agreement will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT:

The Poster Advertising Franchise Services Agreement with Titan Outdoor LLC will provide a guaranteed annual revenue stream to BART over the next ten (10) year period. Scheduled payments of \$8.3 million in the first year will escalate by an average of \$1.25 million annually for each subsequent year, culminating in \$20.75 million in the tenth and final year (See Attachment A for details). Of those amounts 16.4% is paid to MUNI for advertising in nine (9) San Francisco MUNI Metro stations (note: BART holds back 5% of the 16.4% to cover administrative expenses).

If approved, the proposed Agreement will increase guarantee revenues from \$31 million for the current ten (10) year period ending September 30, 2008 to \$140 million for the next ten (10) years, or more than four times the current agreement. The more immediate impact will be a \$2 million increase in poster advertising revenue over and above the pro forma Fiscal Year 2009 Budget.

ALTERNATIVES:

1. Reject both proposals and re-advertise the RFP.
2. Discontinue the sale of advertising on BART property.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

That the General Manager or her designee is authorized to execute Agreement No. 6M7066 with Titan Outdoor LLC to act as the District's Poster Advertising Franchisee for a period of ten (10) years, at the proposed price with a minimum revenue guarantee of \$140 million over ten (10) years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

Attachment A

Titan Outdoor LLC Franchise Agreement – EDD

**Titan Outdoor LLC
Revenue Proposal**

Base Revenue Proposal

<u>Duration</u>	<u>Annual Guarantee</u>
Year One	\$ 8,300,000
Year Two	9,350,000
Year Three	10,350,000
Year Four	11,600,000
Year Five	13,050,000
Year Six	14,350,000
Year Seven	15,750,000
Year Eight	17,400,000
Year Nine	19,100,000
Year Ten	<u>20,750,000</u>

Total Base Revenue Proposal \$140,000,000

Or, Sixty-Five Percent (65%) of net revenue, whichever is higher

TOTAL PROPOSED REVENUE \$140,000,000



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors	
DATE: 3/5/08		BOARD INITIATED ITEM: No	
Originator/Prepared by: Anthony Hitchings Dept: <i>[Signature]</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>
Signature/Date: 3/3/08	<i>[Signature]</i>	<i>[Signature]</i>	BARC <i>[Signature]</i>
Status: Routed		Date Created: 02/20/2008	

TITLE:

Award of Contract No. 09AT-110, San Francisco Transition Structure

NARRATIVE:

PURPOSE:

To authorize the General Manager to Award Contract No. 09AT-110, San Francisco Transition Structure, to Shimmick Construction Company, Inc. of Hayward, California.

DISCUSSION:

The work to be performed under Contract No. 09AT-110 is for the retrofit of the east and west seismic joints at the San Francisco Transition Structure ("SFTS"). The BART Earthquake Safety Program has determined that a limited seismic retrofit of the seismic joints at the SFTS and the Transbay Tube is necessary in order to minimize potential damage to the seismic joints, and in order to minimize the potential for flooding in the unlikely event of an excessive level of earthquake-induced movement at the east seismic joint. The retrofit consists of fabricating and installing sixty-two (62) thrust block assemblies across the seismic joints, and injecting a flexible grout beneath the east seismic joint as a supplemental anti-flooding measure. The Contract includes an onshore demonstration of the grouting apparatus and the operation thereof before any grouting-related work commences in the Transbay Tube. Construction in the Transbay Tube trackways will occur during non-revenue hours. The total Contract duration is 650 days from Notice to Proceed.

The Advance Notice to Bidders was mailed on October 19, 2007 to 62 prospective Bidders. The Contract Book was advertised on October 24, 2007. A total of 19 firms purchased copies of the Bid Documents. Twelve (12) prospective Bidders attended a mandatory Pre-Bid Meeting held January 9, 2008. Three mandatory pre-Bid site tours were conducted on January 12 (two tours) and 13, 2008 (one tour). Three additional non-mandatory pre-Bid site tours were conducted on January 26, 2008 and February 7, 2008.

Six sealed (6) Bids were received on or before February 19, 2008. A tabulation of the Bids, including the Engineer's Estimate, is as follows:

Bidders	Location	Total Bid Price
Shimmick Construction Company, Inc.	Hayward, CA	\$5,095,800.00
Christie Constructors, Inc.	Richmond, CA	\$5,116,500.00
Bugler Construction	Fremont, CA	\$5,278,200.00
California Engineering Contractors, Inc.	Pleasanton, CA	\$5,855,700.00
William P. Young Construction, Inc.	San Leandro, CA	\$6,342,785.00
Anderson Pacific Engineering Construction, Inc.	Santa Clara, CA	\$8,773,100.00
Engineer's Estimate		\$10,223,600.00

After review by the District staff and the General Engineering Consultant, the apparent low bid submitted by Shimmick Construction Company, Inc. has been deemed to be responsive to the solicitation. Examination of this Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Bid price of \$5,095,800.00 is fair and reasonable. All environmental permits will be in place before BART issues a Notice to Proceed.

FISCAL IMPACT:

Funding for \$5,095,800 for Award of Contract No. 09AT-110 is included in the total project budget for the FMS #09AT, San Francisco Transition Structure. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 49T – STIP-Seismic:

\$5,095,800

As of month ending January 27, 2008, \$14,500,000 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$5,095,800 leaving an uncommitted balance of \$9,404,200 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is to not authorize award of the Contract. If the Contract is not awarded, BART will be unable to reduce the potential for earthquake damage and flooding at the seismic joints following a major earthquake on the Hayward or San Andreas faults, potentially leading to major service interruptions for BART lines serving San Francisco from the East Bay.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to Award Contract No. 09AT-110, San Francisco Transition Structure, to Shimmick Construction Company, Inc. at a total Bid price of \$5,095,800.00, subject to notification to be issued by the General Manager and compliance with the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 2/29/08	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$176,650,003	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$176,650,003	
CM	\$61,498,000	\$53,340,000	
Environmental	\$1,042,796	\$2,850,820	
TOTAL E, E & CM	\$249,018,796	\$232,840,823	
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	\$5,605,380	
Marine Vibro Demo	\$101,285,000	\$137,852,879	
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Aerial Guideways			
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Fremont	\$178,224,000	\$159,046,000	
Concord	\$36,500,000	\$37,185,000	
Richmond	\$80,155,000	\$76,811,000	
San Francisco/Daly City	\$36,590,000	\$50,032,000	
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Yds & Shops	\$12,436,000	\$22,318,000	
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TOTAL CONSTRUCTION	\$909,469,000	\$770,537,127	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$221,598,430	Includes Bond Cost & OCIP
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TOTAL PROGRAM COSTS	\$191,998,204	\$347,108,050	
TOTAL FUNDING	\$1,350,486,000	\$1,350,486,000	Funding may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43.3m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Delinger</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>3/5/08</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Chuck Rae Dept: Maintenance & Engineering Signature/Date: <i>CR</i>	General Counsel <i>MB</i> <i>2/9/08</i>	Controller/Treasurer <i>[Signature]</i> <i>3/3/08</i>	District Secretary <i>[Signature]</i> <i>3/5/08</i>	BARC <i>[Signature]</i> <i>3/5/08</i>

Status: Routed

Date Created: 02/08/2008

TITLE:

AUTHORIZATION TO INCREASE EXPENDITURE OF FUNDS AND DURATION OF SERVICE AGREEMENT No. 6G5739A, EMERGENCY RESTORATION SERVICE FOR FIBER OPTICS NETWORK

NARRATIVE:

PURPOSE: To authorize the General Manager to execute a change order to increase the expenditure of funds for agreement No. 6G5739A, Emergency Restoration Services for Fiber Optics Network awarded to Phase-3 Communications, Inc. of San Jose, California by \$183,000 from \$297,000 to \$480,000 and extend the contract duration by 12 months from 3 to 4 years.

DISCUSSION: Since 1994, the District has executed three Emergency Restoration Service agreements for the Commercial Telecommunications Revenue Program. The present agreement, 6G5739A, has an end date of March 30, 2008 with remaining funds of \$68,000. On January 4, 2008 there were two Commercial fiber cable failures attributed to a traction power flash over at San Leandro Station. The cost to restore services for these cables is estimated to be \$80,000. This incident and the looming expiration of the present agreement require an increase in funds and extension of the restoration service agreement for the Telecommunications Revenue Program.

A request is currently being processed by Procurement for a new Agreement for on-call restoration services, however, the unpredictable nature of events that call for services under the Agreement require that contingency plans be put in place to assure that resources are available to provide services until such time that a new Agreement is in place. Phase-3 Communications, Inc. has consistently provided reliable services minimizing any interruption in the District's ability to provide services to lessees.

Continuing the services under the existing Agreement will assure the continued reliability of the fiber optic network and allow sufficient time for Engineering and Procurement to complete the solicitation process for a new Agreement to be awarded.

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

FISCAL IMPACT: The Insurance Department will fund the estimated \$80,000 restoration at San Leandro. The remaining authorization of approximately \$103,000 is within the FY 08 budget for cost center 491 restoration contracts.

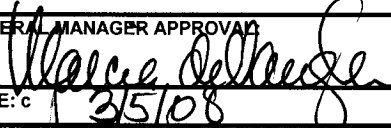
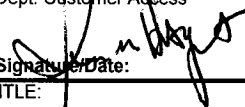
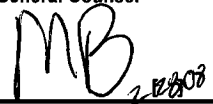
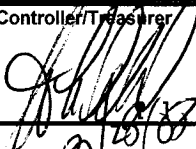
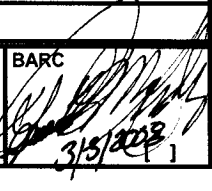
ALTERNATIVE: To not increase funding expenditure and service agreement duration. This would risk a significant disruption in service to BART Commercial Fiber Optic Network customers or possible default in the license agreements if there is an unexpected incident that requires immediate restoration services.

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

MOTION: The General Manager is authorized to execute a change order to Agreement No. 6G5739A, Emergency Restoration Services for Fiber Optics Network awarded to Phase-3 Communications, Inc. of San Jose, California, in the amount of \$183,000 and extend the contract duration by 12 months.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL 		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/5/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Hagerty Dept: Customer Access Signature:  Date: 2/29/08	General Counsel  Date: 2/28/08	Controller/Treasurer  Date: 2/28/08	District Secretary []	BARC  Date: 3/5/08

TITLE:

Increase in Parking Fines at District Parking Facilities

NARRATIVE:

PURPOSE:

To obtain Board approval to increase parking fines at District parking facilities.

DISCUSSION:

BART has parking facilities at 32 of its 43 stations. California Vehicle Code sections 21113(a) and 40203.5 allow BART to establish parking guidelines and to establish a schedule of penalties for parking violations at its facilities. Enforcement and related parking fines are an important component of the District's parking management program.

The purpose of parking fines is to encourage compliance with parking regulations and to deter inappropriate parking. The current fine for most parking violations is \$25.00. The exceptions are the State of California mandated disabled space violation (\$275) and the BART 24 hour parking limit violation (\$100).

The current \$25.00 fine was approved by the BART Board in 1993. Today, the amount of the fine is not an effective deterrent. It is often less costly to pay the \$25 fine than it is to drive and park at the person's destination. The resulting abuse of the rules interferes with our ability to provide guaranteed parking to our prepaid permit holders as well as is our ability to provide daily parking for other BART patrons.

In calendar year 2007, BART enforcement staff issued almost 66,000 parking citations. Approximately 50% of these parking citations were written for permit related violations, 41% for failure to validate their parking and 9% for all other parking violations.

It is proposed that permit area and red zone violations be increased from \$25.00 to \$40.00. All other parking violations, with the exception of disabled space violation and the 24 hour parking limit violation, would be increased from \$25.00 to \$35.00. The initial penalty for a late or non-payment of a citation would remain at \$20.00. However, it is proposed that the second level penalty, imposed prior to placement of a DMV hold, be increased from \$0.00 to \$10.00.

Increase in Parking Fines at District Parking Facilities

Violation	CURRENT SITUATION			PROPOSED		
	Initial Fine	Initial Penalty	Secondary Penalty	Initial Fine	Initial Penalty	Secondary Penalty
Permit Area & Red Zone	\$25.00	\$20.00	\$0.00	\$40.00	\$20.00	\$10.00
All Other Parking	\$25.00	\$20.00	\$0.00	\$35.00	\$20.00	\$10.00

The amount of the proposed parking fines are consistent with BART's enforcement strategy and are comparable with what other local cities and agencies have established. (See Attachment A)

FISCAL IMPACT:

The primary purpose of the parking fine increases are to deter inappropriate parking behavior and therefore the number of citations issued should decrease. However, the new fines are expected to generate an additional \$500,000 to \$600,000 in new annual revenues to the District's General Fund.

ALTERNATIVES:

Continue with existing fines or increase fines to a level other than is being proposed.

RECOMMENDATIONS:

It is recommended that the Board adopt the following motions:

MOTIONS:

1. That parking fines for permit and red zone violations be increased from \$25.00 to \$40.00.
2. That parking fines for all other parking related violations, with the exception of disabled space and the 24 hour parking limit be increased from \$25.00 to \$35.00.
3. That the second level penalty imposed prior to DMV hold be increased from \$0.00 to \$10.00.

Attachments

ATTACHMENT A

City/ Agency	Expired Meter	Expired Time Zone	Residential Parking	Red Zones	Lot Violation
Berkeley	\$30.00	\$60.00	\$30.00	\$51.00	NA
Oakland	\$35.00	\$40.00	\$30.00	\$70.00	NA
San Francisco	\$40.00 \$50.00	\$40.00 \$50.00	\$50.00	\$75.00	NA
San Jose	\$28.00	\$33.00	\$51.00	\$36.00	NA
Walnut Creek	\$25.00	\$25.00	\$25.00	\$25.00	NA
CalTrain	NA	NA	NA	NA	\$30.00
A/C Transit	NA	NA	NA	\$250.00	NA

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

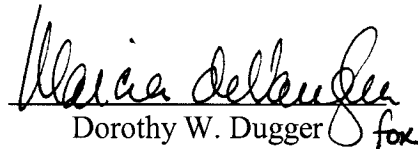
TO: Board of Directors

DATE: March 7, 2008

FROM: General Manager

SUBJECT: Planning, Public Affairs, Access, and Legislation Committee Agenda Item: C-2 –
3/13/08

The attached presentation is intended to provide information relative to various aspects of the District's newspaper advertising practices in response to a request by Directors.


Dorothy W. Dugger fox

cc: Board Appointed Officers
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** March 7, 2008
FROM: General Counsel
SUBJECT: Implementation of Assembly Bill 490 (Cost of Living Adjustment to Stipend)

Assembly Bill 490 (Hancock), signed by the Governor in September, 2007, amends California Public Utilities Code section 28748.8, in that it authorizes the BART Board to provide for a cost of living adjustment (COLA) to its monthly compensation based upon the percentage increase in the California Consumer Price Index, for each calendar year following the operative date of the last adjustment. Any such adjustment will not become effective until the next regular election of the Directors following the adoption of the resolution. This matter is calendared for discussion and possible action at the March 13, 2008, meeting.

The effective date of the last adjustment to the Board's compensation is January 1, 1999, at which time the monthly stipend was raised from \$500 to \$1000. There have been no further increases since then. In adopting a COLA under this statute, the Board has the discretion to determine the number of calendar years from 1999 upon which a COLA should be calculated, and as such, the Board has the discretion to choose to regain the cost of living changes for all the years, none of the years, or something in between, as well as providing for future automatic increases. The monthly stipend will not actually be adjusted, and thus no change in pay will be realized, until after the 2008 general election.

At Vice President Blalock's request, I have prepared the attached Resolution for the Board's consideration. If passed, it will implement an adjustment to the monthly stipend for Directors, based on the change in the consumer price index from 1999 to the present, and will adjust the stipend annually thereafter, as provided for in the statute.

Please telephone me if you have any questions.



Matt Burrows

MOTION: Adoption of the attached resolution.

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

In the Matter of Adjusting
Directors' Monthly Compensation based
On the California Consumer Price Index ____/

Resolution No. ____

WHEREAS, Section 28748.8 of the California Public Utilities Code, effective January 1, 2008, provides in pertinent part as follows:

"28748.8. (a) The board may by ordinance or resolution provide that each director shall be paid a sum that shall not exceed one thousand dollars (\$1,000) for each calendar month that he or she serves as a director. The Board may, by ordinance or resolution, provide for an adjustment to the monthly compensation based upon the percentage increase in the California Consumer Price Index, as calculated by the Department of Finance, for each calendar year following the operative date of the last adjustment. The adjustment shall not become effective until the next regular election of the directors following the adoption of the ordinance or resolution."

WHEREAS, the operative date of the last adjustment to the monthly compensation of directors is January 1, 1999.

WHEREAS, pursuant to the authority granted by Section 28748.8 of the California Public Utilities Code, the Board now wishes to adopt an adjustment to monthly compensation paid to directors as compensation for attendance at District meetings, based upon the percentage increase in the California Consumer Price Index, as calculated by the Department of Finance, for each calendar year following the operative date of the last adjustment.

NOW, THEREFORE, BE IT RESOLVED that effective January 1, 2009, and every January 1 thereafter, as permitted by law, the monthly compensation paid to directors shall be adjusted based upon the percentage increase in the California Consumer Price Index, as calculated by the Department of Finance, for each calendar year following the operative date of the last adjustment.

BE IT FURTHER RESOLVED that the first paragraph of Board Rule 3-3.3 is amended as shown on the attached Exhibit A.

EXHIBIT A - RESOLUTION NO. _____

3-3.3 Attendance at Meetings. All Board members are authorized to be compensated in accordance with Resolution Nos. 4739 and (insert this number) for attendance at Board, standing and special committee meetings.

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