

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

BOARD MEETING AGENDA

March 22, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 22, 2012, 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 General Discussion and 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 or via regular mail upon request. 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. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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 March 8, 2012.* Board requested to authorize.
- B. Consolidation of 2012 District Elections.* Board requested to authorize.
- C. Award of Contract No. 79HS-110, Oakland Wye and Berkeley Hills Tunnel Intrusion Detection System.* Board requested to authorize.
- D. Approval of East Bay Paratransit Consortium Service Plan for Fiscal Year 2013 Alameda County Measure B Claim.* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Sweet, Chairperson

- A. Amendments to the Disadvantaged Business Enterprise (DBE) Program.* Board requested to authorize.
- B. Execution of Contract Option for CDSNet, LLC for the Sales and Exchange of Tickets.* Board requested to authorize.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 49GG-210, Procurement of Vehicle Automatic Train Control (VATC) Refurbished Printed Circuit Boards and Modules.* Board requested to authorize.
- B. Oakland Airport Connector Project: Quarterly Update.* For information.
- C. National Organization of Black Law Enforcement Executives (NOBLE) Report Management Audit Response Matrix Update.* For information.

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

Director Blalock, Chairperson

NO ITEMS.

6. GENERAL MANAGER'S REPORT
NO REPORT.

7. BOARD MATTERS

A. Board Member Reports. For information.

B. Roll Call for Introductions.

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

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Agency Negotiators: Directors McPartland, Radulovich, and Sweet

Titles: General Manager, General Counsel, Controller-Treasurer, District Secretary, and Independent Police Auditor

Gov't. Code Section: 54957

10. OPEN SESSION

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

Board of Directors
Minutes of the 1,650th Meeting
March 8, 2012

A regular meeting of the Board of Directors was held March 8, 2012, convening at 9:13 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Murray, and McPartland.

Absent: Director Raburn. Directors Radulovich and Sweet entered the Meeting later.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meeting of February 23, 2012.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2012 Second Quarter Financial Report.

Director Fang moved that the Minutes of the Meeting of February 23, 2012, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Fang, Franklin, Keller, Murray, and McPartland. Noes – 0. Absent – 3: Directors Raburn, Radulovich, and Sweet.

President McPartland announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators; Public Employee Performance) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 9:15 a.m.

The Board Meeting reconvened in closed session at 9:19 a.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Murray, Sweet, and McPartland.

Absent: Director Raburn. Director Radulovich entered the Meeting later.

Director Radulovich entered the Meeting.

The Board Meeting recessed at 11:12 a.m.

The Board Meeting reconvened in open session at 11:17 a.m.

Directors present: Directors Blalock, Fang, Franklin, Keller, Murray, Radulovich, Sweet, and McPartland.

Absent: Director Raburn.

President McPartland announced that there was no action to be reported from closed session.

Director Sweet, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2013 Budget: Financial Priorities, before the Board. Mr. Carter Mau, Executive Manager, Planning and Budgets, Ms. Stacey Perkins, Project Manager, and Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item.

Director Fang exited the Meeting.

The item was discussed.

Mr. Darrel Carey addressed the Board.

President McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PB-110A, Earthquake Safety Program Aerial Structures – A Line North, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item.

The following individuals addressed the Board:

Mr. Eddie Dillard

Mr. Darrel Carey

Ms. Yolanda Jones

Mr. Wilson Lew

Ms. Leslie Sakai

The item was discussed.

Director Sweet moved that the General Manager be authorized to award Contract No. 15PB-110A, Earthquake Safety Program, Aerial Structures – A Line North, to Atkinson Contractors, LP, for the Bid amount of \$19,169,881.00, and be authorized to exercise the three options, for a total price of \$9,109,016.50, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protest procedures. Director Blalock seconded the motion, which carried

by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 2: Directors Fang and Raburn.

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

President McPartland called for the General Manager's Report. General Manager Grace Crunican reported that the system had carried 387,555 passengers on March 7, 2012, and that the District was conducting community meetings during the month of March to seek input on proposed fare increases, Clipper® card distribution, and the draft Environmental Justice Policy. Ms. Crunican reported on steps she had taken and meetings she had participated in.

President McPartland called for Board Member Reports.

Director Murray reported that she had attended a Lafayette City Council meeting regarding State of Good Repair tours.

Director Franklin reported that he had attended a meeting with BART, AC Transit, and the Metropolitan Transportation Commission regarding service improvements and fare coordination, and spent a day lobbying in Sacramento on behalf of the Capitol Corridor Joint Powers Authority Board.

Director Radulovich reported he had attended a community meeting in the Balboa Park neighborhood.

Director Sweet reported she had attended the meeting of the Oversight Board for the San Francisco Redevelopment Agency Successor Committee.

Director Keller reported he had attended a meeting with Taber Construction.

President McPartland reported he had attended the Alameda County Transportation Commission meeting, the Alameda County Emergency Managers Association meeting, the Castro Valley Veterans Memorial groundbreaking, several staff meetings, and a meeting with the mayor of Livermore.

Mr. Duron reported that Director Raburn had asked his report be included in the Minutes. Director Raburn attended the Oakland Planning Commission discussion of Lake Merritt Station Area plan; met with Councilmember Rebecca Kaplan to discuss transit-oriented development in Oakland; the Oakland Community Economic Development Agency discussion of Coliseum City; Urban Land Institute interviews with leaders to discuss Broadway development plans; and an energy efficiency discussion at Oakland's Allen Temple.

President McPartland brought Roll Call for Introductions before the Board.

President McPartland requested a report on an accident noted by public speaker Darrel Carey involving District contractor R&L Brosamer in Oakland.

Director Sweet exited the Meeting.

President McPartland called for General Discussion and Public Comment. The following individuals addressed the Board.

Mr. Robert Allen

Mr. Jerry Grace

Mr. Richard Oba

Board Meeting was adjourned at 1:22 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm Delancey</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: c <i>3/14/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared By: Kenneth A Duron Dept: District Secretary	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> 03/13/12	<i>Andrea Paves</i> 3/13/12	<i>[Signature]</i> []	<i>[Signature]</i> 03/13/12	NA []

TITLE:

CONSOLIDATION OF 2012 DISTRICT ELECTIONS

NARRATIVE:

PURPOSE: To receive Board approval of a resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of the District election of members of the Board of Directors with the State of California general election to be held on November 6, 2012. The election districts are 1, 3, 5, 7, and 9.

DISCUSSION: In order to conform to the California State Elections Code, the District must request the Boards of Supervisors of the Counties of Alameda, Contra Costa and San Francisco to consolidate the San Francisco Bay Area Rapid Transit District election with the State of California general election. The attached resolution has been drafted to accomplish this.

FISCAL IMPACT: Funding in the amount of \$1,000,000 has been allocated in the Fiscal Year 2013 Operating Budget to cover both the District's share of the cost of the election and the cost of printing, handling, translating, and mailing the candidates' statements. Some of the costs for the candidates' statements will be reimbursed to the District. The Fiscal Year 2013 Operating Budget allocation covers both Election Consolidation and Candidates' Statement of Qualifications. Board Resolution No. 4652, adopted by the Board of Directors on March 27, 1997, (attached) establishes rules governing candidates' Statements of Qualifications for District elections.

ALTERNATIVES: None.

RECOMMENDATION: That the Board of Directors adopt the attached resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco, to provide for the consolidation of the District election with the State of California general election, to be held on November 6, 2012.

MOTION: Adoption of the attached Resolution.

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

Resolution of the Board of Directors of the
San Francisco Bay Area Rapid Transit District
requesting the Boards of Supervisors of Alameda
County, Contra Costa County, and the City and
County of San Francisco to provide for the
consolidation of a District election, electing
members of the Board of Directors,
with the State of California general election, to
be held on November 6, 2012. /

Resolution No.

WHEREAS, Section 28746.6 of the Public Utilities Code of the State of California provides:

“A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date.” and

WHEREAS, Section 28746.8 of the Public Utilities Code of the State of California provides:

“Except as otherwise provided in this article, candidates for the Board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law.” and

WHEREAS, Section 28747.2 of the Public Utilities Code of the State of California provides:

“A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected.” and

WHEREAS, Section 28747.4 of the Public Utilities Code of the State of California in part provides:

“The county elections official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county elections official. After the official canvass has been taken, the county elections official shall report the returns, by election district number, to the board.” and

WHEREAS, a State of California General Election will be held on Tuesday, November 6, 2012; and

WHEREAS, the California State Legislature has established nine election districts within the San Francisco Bay Area Rapid Transit District as provided in Section 28745 of the Public Utilities Code of the State of California; and

WHEREAS, pursuant to Section 10522 of the Elections Code and 28750.4 of the Public Utilities Code of the State of California, the District has filed with the county elections official of each affected County a certified copy of Resolution No. 5184 of the Board of Directors of the San Francisco Bay Area Rapid Transit District which provides a map showing the boundaries of the District and the boundaries of the election districts and maps of the election districts prepared in accordance with Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California; and

WHEREAS, the territory in which said election is to be held is, to wit, all of the territory of said Districts Nos. 1, 3, 5, 7, and 9 lying within the County of Alameda, the County of Contra Costa, and the City and County of San Francisco (hereinafter called the "Counties").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.

That the Boards of Supervisors of the Counties are hereby requested to order the consolidation of said district elections with said general election to be held on Tuesday, November 6, 2012, and to further provide that within the territory affected by said order of consolidation, to wit, the Counties, that except as otherwise provided in Article 2.2 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, the election shall be held and conducted and the ballots canvassed in accordance with the provisions of said Uniform District Election Law.

Section 2.

That the Secretary of the District is hereby authorized and directed to certify to the due adoption of this resolution and to file copies hereof, so certified, with the Board of Supervisors and with the county elections official of each of the counties.

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

Resolution of the Board of Directors of
the San Francisco Bay Area Rapid Transit
District Establishing the District Rules
Governing Candidates' Statement of
Qualifications for District Elections /

Resolution No. 4652

WHEREAS, Section 13307 of the Elections Code of the State of California provides, among other things, that candidates for District office may prepare a candidate's Statement of Qualifications of up to 200 words; the Board may authorize an increase in the limitation on words for the statement from 200 to 400 words; the Board may require each candidate filing a statement to pay in advance his or her estimated pro rata share of the total cost of producing and mailing the candidate's statement; and that, before the nomination period opens, the Board shall determine whether a charge shall be levied against that candidate for the candidate's statement, and

WHEREAS, it is the intent of the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt rules governing candidates' Statements of Qualifications for District elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

1. Each candidate for the BART Board of Directors who prepares a candidate's Statement of Qualifications pursuant to California Elections Code Section 13307 shall be required to pay a total election fee of \$750 at the time of filing as part of the cost to the District of printing, handling, translating, and mailing the candidate's statement, including the cost of foreign language translations.

2. The limit on the length of the candidate's Statement of Qualifications shall be 200 words.

BE IT FURTHER RESOLVED that the District Secretary is authorized to adopt procedures consistent with Section 13309 of the Elections Code for relieving indigent candidates from paying the requisite fee; and

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BE IT FURTHER RESOLVED that each candidate filing as a candidate for BART Director must complete the State of California Fair Political Practices Commission's disclosure form entitled: "Statement of Economic Interests" and to file said form with the District Secretary of the San Francisco Bay Area Rapid Transit District; and

BE IT FURTHER RESOLVED that the provisions of this resolution shall govern the 1998 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

Supersedes Resolution No. 4622, adopted June 27, 1996.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: c <i>3/14/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Seung Dept: Anthony Seung <i>AS</i> Signature/Date: <i>3/12/12</i>	General Counsel <i>Andrew Rivas</i> <i>3/12/12</i> []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>Paul Werner</i> <i>3/12/12</i> []

TITLE:

**Award of Contract No. 79HS-110
Oakland Wye & Berkeley Hills
Tunnel Intrusion Detection System**

NARRATIVE:

PURPOSE:

To request Board authorization to award Contract No. 79HS-110 - Oakland Wye & Berkeley Hills Tunnel Intrusion Detection System to Blocka Construction, Inc.

DISCUSSION:

The BART Tunnel Intrusion Detection System Project involves the installation of security systems including video surveillance and access control systems consisting of equipment, devices, mounting assemblies, pull boxes, junction boxes, conduit, wire, and associated interconnection for seven locations within Alameda and Contra Costa County.

Advance Notice to Bidders was mailed on 11/10/11 to 61 firms. The Contract was advertised on 11/08/11. A Pre-Bid Meeting was held on 1/5/12 with 14 potential bidders attending. Four bids were received. Bids were opened publicly on 2/21/12. Tabulation of the bids, including the Engineer's Estimate, is as follows:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid</u>
1. Blocka Construction, Inc.	Fremont, CA	\$1,295,300.00
2. Steiny and Company Inc.	Vallejo, CA	\$1,550,660.00
3. Balfour Beatty Rail, Inc.	West Covina, CA	\$1,591,217.00
4. Cal Electro, Inc.	Redding, CA	\$1,887,000.00
Engineer's Estimate:		\$1,790,000.00

After review by the District Staff, the apparent low bid, submitted by Blocka Construction, Inc. has been deemed to be responsive to the solicitation and the bid price of \$1,295,300.00 has been determined to be fair and reasonable. Examination of this bidder's business experience and financial capabilities has resulted in a determination that this bidder is responsible.

This Contract is funded in part by a grant from the U.S. Department of Homeland Security (DHS), which requires the Bidders to take all necessary affirmative steps to assure that small and minority firms, women's business enterprises, and disadvantaged business concerns are used whenever possible. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals.

FISCAL IMPACT:

Funding of \$1,295,300 for award of Contract No. 79HS-110 is included in the total project budget for the FMS #79HS000 - Intrusion Alarm Detection System. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of March 06, 2012, \$4,478,144.00 is available for this project from the following sources:

<u>F/G 3753 - FY2008 TSGP TIER GRT #20</u>	<u>3,700,000.00</u>
<u>F/G 535F FY08-09 PROP 1B Security</u>	<u>430,000.00</u>
<u>F/G 535T FY07-08 CTSGP PROP 1B(HOMELND)</u>	<u>348,144.00</u>
TOTAL	4,478,144.00

BART has expended \$1,544,545.94, committed \$191,828.75, and reserved \$11,792.00 to date for other actions. This action will commit \$1,295,300 leaving an available fund balance of \$1,434,677.31 in this project.

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

ALTERNATIVES:

The alternative is not to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement at this time the Oakland Wye & Berkeley Hills Tunnel Intrusion Detection Systems identified as 79HS - Tunnel Intrusion Detection System Project.

RECOMMENDATION:

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, Staff recommends that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to award Contract No.79HS-110 - Oakland Wye & Berkeley Hills Tunnel Intrusion Detection System, to Blocka Construction, Inc, for the Bid price of \$1,295,300.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley DeBorja</i>		GENERAL MANAGER ACTION REQ'D: Forward to PPAAL for March 22, 2012 meeting		
DATE: c <i>3/15/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Laura Timothy Dept: Customer Access <i>Laura Timothy</i> Signature/Date: <i>3/14/2012</i>	General Counsel <i>Andrea Reyes</i> <i>3/14/12</i> []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> <i>3-15-12</i> []

TITLE:

Approval of East Bay Paratransit Consortium Service Plan for FY 2013 Alameda County Measure B Claim

NARRATIVE:

PURPOSE

To approve a plan for East Bay Paratransit Consortium (hereinafter "the Plan") service in Alameda County in Fiscal Year 2013 to be submitted to Alameda County Transportation Commission (ACTC) in order to secure funding from Alameda County's Measure B.

DISCUSSION

In 2000, Alameda County residents adopted Measure B, a one-half cent sales tax measure to support transportation and transit projects from 2002 through 2022. Measure B is managed by ACTC, which was formed in 2010 by the merger of two existing Alameda County agencies: The Alameda County Congestion Management Agency and the Transportation Improvement Authority. Measure B specifies that 1.49% of the annual net revenues are to be allocated to BART's provision of paratransit "services mandated by the Americans with Disabilities Act (ADA)" in Alameda County.

As part of its process for Measure B claimants, ACTC requires that BART submit a plan for the use of the funds. AC Transit, as a partner with BART in providing East Bay Paratransit Consortium services, is also allocated a share of paratransit funds through Measure B, and will be submitting an identical plan. The Plan emphasizes the federal requirements for ADA mandated service and specifies the ways in which East Bay Paratransit fulfills these requirements. The Plan was discussed with the Service Review Advisory Committee, which is the rider advisory committee to the East Bay Paratransit Consortium, on March 9, 2012. There were no requests for changes in the Plan. The Service Review Committee of the East Bay Paratransit Consortium, consisting of representatives of the General Managers of BART and AC Transit (or their designees), subsequently approved the Plan for submittal to the BART and AC Transit Boards.

FISCAL IMPACT

Following submittal of the Plan and Board resolution, the District will receive 1.49% of the net revenues of Measure B, currently projected by ACTC to be \$1,551,016 in FY 2013. These funds, which are for the provision of paratransit in Alameda County, will be reflected in the General Fund as financial assistance revenue and will offset approximately 13.6% of the District's paratransit program costs for East Bay Paratransit.

ALTERNATIVES

Do not submit the plan and forgo the Measure B funds which will result in the District's need to contribute additional General Funds to meet mandated ADA paratransit service obligations.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

That the Board of Directors adopt the attached Resolution approving the East Bay Paratransit Consortium Service Plan for FY 2013 to be submitted to Alameda County Transportation Commission as part of the process to claim Measure B funding for paratransit services in Alameda County that are mandated by the Americans with Disabilities Act.

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

In the Matter of Approving the
East Bay Paratransit Consortium Service Plan
For FY 2013 for
Submittal to Alameda County Transportation
Commission

Resolution No. _____

WHEREAS, the Reauthorization of Measure B, approved by the voters of Alameda County in November 2000, authorized the extension of a half-cent sales tax for the purpose of funding transportation projects, and

WHEREAS, the Alameda County Transportation Commission (ACTC) administers the sales tax proceeds from the Reauthorization, and

WHEREAS, ACTC has established a specific process for disbursement of funds for "Special Transportation Services for Seniors and People with Disabilities", including those funds specified in Measure B as intended for paratransit services that are mandated by the Americans with Disabilities Act (ADA), and

WHEREAS, the Measure B expenditure plan provided that 1.49% of the net revenues of the half-cent sales tax be allocated to BART for provision of services that are mandated by the ADA in north and central Alameda County, and

WHEREAS, the process established by ACTC requires the approval of an annual plan for the use of Measure B funds for the provision of paratransit services that are mandated by the ADA,

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby approves the East Bay Paratransit Consortium Service Plan for FY 2013, as described in the attached Annual Program Submittal for Measure B Funding or in substantially the same form, for submittal to ACTC.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBevoise</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: <i>3/16/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maceo Wiggins Dept: <i>Ruby Smith</i> Signature/Date: <i>3/16/12</i>	General Counsel <i>Andrew Rawns</i> <i>3/16/12</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>Carol Munn</i> <i>3-16-12</i> []
Status: Routed		Date Created: 03/01/2012		

TITLE:

Approve the San Francisco Bay Area Rapid Transit District's Disadvantaged Business Enterprise Program

NARRATIVE:

Purpose: To authorize changes made to the San Francisco Bay Area Rapid Transit District's Core Disadvantaged Business Enterprise Program.

Discussion: 49 Code of Federal Regulations Part 26 ("49 CFR Part 26") governs the implementation of Disadvantaged Business Enterprise ("DBE") programs by recipients of federal funding and establishes which recipients of federal funding are required to have a Disadvantaged Business Enterprise Program ("DBE Program"), what the requirements of their DBE Program must be and the rules governing implementation of DBE Programs.

The District's DBE Program is comprised of two parts: a) the first sections (the "Core DBE Program") and b) appendices that set out procedures to implement the Core DBE Program (the "Appendices"). Together the Core Program and the Appendices comprise the DBE Program.

Pursuant to the District's DBE Program, any changes to the District's Core DBE Program require approval by the Board of Directors. (The revised Core DBE Program is attached.) Consistent with the District's practice, revised Appendices will be adopted by the Office of Civil Rights following Board approval of the Core Program.

The Changes to the Core DBE Program reflect changes made in 49 CFR Part 26 to:

- * Incorporate the Small Business Elements recently approved by the Board.
- * Adjust the personal net worth cap established for DBE firms from \$750,000 to \$1.32 million.
- * Clarify the rules governing termination of DBE firms from federally funded contracts.
- * Revise procedures for interstate certification.
- * Adoption of a new annual goal accountability mechanism.
- * Address additional requirements of 49 CFR Part 26.

The Office of the General Counsel has approved as to form the revised Core DBE Program.

Fiscal Impact: None.

Alternative: The alternative is to not approve the changes to the District's Core DBE Program. This action would result in the District being found to be not implementing its DBE Program in good faith, and hence to be in non-compliance with its obligations under 49 CFR Part 26 and related federal requirements. As a result, the District could be subject to a number of actions by the Department of Transportation, including the denial of federal funding and other remedies identified in 49 CFR Part 26,

for failing to properly implement its DBE Program.

Recommendation: Approval of the following motion.

Motion: That the Board of Directors approve the attached Core Disadvantaged Business Enterprise Program for the San Francisco Bay Area Rapid Transit District.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deKorfer</i>		GENERAL MANAGER ACTION REQ'D: Forward to Admin Committee		
DATE: <i>3/16/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Julie A Yim Dept: Customer Services Department	General Counsel <i>Andrew Ransom</i> <i>3/16/12</i>	Controller/Treasurer <i>Jeff Angell</i> <i>3/16/12</i>	District Secretary	BARC <i>Carol Mann</i> <i>3-16-12</i>
Signature/Date: <i>[Signature]</i> <i>3/16/12</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Status: Routed		Date Created: 03/05/2012		

TITLE:
Authority to Execute Final 5 Year Contract Option with CDSNet, Inc for Operation of Booths for the Sale of Transit Tickets

NARRATIVE:

Purpose: To authorize the General Manager to execute a Change Order to exercise the final option to extend Agreement No. 6G4435, Operation of Booths for the Sale of Transit Tickets (the "Agreement") for five years, to add services, and to change the method of remuneration in the Agreement.

Discussion:

CDS Net, LLC (CDSNet), has provided discounted (High Value Discount, Youth/Disabled red and Senior green) ticket sales in BART stations since 1997, when the services were provided as a two-year demonstration project. In 1999, the company was selected through a competitive RFP process to provide the services. The initial Agreement period was two years with a one-year extension. A Change Order was issued in 2002 to extend the contract by five years to 2007. The Change Order also included two additional five-year options that could be executed by the District in its sole discretion. In 2007, the Board approved the execution of a Change Order to exercise the first of the options. CDSNet currently operates at seven BART stations: Embarcadero, Montgomery, Powell, Civic Center, Bay Fair, Coliseum, Richmond, and Walnut Creek.

In addition to providing ticket sales in BART stations, CDSNet has also provided ticket exchange services since 2000 and sold tickets over the internet between 2000 and 2010. Clipper e-cash sales are also handled by CDSNet at the seven stations. Sales grew from \$3 million dollars per year in 1997 to \$22 million dollars in 2010. In 2011, sales dropped to about \$20 million, reflecting the shift from paper tickets to Clipper.

Nearly 50% of BART customers currently use Clipper cards. However, fewer discounted fare customers (senior, youth, disabled, and HVD) have migrated to Clipper because the fare media transition reduced the number of locations (from 400 vendors to under 10 vendors) where seniors, youth, and disabled BART customers could acquire the same discounts on a Clipper card. The reduced network made applications for discount fares less convenient and accessible for these customers. Thus, while sales and exchanges of regular fare paper tickets continue to drop, in-station sales outlets

have become a backstop to ensure that seniors, youth, and disabled customers, who have not transitioned to Clipper, will have some source for obtaining their discounted fares. BART and MTC staff are currently studying how to more effectively transition discounted fare customers to Clipper so that these paper ticket outlets will no longer be necessary. In the interim, preserving these outlets is important to ensuring some availability of BART discount fares to customers with limited mobility or resources.

Staff recommends extending the existing Agreement by exercising the last option, rather than advertising an RFP for a new contractor, because the period of time that paper ticket sales outlets will be necessary, as well as the number and location of such outlets, is currently being negotiated between MTC and BART pursuant to MTC Resolution 3866.

Over time, as additional customers migrate to Clipper, the cost of providing ticket sales and exchange services will exceed the commissions provided for in the Agreement. Staff believes that adding Clipper-related services to the Agreement would generate additional fees for CDSNet. Changes to operating hours and the number of locations could also be considered after appropriate analysis and an adequate public input process are completed per federal and state regulations.

The terms of the Agreement include a right by either party to terminate with 30 days notice. Thus, in order to maintain a minimal service level that is financially viable for CDSNet, staff proposes to amend the Agreement to include a minimum guarantee of income after taking into consideration operating expenses and a negotiated profit margin. This will require a change in the remuneration for services rendered from commissions and fees only to a minimum guaranteed monthly payment to the contractor to reimburse it for pre-approved expenses plus a profit margin. When commissions and fees earned exceed the minimum guaranteed amount, BART will not pay the contractor any additional money. However, if the commissions and fees earned do not meet the minimum threshold, BART will augment the contractor's revenue up to the minimum guaranteed amount.

The Change Order shall be subject to approval as to form by the Office of the General Counsel.

Fiscal Impact:

Currently, the Agreement provides for CDSNet to receive a 3% sales commission for all tickets sold, a \$.75 fee for every exchange transaction processed, and 2% commission on all Clipper e-cash sales. In the event that the ticket sales commissions and exchange revenue generated is lower than the CDSNet's expenses and a negotiated profit margin, the District would pay up to \$70,000 per year to cover such losses. The \$70,000 minimum guarantee amount was estimated by External Affairs. The percent of the profit margin is still being negotiated with the contractor. Internal Audit reviewed CDSNet's operating expenses and profit margin, and staff determined that \$70,000 was an appropriate minimum guarantee amount, given assumptions about expenses and

the volume of ticket transactions.

The not-to-exceed amount for funding the minimum guarantee for the five-year option period is \$350,000. Funding will be provided from External Affairs.

Alternatives:

Extend the Agreement, but in lieu of a guaranteed minimum payment, adjust the commission and fee rate upward to make the business more viable for the contractor.

Do not extend the Agreement and seek a new vendor through a competitive process. However, the Agreement would expire before a new vendor could be obtained.

End ticket sales and exchanges in the stations immediately, or close any location that is not generating sufficient commission income to cover operating costs plus a negotiated profit margin. Neither of these options may be taken without appropriate analysis and an adequate public input process, per MTC Resolution 3866 and federal and state Title VI-related regulations.

Recommendation: That the Board adopt the following motion.

Motion: That the General Manager be authorized to execute a Change Order to exercise the final five-year option on Agreement No.6G4435, Operation of Booths for the Sale of Transit Tickets, to modify the scope of services subject to the conditions described herein, and to modify the terms of remuneration, including the addition of a minimum guarantee. The cost of funding the minimum guarantee will not exceed \$70,000 per year for a total not-to-exceed amount of \$350,000 for the five-year option period.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLeon</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>3-15-12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept: RS&S	General Counsel <i>Douglass</i> <i>3/14/12</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BART <i>Taul</i> <i>Crewer</i> <i>3/14/12</i>
Signature/Date: <i>[Signature]</i> <i>3-14-12</i>	[]	[]	[]	[]

TITLE: Award of Contract No. 49GG-210, Procurement of New VATC Printed Circuit Boards and Modules

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 49GG-210, for the Procurement of New VATC Printed Circuit Boards and Modules to LeeMah Electronics, Inc.

DISCUSSION:

The Vehicle Automatic Train Control (VATC) system controls the automatic operation of BART trains. The system includes equipment located on each control cab railcar as well as related wayside equipment. This Contract is to replace the printed circuit boards and related hardware for all railcar-mounted VATC equipment.

The VATC system is responsible for Speed Determination and Control, Auto Mode Operation, Platform Program Stop, Train Identification, Train Door Control and Train Operator's Console Communications. The District's station-housed train control equipment selects pre-computed speed codes to be transmitted back to the trains using the same hardware associated with the track circuits used for train detection. The railcar-mounted VATC equipment decodes the transmitted speed codes and issues propulsion and brake control signals to control train speed. The Printed Circuit Boards (PCB's) and Modules perform most information processing operations of the VATC system.

The existing railcar-mounted VATC equipment has been in operation for more than 25 years. These units are highly reliable. However, components fail and require replacement. Throughout the equipment's life span, spare printed circuit boards have been used to replace failed printed circuit boards because many of the original components can no longer be repaired or replaced due to their obsolescence. The wayside VATC equipment is currently being replaced through award of a separate contract.

This contract will provide for the procurement of two hundred eighty-seven (287) Carsets of printed circuit boards and modules for the railcar-mounted VATC equipment, with modern electronic components that will provide operational reliability and ease of installation and maintenance.

This is an estimated-quantity Contract. Pursuant to the terms of the Contract, the District is

required to purchase from the supplier a minimum amount of fifty percent (50%) of the Contract Bid price. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to one hundred fifty percent (150%) of the Contract Bid price, subject to availability of funding.

The procurement was advertised on January 6, 2012. An Advance Notice to Bidders was sent to sixteen prospective bidders on January 6, 2012. A Pre-Bid Meeting was held on January 25, 2012 and was attended by four potential bidders. No addenda were issued for this solicitation.

Two bids were received and publicly opened on February 7, 2012.

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

<u>Bidder</u>	<u>Bid Price (Including 8.75% sales tax)</u>
LeeMah Electronics, Inc., San Francisco, CA	\$3,824,271.62
PSI Repair Services, Inc, Livonia, MI.	\$9,323,445.02

Engineer's Estimate: \$5,448,375.00

The apparent low bidder, LeeMah Electronics, Inc. was determined to have submitted a responsive Bid. Examination of LeeMah Electronics, Inc. business experience and financial capabilities resulted in a determination that the Bidder is responsible. In addition, staff has determined that the Bid price submitted by LeeMah Electronics, Inc. is fair and reasonable.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for procurement contracts. Therefore, no DBE participation goal was set for this contract.

FISCAL IMPACT:

Funding of \$3,824,271.62 for the procurement VATC Printed Circuit Boards and Modules will come from project budget 49GE001 VATC Boards. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 03/8/12, \$8,000,000 is available for this project from the following sources:

<u>F/G 6014 – ALLOC #09387205</u>	<u>\$346,717</u>
<u>F/G 353K FTA 5309 CA-05-0236</u>	<u>\$1,674,436.80</u>
<u>F/G 8523 Surch-STATN 2 ST</u>	<u>\$47,272.20</u>
<u>F/G 353G FTA 5309 CA-05-0224</u>	<u>\$1,931,574</u>
<u>F/G 6301 CAP IMP FG Mod</u>	<u>\$800,000</u>
<u>F/G 3001 – PRJ Match MTC Res #4013</u>	<u>\$3,200,000</u>
<u>Total</u>	<u>\$8,000,000</u>

BART has expended \$0, encumbered \$1,506,765, and pre-encumbered \$142,314 to date. This action will encumber \$3,824,271.62 leaving an available fund balance of \$2,526,649.38.

There is no fiscal impact on available unprogrammed District Reserves.

Any additional orders of VATC Printed Circuit Boards and Modules, over and above the amount of \$3,824,271.62, will only be placed with LeeMah Electronics, Inc. upon certification by the Controller-Treasurer that funds are available and by Capital Development and Control of the eligibility of identified funding sources.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative to awarding the Contract would be to reject all Bids and readvertise the Contract, which staff believes is not likely to lead to a better price or more competition.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 49GG-210, an estimated quantity contract for the Procurement of New VATC Printed Circuit Boards and Modules, to LeeMah Electronics, Inc., for the Bid price of \$3,824,271.62, including applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures. Subject to the availability of funds, the General Manager is also authorized to increase the value of the Contract to 150% of the award amount.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors
DATE: March 16, 2012

FROM: General Manager

SUBJECT: E&O Item #4.B: Oakland Airport Connector Quarterly Project Update – For Information

The attached presentation for the March 22, 2012 Board meeting provides the quarterly update for the Oakland Airport Connector project. If you have any questions about this presentation, please contact Chris Quinn at (510) 464-7539 or Tom Dunscombe at (510) 394-6173.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** March 16, 2012
FROM: General Manager
SUBJECT: E&O Item #4.C: NOBLE Report Management Audit Response Matrix Update –
For Information

At the March 22, 2012 Board of Directors meeting, Chief Kenton Rainey will present the attached update on a number of the recommendations contained in the NOBLE Management Audit Report. The NOBLE Audit Report that was completed in April 2010 is broken into 16 chapters that cover 25 key areas of concern and includes 140 major recommendations. NOBLE recommended that the BART Police Department (BPD) develop its own implementation plan and work to accomplish that plan within 3 years.

BPD has accepted and/or been working towards implementing 131 of the 140 major recommendations. Of the 131 recommendations that were accepted, 82 are complete (some have ongoing actions). The NOBLE Management Audit Response Matrix (BART's implementation plan) can be found on the BART website (www.bart.gov).

Although substantial progress has been made on the NOBLE recommendations, there is still much more work that needs to be done on re-building BPD accountability and management systems from the ground up. The update on March 22 will cover a number of key initiatives of interest to the BART Board of Directors and the public, as they relate to improving BPD management and accountability systems.

Please feel free to contact Chief Rainey if you have questions.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff