

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

*** * * REVISED * * ***

BOARD MEETING AGENDA

March 27, 2014

5:00 p.m.

A regular meeting of the Board of Directors will be held at **5:00 p.m.** on Thursday, March 27, 2014. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344 – 20 th Street Oakland, CA 94612	Fairmont Hotel 2401 M Street NW Washington, DC 20037
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Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email 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 13, 2014.* Board requested to authorize.
- B. Award of Contract No. 15LN-210, Controller and Power Saver O & K Escalators.* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Non-CalPERS (California Public Employees Retirement System) Medical Plan Structure and Rates for Calendar Years 2014 through 2017.* Board requested to authorize.

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 15IF-120, Powell Street Station Water Intrusion Repair.* Board requested to authorize.

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

Director Raburn, Chairperson

- A. Station Retail Design Guidelines and Application to TransMart's Phase 1 Stations.* For information.

6. GENERAL MANAGER'S REPORT

7. INDEPENDENT POLICE AUDITOR'S REPORT

8. BOARD MATTERS

- A. Labor Negotiations Review Ad Hoc Committee.
 - i. Report of the Ad Hoc Committee. For information.
 - ii. Agreement for Consulting Services for Assistance in Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees. Board requested to authorize.

B. **Board Member Reports.**

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)

C. **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.)

D. **In Memorium.**

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

9. **PUBLIC COMMENT**

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

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

Board of Directors
Minutes of the 1,703rd Meeting
March 13, 2014

A regular meeting of the Board of Directors was held March 13, 2014, convening at 9:07 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of February 20, 2014 (Special), and February 27, 2014 (Regular).
2. Consolidation of 2014 District Elections.

Director McPartland made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 1: Director Radulovich.

1. That the Minutes of the Meetings of February 20, 2014 (Special), and February 27, 2014 (Regular), be approved.
2. Adoption of Resolution No. 5257, 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 4, 2014.

President Keller announced that the Board would enter into closed session in the adjacent conference room under Item 3-A (Conference with Legal Counsel) of the Regular Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 9:08 a.m.

The Board reconvened in closed session at 9:09 a.m.

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

Absent: None.

The Board Meeting recessed at 9:36 a.m.

The Board reconvened in open session at 9:38 a.m.

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

Absent: None.

President Keller announced that the Board had met in closed session and there were no announcements to be made.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Non-Discrimination in Subcontracting Program Enhancements before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item. The item was discussed. Director Raburn moved approval of the attached updated Non-Discrimination Program for Subcontracting on Non-Federally Funded Contracts, dated March 2014. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. (The updated Program is attached and hereby made a part of these Minutes.)

Director Saltzman brought the matter of Agreement with ELERTS Corporation for ELERTS Transit Software Enterprise License Agreement before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. The item was discussed. Director Murray moved that the General Manager be authorized to execute an Enterprise License Agreement with ELERTS Corporation for ELERTS software and support services in an amount of \$265,000.00, plus applicable taxes. Director Raburn seconded the motion. Discussion continued. The motion carried by electronic vote. Ayes - 8: Directors Blalock, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Abstain – 1: Director Fang.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Asset Management Policy before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. John McCormick, Manager of Strategic Maintenance Program, presented the item. Director Raburn moved approval of the attached Asset Management Policy. Discussion continued. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. (The Policy is attached and hereby made a part of these Minutes.)

Director McPartland brought the matter of BART to Oakland International Airport (Oakland Airport Connector Project): Quarterly Update before the Board. Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item. The item was discussed.

President Keller called for the General Manager's report. Ms. Grace Crunican, General Manager, reported on steps she had taken and activities and meetings she had participated in.

President Keller brought the matter of Report of the Wayside Safety Ad Hoc Committee before the Board. Director Blalock, Chairperson of the committee, gave a brief report on the meeting of March 6, 2014.

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

Director McPartland reported he had attended the Wayside Safety Ad Hoc Committee meeting, a South Hayward BART Station Access Authority meeting, and the American Public Transportation Association (APTA) Legislative Conference.

Director Murray reported she had attended the APTA Legislative Conference and an event after the train derailment of February 21, 2014.

Director Blalock reported he had attended the South Hayward BART Station Access Authority meeting.

Director Saltzman reported she had attended the South Hayward BART Station Access Authority meeting and that she had visited Los Angeles Metro at her own expense.

Director Raburn reported he had attended the APTA Legislative Conference.

Director Raburn requested the District consider implementing an amendment to the no smoking policy in stations and on trains to include e-cigarettes.

Director Mallett reported he had shadowed workers at the Richmond shops.

President Keller called for In Memorium requests. No requests were received.

President Keller called for Public Comment. No comments were received.

President Keller announced that the Board would enter into closed session in the adjacent conference room under Item 10-A (Conference with Labor Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 10:56 a.m.

The Board reconvened in closed session at 11:10 a.m.

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

Absent: Director Fang.

The Board Meeting recessed at 12:00 p.m.

The Board reconvened in open session at 12:01 p.m.

Directors present: Directors Blalock, Mallett, Raburn, Radulovich, Saltzman, and Keller.

Absent: Directors Fang, McPartland, and Murray.

President Keller announced that the Board had met in closed session and there were no announcements to be made.

The Board Meeting was adjourned at 12:02 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Ulrica deVoe</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 3/21/14		BOARD INITIATED ITEM: No	
Originator/Prepared by: Khawaja Zubair Dept: M&E <i>Khawaja Zubair</i> Signature/Date: 3/19/14	General Counsel <i>Audrey Reyes</i> 3/19/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>
Status: Routed		Date Created: 02/11/2014	

AWARD OF CONTRACT NO. 15LN-210, PURCHASE OF CONTROLLERS AND POWER SAVERS FOR O&K ESCALATORS

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15LN-210 for Purchase of Controller and Power Savers for O&K Escalators to 3-P Motor Controls, LLC of Tempe, Arizona.

DISCUSSION:

This Contract is to manufacture, test and deliver 19 Escalator Controllers, and design, manufacture, test and deliver 21 Power Savers for the Escalators. At present there are 19 O&K escalators in downtown San Francisco stations. These escalators frequently require servicing. According to reliability data more than 60% of all escalator servicing is on the O&K escalators. The majority of the O&K failures are caused by the Controller. The Controller will improve the reliability of O&K escalators. In addition inclusion of the Escalator Power Saver will provide a 20% power consumption reduction for the escalator motors over the existing system when the escalator is lightly loaded. The new Controller and Power Savers are compatible with non-O&K escalators, and can be utilized as a replacement controller if needed.

The District provided advance notice to nine (9) prospective Bidders, and plans were sent to twenty four (24) Plan Rooms. The Contract was advertised on October 29, 2013. A pre-bid meeting was held on November 14, 2013 with two (2) prospective Bidders in attendance, however, five (5) firms/plan holders purchased Bid Documents. Two addendums were issued for this contract. Bids were opened on January 28, 2014. A total of three (3) Bids were received as follows:

BIDDER	BID PRICE
3P Motor Controls, LLC, Tempe, AZ	\$ 433,486.00
Quantum Automation, Anaheim, CA	\$539,000.00
R.K. Electric, Benicia, CA	\$858,407.00
Engineer's Estimate	\$431,000

The apparent low bid, submitted by 3P Motor Controls has been determined to be responsive to the solicitation requirements. Upon review of the Bidder's business and financial capabilities, staff has determined that the Bidder is responsible and that its bid of \$433,486.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages set for this contract are 10% for MBEs and 12% for WBEs. The bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses (SB) certified by the California Department of General Services (DGS). It was determined that there were no DGS SB certified firms among the responsive bidders and therefore the Small Business Program will not alter the award to 3P Motor Controls, LLC.

FISCAL IMPACT:

Funding of \$433,486 for the award of Contract No. 15LN-210 is included in the total project budget for FMS #15LN000 – Escalators Reliability Improvements. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of February 12, 2014, \$6,211,942 is available for this project from the following source:

Fund Number	Fund Description	Fund Source	Funded Amount
8202	SLS TX REVN BOND FND	BART	118,499
8205	1995 SALES TAX REV BOND	BART	26,284
8206	1998 SALES TAX REV BOND	BART	338,027
8207	1999 SALES TAX REV BOND	BART	64,924
8302	99 BOND INTEREST(06I)	BART	1,425,867
850B	FY84/85 CAPTL(BUDGET)	BART	2,303
850W	FY00-06 Capital Alloc	BART	36,038
8524	FY12 Operating Alloc to Cap	BART	4,200,000
Total			6,211,942

BART has expended \$1,492,722 committed \$1,502 and reserved \$3,091 to date for other actions. This action will commit \$433,486 leaving an available fund balance of

\$4,281,141 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is not to purchase the Controllers and Power Savers for O&K Escalators at this time. This will result in continued poor reliability of the O&K Escalators.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15LN-210, Controllers and Power Savers for O&K Escalators, to 3P Motor Controls, LLC, for the Bid price of \$433,486.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>3/20/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources <i>[Signature]</i> Signature/Date: <i>3/20/14</i>	General Counsel <i>[Signature]</i> <i>3/20/14</i>	Controller/Insurance <i>[Signature]</i> <i>3/20/14</i>	District Secretary	BARC <i>[Signature]</i> <i>3/20/14</i>

TITLE:

Non-CalPERS Medical Plan Structure and Rates for CY 2014-2017

NARRATIVE:

PURPOSE

To obtain Board approval of a resolution approving changes to contribution schedules for non-CalPERS medical plans that are available to active members of the Board of Directors, eligible former members of the Board, and eligible survivors of BART employees and Board members.

DISCUSSION:

At the end of 2010, the Board approved a plan design change to more closely align the non-CalPERS medical plans with similar CalPERS medical plans. The District's Self Insured Indemnity Plan under United Health Care ("UHC", replaced Principal Financial Group) was aligned to Bay Area CalPERS PERS Choice Preferred Provider Plan ("PPO"). The District's Fully Insured Health Maintenance Organization ("HMO") Plan under Kaiser was aligned to the Bay Area CalPERS Kaiser HMO. While the District medical plans are similar to CalPERS, they are not identical. For example, UHC has an unrestricted panel of doctors, while PERS Choice has a designated network of doctors. The District does attempt to keep these plans as close in plan design as possible. As UHC is self-funded, the District must establish the rate for this plan and pays for actual expenses. As the UHC plan is close in plan design to the Bay Area CalPERS PERS Choice plan, this rate is used to set the UHC rates. Since the District's Kaiser Plan is fully insured, we negotiate a specific rate for the non-CalPERS Kaiser Plan and this is used instead of Bay Area CalPERS Kaiser HMO rates.

These non-CalPERS plans are available to individuals who, when the District initially contracted with CalPERS for employee medical, were ineligible for CalPERS coverage; specifically, these were survivors of employees who died before retirement, domestic partners, and active Board members and former Board members who are eligible for District provided benefits under State law and District policy.

The number of individuals currently in the non-PERS plans has decreased over the years. A total of 35 individuals participate in these plans. Twenty-eight (28) of them are in UHC, and seven are in Kaiser. All seven of the participants in the Kaiser plan are either current or former Directors, 14 of the UHC participants are domestic partners of current or former BART employees, seven of the UHC participants are active or retired Directors, and the remaining seven are eligible survivors.

The non-CalPERS plans have given rise to a number of concerns related to size, sustainability

and application of the District's contribution formula. In addition, State law imposes restrictions on health benefits that may be provided by the District to the current and most former members of its governing board. For those directors and former directors who first serve after January 1, 1989, such benefits may not exceed benefits provided to full-time current or retired employees and the terms, conditions, or contributions applicable to any plan provided to employees must also apply to any plan provided for members of the governing board. (Public Utilities Code Section 99157.) State law also requires that in order for former directors to be provided paid health benefit continuation, they must have first served prior to January 1, 1995 and have a minimum of 12 years of service at termination. (Gov. Code Section 53201.) State law permits the District to provide former directors who first served after January 1, 1989 and before January 1, 1995 and who have served less than 12 years at termination and former directors who first served on or after January 1, 1995 with District benefits only if they have served one or more terms and they agree to and do pay the full costs of the health benefits. (Gov. Code Section 53201.) Board Resolution 4981, "In the Matter of Health and Welfare Benefits for Directors", adopted by the Board on April 13, 2006, incorporates the state law restrictions and provides for a tiered benefit structure for former directors, depending upon when they first served on the Board and how long they served. These provisions mean, among other things, that the District must compare the benefits and other costs, terms and conditions of its medical plans for members of the governing board to those provided to employees. Staff will be initiating a study and exploring options, including CalPERS, Covered California, and other medical plan options.

Until there is a change to these Plans, staff proposes to apply the same contribution rates as approved for non-represented employees and annuitants. The maximum that the District will contribute for current and former eligible Directors and eligible survivors on non-CalPERS plans for their medical premiums will be based on the more costly of the CalPERS Bay Area Blue Shield Access+ HMO basic plan or the District's Kaiser HMO basic plan for the applicable level of plan participation for the employee (as previously negotiated for collective bargaining groups in 2009), less employee/annuitant new monthly contributions of \$132.01 in calendar year 2014, \$134.86 in calendar year 2015, \$137.79 in calendar year 2016, and \$140.82 in calendar year 2017. Should the non-CalPERS plans exceed the cap, the participants would be responsible for the additional premium cost. This will be effective March 2014. All future changes will be effective in January of the respective year.

FISCAL IMPACT:

The increase for fiscal year 2014 will be \$2,072 and \$20,720 over the four years.

RECOMMENDATION:

Approve the attached resolution. The Office of the General Counsel will approve any agreements or modifications to agreements with plan providers as to form.

MOTION:

To adopt the attached resolution "In the Matter of Non-CalPERS Medical Plan Structure and Rates for CY 2014-2017."

**Directors, Former Directors and Their Survivors
Eligibility and Premium Contributions for Health Benefits—2014**

Length of Service on Board	Category	Date First Served on Board		
		1/01/81-01/01/89	1/02/89-12/31/94	1/1/95 or Later
12 Years (3 Full Terms)	Active Director	None in Category	Employee Rate* plus \$15/mo. Survivor Contribution if enrolled	Employee Rate*
	Survivor of Active Director	None in Category	\$15/mo. Survivor Contribution if enrolled	Fully Self Paid
	Former Director	\$0.0/mo. Health Benefit Contribution plus \$15 Survivor Benefit if enrolled.	Employee Rate * plus \$15/mo. Survivor Benefit Contribution if enrolled	Fully Self Paid
	Survivor of Former Director	\$15/mo. Survivor Contribution if enrolled.	\$15/mo. Survivor Contribution if enrolled	Fully Self Paid
At Least 1 Full Term But Less Than 12 Years	Active Director	None in Category	Employee Rate* plus \$15/mo. Survivor Benefit Contribution if enrolled	Employee Rate*
	Survivor of Active Director	None in Category	\$15/mo. Survivor Contribution if enrolled	Fully Self Paid
	Former Director	Not Eligible	Fully Self-Paid	Fully Self Paid
	Survivor of Former Director	Not Eligible	Fully Self-Paid	Fully Self Paid
Less Than 1 Term	Active Director	None in Category	Employee Rate* plus \$15/mo. Survivor Benefit Contribution if enrolled	Employee Rate
	Survivor of Active Director	None in Category	\$15/mo. Survivor Benefit if enrolled	Not Eligible
	Former Director	Not Eligible	Not Eligible	Not Eligible
	Survivor of Former Director	Not Eligible	Not Eligible	Not Eligible

Note: The Employee Premium Contribution Rates for 2014 are attached.

Kaiser Permanente HMO	Single	2-Party	Family
Total Monthly Premium	\$ 1,085.04	\$ 2,170.09	\$ 3,070.67
District's Cost	\$ 953.03	\$ 2,038.08	\$ 2,938.66
Director's Cost	\$ 132.01	\$ 132.01	\$ 132.01

United Health Care	Single	2-Party	Family
Total Monthly Premium	\$ 690.77	\$ 1,381.54	\$ 1,796.00
District's Cost	\$ 558.76	\$ 1,249.53	\$ 1,663.99
Director's Cost	\$ 132.01	\$ 132.01	\$ 132.01

Note: The Employee Premium Contribution Rates for 2014 are attached.

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

In the Matter of the

Resolution No.

Non-CalPERS Medical Plan

Plan Structure and Rates

For Calendar Years 2014-2017

WHEREAS, Board Resolution 4981, adopted April 13, 2006 sets forth at length the applicable law and history of District provided medical benefits for active members and former members of the Board and their eligible survivors and further sets forth required premium contributions by active members and former members, with the latter dependent on when the former Director first served and his/her length of service;

WHEREAS, by Resolution 4981, adopted by the Board on April 13, 2006, the Board confirmed its policy and practice with respect to the participation and contributions of active and former members of the Board in District provided health plans, with the premium contribution structure for all active directors and eligible former directors as identified there indexed to the lowest premium contribution among the employee groups;

WHEREAS, the parties in 2009 collective bargaining agreed that the District's contribution for health insurance premiums for employees and retirees would be capped at an amount up to the applicable level of plan participation (single, two-party, family) and the same Medicare status as elected by the eligible employee or retiree for the most costly HMO Plan offered to the employee by CalPERS, less the indexed employee contribution (\$86.95 for calendar year 2011);

WHEREAS, after contracting with CalPERS for medical benefits for employees under the Public Employees Medical and Hospital Care Act (PEMHCA), the District has maintained two health plans outside of CalPERS for those individuals who are eligible for District provided coverage under collective bargaining agreements or District policy, but are not eligible under the District's contract with CalPERS, including members of the Board of Directors (Board), domestic partners and some survivors of employees, retirees and former Board members;

WHEREAS, by Resolution 5116, adopted on November 19, 2009, the Board approved a premium structure for the non-CalPERS' plans with a cap similar to the negotiated structure for the CalPERS' plans that capped the District contribution for active members and those former

members who are eligible for benefits on the same terms as employees at an amount up to the applicable level of plan participation (single, two-party, family) for the non-CalPERS HMO, less the indexed employee contribution;

WHEREAS, by Resolution 5151, adopted by the Board on December 2, 2010, the Board authorized amendments to the District's agreements for the non-CalPERS Plans with Principal Financial Group and Kaiser to align their benefit and premium structure more closely with the benefits and premium structure then provided under the CalPERS PERS Choice Plan and the Kaiser HMO Plan and authorized a new rate structure effective in Calendar year 2011 applicable to active directors and those former directors who are eligible for District provided benefits at the capped contribution rate;

WHEREAS, effective January 1, 2012, the District replaced Principal Financial Group as its non-CalPERS self-funded plan administrator with United Health Care (UHC);

WHEREAS, as more fully set forth in Resolution No. 4981, State law imposes restrictions on health benefits that may be provided by the District to the current and most former members of its governing board. For those directors who first serve after January 1, 1989, such benefits may not exceed benefits provided to full-time current or retired employees and the terms, conditions, or contributions applicable to any plan provided to employees must also apply to any plan provided for members of the governing board;

WHEREAS, the Board has adopted an employer's monthly contribution structure for the non-represented employees for calendar year 2014-2017 and intends to apply this same structure to current and eligible former Board members and survivors who have non-CalPERS medical plans and who are eligible for District provided benefits under the capped contribution structure;

WHEREAS, the self-funded UHC plan design aligns most closely with the CalPERS' PERS Choice Bay Area plan; and with the premium rates for the self-funded UHC plans premium rates as those for PERS Choice Bay Area and the premium rates for the insured Kaiser plan as established through negotiations between the District and Kaiser; and

NOW, THEREFORE BE IT RESOLVED that, (a) the established total premium for determining the applicable employer contribution for the self-funded UHC plan for 2014-2017 will be set at the same level as the CalPERS PERS Choice Bay Area Plan as it has been established for 2014 and as it may change thereafter and the total premium for the insured non CalPERS Kaiser Plan used for determining the applicable employer contribution for 2014-2017 shall be established by the rates negotiated between Kaiser and the District for that period;

BE IT FURTHER RESOLVED that, the rate structure and premium contribution for Directors and for former Directors and survivors who are eligible for District provided health benefits under a non-CalPERS plan at the capped employer contribution structure shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of the higher of the Non-CalPERS Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$132.01 employee/annuitant share each month for the year 2014, increasing to \$134.86 in January 2015, \$137.79 in January 2016, and \$140.82 in January 2017, plus administrative fees; and

BE IT FURTHER RESOLVED THAT, the rate structure and premium contribution for these plans for Calendar Year 2014 shall be as follows:

Kaiser HMO	Single	2 Party	"Family"
Total Premium	\$1,085.04	\$2170.09	\$3,070.67
District Contribution	\$953.03	\$2,038.08	\$2,938.66
Participant Contribution	\$132.01	\$132.01	\$132.01

United Health Care	Single	2 Party	"Family"
Total Premium	\$690.77	\$1,381.54	\$1,796.00
District Contribution	\$558.76	\$1,249.53	\$1,663.99
Participant Contribution	\$132.01	\$132.01	\$132.01

BE IT FURTHER RESOLVED THAT, with the exception of the new premium contribution structure applicable to active directors and those former directors who are eligible for District provided benefits at the capped contribution rate, Resolution No. 4981 "In the Matter of Health and Welfare Benefits for Directors" remains in full force and effect.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ____ day of _____ 2014.

Signed: _____

President

Attest: _____

District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBough</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c <i>3/19/14</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Isaac Lim Dept. Planning & Development <i>Isaac Lim</i>	General Counsel <i>Audrey P. Was</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul [Signature]</i>
Signature/Date: <i>3/17/14</i>		<i>3/19/14</i>		

TITLE:

Award Contract No. 15IF-120, Powell Street Station Water Intrusion Repair

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15IF-120 Powell Street Station Water Intrusion Repair to Shared Systems Technology, Inc. for the Bid price of \$1,990,230.00.

DISCUSSION: The work of this Contract includes furnishing all labor, equipment, materials, and services required for water intrusion repair at the concourse level of Powell Street Station. Work will include abatement of existing hazardous fire proofing materials and injection of grout for a new waterproofing membrane. The Bid Documents include Option 1 to extend the Manufacturer's Special Leak-Free Warranty from 5 years to 10 years and Option 2 to extend the Manufacturer's Special Leak-Free Warranty from 5 to 15 years.

The District provided advanced notice to 66 prospective Bidders on January 17, 2014, and Contract Documents were mailed to 23 plan rooms and minority assistance organizations on January 21, 2014. The Contract was advertised on January 17, 2014. A total of 18 firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour were conducted on January 31, 2014, with 21 prospective Bidders attending the meeting and 16 prospective Bidders attending the site tour. The following five (5) Bids were received on February 18, 2014:

BIDDER	LOCATION	TOTAL BASE BID	TOTAL BID WITH OPTION 2
Shared Systems Technology, Inc.	Benicia, CA	\$1,990,230.00	\$2,390,230.00
Rodan Builders, Inc.	Burlingame, CA	\$2,505,000.00	\$2,645,000.00
Alten Construction	Richmond, CA	\$2,824,631.00	\$2,939,631.00
Best Contracting	Union City, CA	\$3,194,930.00	\$3,257,430.00
L.C. Engineering and Construction, Inc.	San Francisco, CA	\$3,591,360.00	\$3,679,360.00
Engineer's Estimate		\$3,394,000.00	\$3,576,500.00

After review by District staff, the Bid submitted by Shared Systems Technology, Inc. has been

deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Total Base Bid price of \$1,990,230.00 is fair and reasonable. In addition, Staff's evaluation had determined that it is in the District's interest to proceed with exercising Option 2 to extend the manufacturer's special leak-free warranty from 5 to 15 years. Staff has determined that the Bidder's price for Option 2 is fair and reasonable. Accordingly, in addition to recommending award of the Contract, Staff requests the Board's authorization for the General Manager to exercise Option 2.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses (SBs) certified by the California Department of General Services (DGS). It was determined that there were no certified SBs among the responsive Bidders and, therefore, the Small Business Program's prime preference does not apply.

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

FISCAL IMPACT:

Funding of \$2,390,230 for the award of Contract No. 15IF-120 is included in the total project budget for FMS #15IF001 – Station Modernization – Powell Street Water Intrusion. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of March 11, 2014, \$5,022,431 is available for this project from the following source:

Fund Number	Fund Description	Fund Source	Funded Amount
535A	FY10-11 Prop 1B - PTMISEA	State	\$900,000
535V	FY09-10 Prop 1B - PTMISEA	State	\$2,765,635
6617	Powell Stn Water Intrusion Pre	Local	\$1,241,000
763F	FAREGATE IMPROVEMENT AT	Local	\$115,796
Total			\$5,022,431

BART has expended \$456,206, committed \$172,216, and reserved \$0 to date for other actions. This action will commit \$2,390,230 leaving an available fund balance of \$2,003,779 in this

project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the Bid package and obtain new Bids. The reissuance process will delay the District's ability to provide a safe and comfortable access and egress for customers and employees and may result in Bid prices that are higher than those offered by the current Bidders.

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

MOTION: The General Manager is authorized to award Contract No. 15IF-120, Powell Street Station Water Intrusion Repair, to Shared Systems Technology, Inc., for the Bid price of \$1,990,230, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. In addition, the General Manager is authorized to exercise Option 2 for \$400,000 consistent with the requirements of the Contract.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** March 21, 2014
FROM: General Manager
SUBJECT: PPAAL Agenda Item 5.A: Station Retail Design Guidelines and Application to TransMart's Phase 1 Stations – For Information

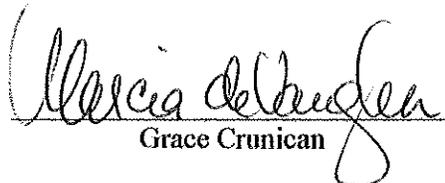
At the Thursday, March 27, 2014 Board of Directors meeting, staff will provide an update on the District's Station Retail Design Guidelines and its application to master vendor TransMart's Phase 1 stations. The intent is to relay progress made since the last update and garner input from the Board and public, with the goal of implementing the program at the Phase 1 stations (Berkeley and Montgomery Street) in 2014, and at all stations over the next 24 to 36 months.

The presentation will cover the following subjects:

- Chronology
- Program objectives and master vendor concept
- Relationship to BART Facility Standards
- Design objectives
- Materials and construction
- Application at Berkeley and Montgomery
- Implementation schedule

The current guidelines are available on the BART website at www.bart.gov/development.

If you have any questions, please contact Jeff Ordway at (510) 464-6114 or Paul Voix at (510) 464-6287.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff