

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

April 8, 2010

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 8, 2010, 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.

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, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

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.

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.
 - 1. Jeremiah Whitfield-Pearson (Director Keller’s request).

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of December 17, 2010, and January 14, 2010.* Board requested to authorize.
- B. Reject All Bids for Contract No. 17BJ-150, LMA (Lake Merritt Administration Building) Stairwell & Elevator No. 83 Headhouse Site Restoration.* Board requested to reject.
- C. Approval of East Bay Paratransit Service Plan for Fiscal Year 2011 Alameda County Measure B Claim.* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. Fiscal Year 2011 Preliminary Budget Overview.* For information.
- B. Fiscal Year 2011 Budget: Consider Motion to Release Budget Pamphlet and Motion to Set Date for Public Hearing.* Board requested to authorize.
- C. Northern California Power Agency Development Activities:
 - i. Solar Photovoltaic Project.* For information.
 - ii. Lodi Energy Center Power Project.* For information.

4. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. Award of Contract No. 6M3146, Reconditioning Transit Vehicle Wheels.* Board requested to authorize.
- B. Award of Contract No. 15PK-120, BART Earthquake Safety Program Station Structures – R Line.* Board requested to authorize.
- C. Agreement with The Allen Group/Cooper Pugeda Management Joint Venture to Provide Small Business Support Services in Support of BART's Earthquake Safety Program (Agreement No. 6M8040).* Board requested to authorize.

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

Director Ward Allen, Chairperson

- A. Memorandum of Understanding between BART and the California High Speed Rail Authority to Collaborate in Each Agency's Respective Environmental Work for the Livermore Area.* Board requested to authorize.
- B. Exclusive Negotiations with Urban Real Estate Equities/Sares Regis Group of Northern California for Development at Glen Park Station.* Board requested to authorize.

6. GENERAL MANAGER’S REPORT

NO REPORT.

7. BOARD MATTERS

A. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: 1001 – 1029 Whipple Road, 1035 – 1063 Whipple Road, 1065 – 1083 Whipple Road, 1085 – 1099 Whipple Road, and APN 475-0050-016, each located in Hayward, California
District Negotiators: Teresa E. Murphy, Assistant General Manager – Administration; and Laura Giraud, Department Manager, Real Estate
Negotiating Parties: Morgan Stanley Real Estate Advisor, Inc., and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

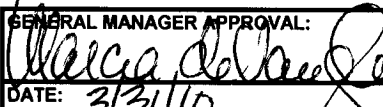
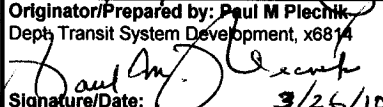
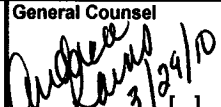
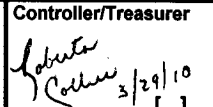
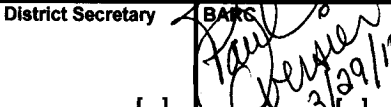
Property: San Leandro Station; Property Located at 1333 Martinez Street, San Leandro; and Property at the intersection of Martinez and Thornton Streets, San Leandro
District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Manager, Property Development
Negotiating Parties: Westlake Development Partners, LLC, City of San Leandro, San Leandro Redevelopment Agency, and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

Name of Case: San Francisco Bay Area Rapid Transit District v. Continental Casualty Company
Government Code Section: 54956.9



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 3/31/10		BOARD INITIATED ITEM: No	
Originator/Prepared by: Paul M Plechik Dept Transit System Development, x6814  Signature/Date: 3/26/10	General Counsel  3/29/10	Controller/Treasurer  3/29/10	District Secretary  3/29/10

Status: Approved	Date Created: 01/18/2010
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TITLE:

REJECT ALL BIDS FOR CONTRACT NO. 17BJ-150, LMA STAIRWELL & ELEVATOR NO.83 HEADHOUSE SITE RESTORATION PROJECT

NARRATIVE:

PURPOSE:

To reject all bids on Contract No. 17BJ-150, LMA Stairwell & Elevator No. 83 Headhouse Site Restoration, and to readvertise the work with certain changes in the solicitation package.

DISCUSSION:

The District has initiated an Earthquake Safety Program for the purpose of upgrading the original BART system that was built more than 30 years ago. The goal of this program is to develop prudent and cost-effective seismic retrofit solutions to ensure the safety of both BART patrons and employees during and after a major seismic event in the San Francisco Bay Area.

Contract No. 17BJ-150 is the final phase of construction to complete the LMA Dismantling Project work that began in May 2008 under Contract No. 17BJ-120B, Utilities Isolation and Elevator No. 83 Modification and continued in February 2009 under Contract No. 17BJ-140, LMA Dismantling Project. Now that the physical dismantling of the LMA building is complete, Contract No. 17BJ-150 will construct a headhouse for Elevator No. 83 that will bring service to the street level, restore the two stairwell plaza entrances, improve the general lighting and landscaping of the LMA plaza.

On January 25, 2010, the Advance Notice to Bidders was e-mailed to 44 prospective Bidders. Contract Documents were sent to 19 plan rooms and Minority Assistance Organizations. The Contract was advertised on January 26, 2010. A total of 14 firms purchased copies of the Contract Documents. A pre-Bid meeting was held on February 5, 2010 with 8 prospective Bidders attending. Bids were publicly opened on February 23, 2010.

The following Bids were received:

Bidder	Location	Total
River View Construction, Inc.	West Sacramento, CA	\$982,000
BHM Construction, Inc.	Vallejo, CA	\$992,739
KCK Builders, Inc.	San Francisco, CA	\$1,100,000
Taber Construction, Inc.	Martinez, CA	\$1,161,500
Rodan Builders, Inc.	Burlingame, CA	\$1,212,000
Engineer's Estimate		\$ 1,155,000

Staff's recommendation that bids be rejected is based on the following.

It appears that the apparent low bidder, River View Construction, Inc. (RVC) does not possess the required license to do a portion of the work.

All of the other bidders listed a Class C-11 Elevator Service Company to perform the elevator work. Under those circumstances, ordinarily the Contract would be awarded to the apparent second low bidder, provided its bid is determined to be responsive and the bidder responsible. However, neither the apparent second low bidder nor the other bidders submitted their bids in conformance with a new state law requirement that became effective January 1, 2010, which expressly requires that an elevator company disclose its status as a certified qualified conveyance company on the bid documents or contract.

In light of the irregularities noted above and the possibility of delay in the event of a protest should the District award to other than the apparent low bidder, staff recommends that the Board authorize rejection of all bids and readvertisement of the work with clarifications and changes in the solicitation package that include an express requirement for the C-11 license, and disclosure by the bidders of the status of the prime or its subcontractor as a certified qualified conveyance company.

FISCAL IMPACT:

There is no fiscal impact by this action.

ALTERNATIVES:

Award of the contract to the apparent second low bidder and attempt to obtain the required disclosure of status as a certified qualified conveyance company prior to execution of the contract. Staff believes this may lead to a protest which could delay the project.

RECOMMENDATION:



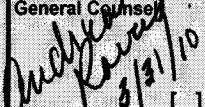
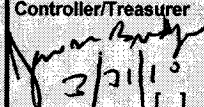
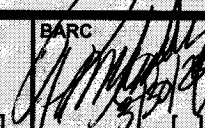
Adoption of the following motion.

MOTION:

All Bids on Contract 17BJ-150: LMA Stairwell and Elevator 83 Headhouse Site Restoration are rejected and the General Manager is authorized to readvertise the work.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Forward to PPAAL for April 8, 2010 meeting		
DATE: 3/31/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Gallagher Dept: Customer Access Department  Signature/Date: 3/30/10	General Counsel  3/31/10 []	Controller/Treasurer  3/31/10 []	District Secretary []	BARC  3/31/10 []

Status: Routed	Date Created: 03/08/2010
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TITLE:

Approval of East Bay Paratransit Consortium Service Plan for FY 2011 Alameda County Measure B Claim

NARRATIVE:

PURPOSE

To approve a plan for East Bay Paratransit Consortium service in Alameda County in Fiscal Year 2011 to be submitted to Alameda County Transportation Improvement Authority (ACTIA) in order to secure funding from Alameda County's Measure B.

DISCUSSION

In 2000, Alameda County residents adopted Measure B, a sales tax measure which will support transportation and transit projects from April 2002 through March 2022. The measure 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 their process for claimants, ACTIA, the governing body for Measure B, requires that BART submit a plan for the use of the funds. The attached plan was prepared by staff for submittal with BART's claim for Fiscal Year 2011. AC Transit, which is also allocated paratransit funds through Measure B, 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 2, 2010. 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, 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 ACTIA to be \$1,280,655 in FY 2011. 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 12.6% 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 2011 to be submitted to Alameda County Transportation Improvement Authority 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 2011 for
Submittal to Alameda County Transportation
Improvement Authority

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 Improvement Authority (ACTIA) administers the sales tax proceeds from the Reauthorization, and

WHEREAS, ACTIA 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 ACTIA 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 2011 for submittal to ACTIA.

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Annual Program Submittal for Measure B Funding

--REVISED February 2010 -- FINAL

Three forms are required to be completed for this application, this cover sheet, Attachment 1 (Excel spreadsheet), and your budget application (Excel spreadsheet). Answers can be entered into the fields on this form. Use the TAB key to move between fields. The fields will expand to allow as much room as needed for each answer. If you attach material, such as a driver training program, please provide a brief summary of the relevant information on this form.

Application for Funding for Fiscal Year 2010 - 2011

1. NAME OF JURISDICTION

San Francisco Bay Area Rapid Transit District (BART)

2. CONTACT PERSON

Name: Susan Gallagher

Title: Manager of Accessible Services

Address: San Francisco Bay Area Rapid Transit District, 300 Lakeside Drive,
16th floor, Oakland, CA 94612

Telephone: 510 464-2184

Fax: 510-464-6143

E-mail: sgallag@bart.orgv

3. TYPE OF FUNDS APPLIED FOR (CHECK ONE)

☒ Mandated (A.C. Transit and BART only)

☐ Non-mandated

☐ Minimum Service Level Gap Grant

4. TOTAL AMOUNT OF FUNDS REQUESTED

1. Base Program \$1,280,655

2. Minimum Service Level Gap Grant:

5. GOVERNING BODY RESOLUTION AUTHORIZING SUBMITTAL OF THE PLAN

☐ Copy attached

☒ Pending action on: April 2010 (indicated date this item is scheduled for action)

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

6. DESCRIPTION OF SERVICES TO BE PROVIDED

▪ Complete the Grid below

Service Component	Service Available? (Y/N)	Type of vehicle (van, sedan, bus, taxi)	Accessible? (Y/N)	Days/ hours of Service	Eligibility requirements	Service area limits	Fares	Provider average cost per trip	Trip limits per year per rider
Pre-scheduled	Y	Van or sedan	Y	Y	Y	Y	Y, \$3.00 to \$7.00	\$44.63*	N
Shuttle	N								
Same Day	N								
Group Trips	Y, but very limited								
EBP Tickets/ Fare Assistance/ Scholarship	N								

*total cost of Service Provider expense plus fuel per ADA passenger.

6A. DESCRIPTION OF SERVICE COMPONENTS AND PLANNED CHANGES

Please provide a narrative description for each service component listed in Question 6 and describe any planned changes.

Response: The East Bay Paratransit Consortium operates advance reservation service. Reservations are taken between 8:00 am and 5:00 pm, seven days a week and also up to three days in advance.

Trips are provided in sedans or accessible lift vans. Taxis are utilized occasionally for go backs or overflow.

Service operates the same days and hours as the fixed route services of AC Transit and BART and is available in the combined service area of AC Transit and BART in the East Bay, with through service into San Francisco, and along AC Transit service across the San Mateo Bridge.

Fares are distance based and are calculated as follows for each one-way trip:

For service in the East Bay

Fare/Distance

\$3.00 0 – 8 miles

\$4.00 greater than 8 miles and up to 12 miles

\$5.00 greater than 12 miles and up to 20 miles

\$6.00 greater than 20 miles

For service to / from San Francisco*

Fare/Distance

\$6.00 For destinations up to the Civic Center BART station

\$7.00 For destinations beyond the Civic Center BART station

*some San Francisco trips will require an additional MUNI charge of \$2.00

The above fares are in effect at the time of this claim submission. A fare increase is under consideration and increased fares may be implemented in FY 10-11 following all appropriate analysis, public outreach and hearings, and Board action.

EBPC does not impose limitations on the number of trips a rider can take, nor are trip requests prioritized.

Recent and Planned Changes to Paratransit: East Bay Paratransit will continue to transition to a new interview-based certification process during FY 10-11. It is anticipated that the city of Oakland, Southern Alameda County and Western Contra Costa County will be converted to the new process during this fiscal year.

MDC/AVL units will be installed in vehicles of the remaining two service providers by September 2010.

7. VEHICLE FLEET

Please complete the spreadsheet "MB Annual Program Application Cover Attachment 1"

Attached.

8. OBJECTIVES

Identify objectives for the proposed services. As much as possible these should be measurable in numerical terms, and should be accompanied by a baseline measure for the existing service. For example, you might target increasing the number of trips provided from 10,000 projected in the current year to 15,000 in the plan year. Use the following table, expanding the boxes vertically as needed.

Response: : The primary objective of EBPC is to deliver high quality, cost effective paratransit that meets the six service criteria of the ADA. The ADA-required criteria are intended to ensure that access to, and the quality of, ADA paratransit service is adequate to be considered comparable to fixed route bus or rail transit service. Determination as to whether an agency has met the service criteria is made by the Federal Transit Administration (FTA) Office of Civil Rights or the U.S. Department of Justice, which conducts periodic ADA paratransit compliance assessments and respond to complaints.

Objective	Baseline	Target
Service area	Service is offered to all points within the combined service area of AC Transit and BART.	Continue
Response Time	Provide next day service	Continue
Fares	Charge fares no more than twice the undiscounted fixed route fare	Continue
Trip Purpose	Accept requests for all types of trips without prioritization.	Continue
Hours and days of service	Operate during the same days and hours as AC Transit and BART.	Continue

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

Objective	Baseline	Target
Capacity Constraints	Allow no pattern or practice of denials, untimely pick-ups, missed trips, or excessively long trips.	Continue

9. MEAL DELIVERY SERVICE

Provide information about your program's meal delivery service in the table below, including funding allocations in the current fiscal year and next year (claim year), the length (in years) that you have used Measure B funds for meal delivery, and how you plan to fund your program if faced with revenue shortfalls.

Measure B Funding for Meal Delivery Service- current year	\$ N/A
Estimated Measure B Funding for Meal Delivery Service – next fiscal year	\$
Length (in years) of Measure B Funding for meal delivery	Years
When faced with revenue shortfalls, how do you balance meal delivery with trip requests? Please explain:	

10. DRIVER TRAINING

Describe your driver training program.

Response: Each Service Provider operates a driver-training program that complies with requirements of the EBPC. The contract language is as follows:

SERVICE PROVIDERS are required to develop a training program that addresses all staff positions including drivers. The program is approved by the BROKER prior to implementation. The training program shall include but not be limited to the following areas:

- Job function
- Operation of equipment
- Driver training that meets Federal and State requirements for ADA service and vehicle type
- ADA requirements: defensive and safe driving, passenger assistance; First-aid, and CPR training
- EBPC history and policies
- Disability and aging awareness and sensitivity
- Diversity awareness and sensitivity, including cultural, racial, sexual orientation, age, and gender

- Recognizing and reporting sexual harassment

Training shall be repeated as often as is necessary to ensure adequate performance and knowledge and to meet local, state, and federal requirements.

Trainings are periodically audited by the Broker and Program Coordinator. Members of the consumer advisory group have also participated in the trainings from time to time.

11. ON-TIME PERFORMANCE

Describe your policies concerning timely pick ups or drop offs, including what window is allowed, if there is a standard for the percentage of pick ups or drop offs that must occur within the window, the policy concerning early pick ups, and whether there is a maximum amount of lateness after which a provider no-show or missed trip is counted.

Response: At the time the rider makes a reservation, whether they have requested a particular pick-up or drop-off time, they are given a 30 minute pick-up window within which to expect their vehicle. When a rider requests a drop-off for a particular time, a pick-up time is computed, based on expected travel time and time spent picking up and dropping off other passengers enroute.

The East Bay Paratransit scheduling software and staff schedule the trip on a run to fit the specified pick-up window. Service providers are required to operate their service so as to pick-up the client within that window. Pick-ups made within the window are considered to be on-time. Pick-ups made after the window are considered to be late, even if they exceed the window by only a few minutes. If a driver arrives earlier than the window, the client may board the vehicle voluntarily, but is not required to board until the beginning of the window. Therefore, pick-ups made early are also considered on-time.

Missed trip or “provider no-shows” are reported for those trips where no ride takes place due to the fault of the service provider or broker. This may be a truly missed trip where the service provider does not make a scheduled pick-up. It can also occur when the service provider is late, even by a few minutes, and the rider refuses to board. In that case, there is no penalty to the rider. Very late trips are those where a ride is taken but the pick-up is 60 or more minutes past the scheduled pick-up window.

EBPC has contractual standards in the agreement with the Broker to provide for an incentive to the Broker when overall on time performance is better than 93% as measured by AC Transit and BART. A disincentive of \$7,500 is assessed when on-time performance drops below 91% for two months in a row. A disincentive of \$6,000 is assessed the second month that the percentage of very late trips exceeds 0.2%.

The Broker’s contracts with the Service Providers also provide for financial penalties charged directly to the Service Providers for late trips, in the form of liquidated damages.

12. RIDE TIME POLICY

Describe your policies concerning the maximum time a rider may be on a vehicle. Indicate if there is a maximum time, and if there is a standard for the percentage of trips that must be completed within this maximum time.

Response: Because of its large service area and variability in ride distance, EBPC does not have a maximum ride time limit. The expectation is that paratransit ride will take no more time than an equivalent trip by bus, including access and transfers.

Average ride times are calculated and monitored monthly as part of the on-time performance tracking system. Ride time for individual trips is tracked via complaint. In general when complaints have been received, the paratransit trip has been found to take less time than an equivalent trip by bus.

13. RESERVATION POLICIES

What are your policies for reserving trips? Describe these for each type of trip below. What advance notice is required or allowed? Are there limits on availability?

Individual Trip Reservation – Subscriptions (Standing Orders): All trips are by reservation. The reservation telephone center is open from 8:00 am to 5:00 p.m. daily, seven days per week. There is a 5:00 p.m. cut-off for next day service. Reservations are taken up to 3 days in advance.

Standing order reservations are made for recurring trips. However, per ADA requirements, standing orders are limited to 50% of the service during times when there may be any denials due to capacity limitations. Requests for standing orders during constrained periods are placed on a first come/first served waiting list. Riders waiting for their desired time to open may make individual daily reservations up to 3 days in advance.

Individual Trip Reservation – Same Day Trips: Same day trips are generally provided only when necessary to meet medical “go backs” (e.g. the rider was unable to meet their original pick-up due to a late running doctor’s appointment).

Group/Program Trips: An extremely limited group trip program is available to Social Service Agencies. Certain restrictions apply and agencies scheduling group trips on this program must request the trip seven days in advance and provide written trip details.

14. CANCELLATIONS AND NO SHOWS

How far in advance is a rider required to cancel a trip before a no show is counted? Describe these for each type of trip below. What is your policy concerning riders with repeated no shows or late cancellations?

Response: Cancellations must be made more than one hour prior to the beginning of the pick-up window. Cancellations made less than one hour before the pick-up window are

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PC Office
3/16/2010

counted as “no-shows” unless the cancellation is due to circumstances beyond the rider’s control, e.g. illness. The number of late cancels and other no-shows which are the rider’s fault are tracked. Riders may be suspended for 30 days for incurring more than six per quarter. There is an established procedure for such suspensions, including an appeals process. No-show and suspension policies are clearly spelled out in the Rider’s Guide given to all riders at the time of certification

15. PROGRAM ENROLLMENT

What is the maximum and average time between receiving an application and enrolling an applicant in the program?

Response: The ADA requirement is that if an eligibility determination has not been made within 21 days of receipt of a completed application, the agency must provide presumptive eligibility and service for that applicant until the process is complete. EBPC complies with this requirement.

16. WAITING LIST

Is there a waiting list? If so, what are the policies that apply to it? How many people are on it? What is the average wait?

Response: Waiting lists are prohibited by the ADA. There is no waiting list for service from EBPC.

17. CUSTOMER SATISFACTION

Describe how you will measure customer satisfaction, for example, by participating in a county-wide rider survey, tracking customer comments, or other means?

Response: EBPC measures customer satisfaction in several ways: EBPC contracts for an independent annual telephone survey of a random sample of 400+ riders. This survey asks questions about many aspects of the service including overall customer satisfaction. The next survey is tentatively scheduled for April 2010.

Comment cards are available in the vehicles. These comments are almost always positive. If positive, they are tracked and reported monthly as commendations. If negative, they are processed like all other complaints.

EBPC has a Ride Reporter program where an individual rider from each of the four parts of our service area reports their travel experiences to the Program Coordinator. Ride Reporters’ identities are not known to other staff. Although this is a small number of trips, the Program Coordinator uses information from the Ride Reporters as a double check on other methods.

18. COMPLAINTS AND COMMENDATIONS

Describe your complaint and commendation process. Please describe your process from beginning to end, including instructions provided to customers for filing complaints or commendations, your documentation procedures, your follow up and any changes you have made to your program as a result of customer complaints and commendations.

Response: Customer complaints received by the Broker's Office by telephone, letter, or in person are responded to and tracked by type. The numbers of complaints are reported to staff and to the SRAC by category. Complaint statistics and details are used to determine areas of the service needing attention from staff. Information uncovered in the complaint process is used to improve the service most often through specific attention to individual employees or through modification of service practices. The Broker's Operations Manager regularly reviews complaints and their responses to identify trends and issues.

Commendations are received at the Broker's office, logged, tabulated, and distributed to the employee.

19. PLANNING PROCESS

- A. List all activities undertaken in connection with this plan, including consumer or public meetings, meetings with other agencies, presentations to boards, commissions or committees, and provide general dates for these activities.
- B. Indicate whether this plan has been reviewed by a local paratransit advisory committee.
- C. Describe any surveys or analysis conducted and staff reports.
- D. Describe how the planning process is connected to the service plan: how do the services planned correspond to the results of the planning process?

A. Public Meetings and Dates: March 2, 2010 combined meeting of EBPC's Service Review Advisory Committee (SRAC), and the executive committee, the Service Review Committee or SRC.

B. Has this plan been reviewed by a local paratransit advisory group?

X Yes → **Committee Name:** Service Review Advisory Committee
Meeting Date: March 2, 2010

☐ **No**

Narrative Responses for C and D above: EBPC staff works with the Rider Advisory Committee, the Service Review Advisory Committee (SRAC), along with the EBPC executive committee, the Service Review Committee or SRC, when considering any changes in the ADA paratransit plan or design. Comment and support for the changes is obtained prior to proceeding with implementation. Meetings of these committees are publically

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

noticed and public comment is welcomed. In addition, staff obtains informal input from riders on the paratransit design both from the analysis of complaints received and comments made during the annual Customer Satisfaction Survey.

Prior to the submission of the Measure B Paratransit Plan and Funding Claim, both are reviewed in detail with the SRAC and the SRC. This year a combined meeting of the two committees occurred March 2, 2010. The agenda and minutes for this meeting is attached.

Once the advisory and executive committee has approved the Paratransit Plan and Funding Claim, they are presented to the Boards of Directors of AC Transit and BART for review and approval.

BART's Board of Directors will review the plan April 2010. The Board resolution will be forwarded.

20. NEEDS IDENTIFICATION

- What needs or priorities have been identified that will be met by proposed service changes?
- What needs or priorities will still not be met even after implementing proposed service changes?
- How many potential riders do you estimate will use this service this coming fiscal year?

Response: EBPC provides paratransit transportation for persons with disabilities who cannot use fixed route transit throughout Alameda County as well as other parts of the combined AC Transit and BART service area. The design meets the service criteria required under the ADA.

All ADA-required priorities are met by EBPC services. When individuals have needs that cannot be met by an ADA paratransit service, EBPC attempts to refer that person to other appropriate community services or paratransit systems.

EBPC has approximately 22,000 riders certified as eligible to use the ADA program as of December 2009. Of these, generally about 60% or 12,600 schedule at least one trip per year.

21. MINIMUM SERVICE LEVELS

Is your program currently meeting the Minimum Service Levels? (See appendix)

☐ Yes. ☐ No. ☒ N/A – ADA-Mandated Provider.

If your answer is “No”, which ones are you not meeting and how?

Response:

22. COORDINATION

Describe how services will be coordinated with other Measure B paratransit services and/or mandated ADA paratransit services so that trips can be made throughout Alameda County. Examples of coordination may include (but are not limited to) reciprocal fare agreements, reciprocal agreements to provide trips into adjoining areas, arrangements for clients to ride on other systems, and transfer arrangements. Attach copies of agreements or memoranda of understanding for coordination if available.

Response: : EBPC is one of three ADA paratransit services in Alameda County. The other two are LAVTA and Union City's services. Between the three services, travel is available for all eligible riders throughout the county and to adjoining areas. EBPC has on staff a full time regional trip coordinator to assist riders in placing reservations for travel into the service areas of adjacent operators.

There is frequent communication between staff of the cities operating local paratransit programs in Alameda County and EBPC, both informally and through ACTIA's Technical Advisory Committee meetings. This ongoing interaction has enhanced understanding and coordination between EBPC's ADA program and the local paratransit program offerings.

23. PERFORMANCE MEASUREMENT

- How will you obtain and/or track necessary financial and operating information for program management and reporting?
- If private vendors or contractors are providing the information, what steps will you take to verify or check the accuracy of the information?
- If performance data is collected by sampling, what steps will be taken to ensure that samples are representative and randomized?

Response: A variety of financial and operation information is compiled, verified, and reviewed monthly by the Program Coordinator's office and agency staff. In addition, a performance report of key indicators is available for public review and is distributed in conjunction with the SRAC mailings.

On time performance is verified by a review of 100% of the driver manifests on five sample days, per month selected randomly, by the Program Coordinator's office. EBPC's sampling technique for on-time performance was reviewed by the FTA and approved. In FY 10/11 MDC/AVL units will be installed in the entire fleet and on-time statistics will be gathered on all trips provided using this technology.

EBPC data is audited by MTC (TDA Performance), and the BART internal audit department conducts periodic reviews. EBPC is also included in the FTA's Triennial Review of the

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities**

individual transit agencies. In addition, EBPC underwent an FTA Paratransit Compliance Assessment in February 2003 during which no significant compliance issues were found.

24. PUBLIC INFORMATION AND OUTREACH

Describe planned outreach to ensure that potential users of the services (including coordinated services) learn about them.

Response: EBPC informs potential users of our service through brochures and Rider's Guides which have been widely distributed to individuals and Senior Centers, social workers, dialysis centers, city program managers, adult day health centers and others.

Information about EBPC is included on both BART's and AC Transit's websites and in written materials about the agencies. EBPC is included in MTC's Welfare to Work information.

Staff meets with its Service Review Advisory Committee every other month. EBPC staff also organizes or participates in numerous rider outreach meetings, discussions with Social Service agency representatives, senior and disabled fairs, and paratransit and public transportation forums.

EBPC staff participates regularly in paratransit rider based committees, such as ACTIA's Technical Advisory Committee and Paratransit Advisory and Planning Committee, AC Transit's Accessible Service Committee, and the BART Accessible Task Force.

In FY 08-09 East Bay Paratransit established a website at www.eastbayparatranit.org. This site has information about the policies and procedures for the ADA paratransit system and also contains downloadable forms.

25. BUDGET AND OPERATING PLAN AND FUND BALANCE RESERVE

Use the spreadsheet provided to show past, current, and planned financial and operating information. If the budget shows funds being carried over from the budget year to future years, explain below the purpose of this planned carryover in the space provided below.

Explanation of Fund Balance Reserve:

Total Measure B Fund Balance Reserve (includes designated and undesignated funds):
\$

Total Measure B Designated Funds* – Capital	\$
Total Measure B Designated Funds* – Operations	\$
Total Measure B Undesignated Funds	\$
Total Measure B Fund Balance Reserve (should equal 3 lines above)	\$
Designated Capital Funds have been carried over for three years	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities**

or less	
Date when Capital Funds originally designated	/ /
Please describe how you plan to use your designated Capital funds*:	
Please describe how you plan to use your undesignated funds, if any:	

Additional explanation of any notable accounting, contracting, or performance measurement practices that would affect program statistics not noted on the budget spreadsheet:

**Please see "Measure B Budget and Reporting Instructions" for a description of appropriate uses of designated funds. Designated Capital funds must be expended within three years of original designation.*

26. GRANT FUNDS

Do you intend to apply for 5310 funds, available Gap funds, or other grant funds in the next fiscal year? ☒ Yes ☐ No.

Please describe: Stabilization Funds

27. MINIMUM SERVICE LEVEL (MSL) GAP GRANT FUNDS

Do you intend to apply for minimum service level gap grant funding for the next fiscal year?
☐ Yes ☒ No

If your answer is "No" but your answer to Question 21 was also "No", meaning you will not meet minimum service levels, please explain.

Response:

If "Yes", please complete the table and questions below.

Minimum Service Level (MSL) your program anticipates not meeting (see appendix)	Please describe how your program falls below this minimum service level	Funds you are requesting to meet this minimum service level
		\$
		\$
		\$
		\$
		\$
Total		\$

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

Additional Questions to determine minimum service levels gap grant funding:

1. Please explain any community-specific issues that have impacted your ability to not meet minimum service levels?
2. Have you explored and documented other transportation options for seniors and people with disabilities provided by non-profit organizations in your community that might also close this service gap? Please describe.
3. If MSL gap funding was not available to meet this need, would other funding sources be available to meet this need?
 - a. If other funding was not available, how would you prioritize which minimum service levels to cut?
4. Does your program provide ADA equivalent service to those awaiting certification, outside the ADA service corridor, or needing transportation outside of ADA available times in your jurisdiction?

28. ANNUAL AUDIT

Date Annual Program Compliance report submitted to ACTIA: December 2009.

29. APPROVALS AND ASSURANCES

Attach:

- A copy of a governing body resolution authorizing submittal of the plan, or a statement that the governing body has such an item on a forthcoming agenda.
- Resolution or comments from the relevant local consumer advisory group.
- Copies of agreements or memoranda of understanding for coordination.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities**

Annual Program Submittal for Measure B Funding

Appendix

PAPCO Approved Minimum Service Levels

	Minimum Service Level	A Program <i>Exceeds</i> this MSL if...
1.	Regarding who programs serve: <ul style="list-style-type: none"> • People 18 and above with disabilities who are unable to use fixed route services. • Seniors 80 and above without proof of a disability 	<ul style="list-style-type: none"> • It serves minors with disabilities. • Seniors under 80 without proof of disability.
2.	Regarding the type of service programs provide: <ul style="list-style-type: none"> • Accessible individual demand-responsive service 	<ul style="list-style-type: none"> • It offers additional services for participants, such as group trips or meal delivery.
3.	Regarding the time and days service is provided: <ul style="list-style-type: none"> • At least five days per week between the hours of 8 am and 5 pm (excluding holidays) 	<ul style="list-style-type: none"> • It offers service more than five days a week. • Its service hours begin before 8 am and/or extend after 5pm.
4.	Regarding the service area of a program: <ul style="list-style-type: none"> • Residents using this program are able to meet life needs, including but not limited to travel to major medical facilities, full service grocery stores and other basic necessities, if ADA services, or coordination between base programs are unable to provide these trips. 	<ul style="list-style-type: none"> • It provides trips to locations beyond those which residents would travel to fulfill life needs, such as recreational trips outside city boundaries.
5.	Regarding fares: <ul style="list-style-type: none"> • Fares should be comparable to East Bay Paratransit and equated to distance 	<ul style="list-style-type: none"> • If a rider pays less than they would for a comparable trip on East Bay

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

	Minimum Service Level	A Program <i>Exceeds</i> this MSL if...
	for van/sedan trips • Fares for Taxi trips should not exceed 50% of the total cost of the trip	Paratransit for a van/sedan trip. • If a rider pays less than 50% of the total cost of the trip for a taxi trip.
6.	Regarding interim service for individuals applying for or awaiting ADA certification • Interim service should be provided within three business days upon receipt of application • Interim service should be provided at the request of a health care provider or ADA provider.	• It provides interim service in less than three business days.
7.	Regarding reservations: • Programs should accept reservations between the hours of 8 am and 5 pm Monday – Friday.	• It accepts reservations before 8 am and/or after 5 pm. • It accepts reservations on weekends.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2010**

Jurisdiction:	BART as part of the East Bay Paratransit Consortium
Fiscal Year for Which Funds are Requested:	FY 2010-11
Preparer:	Mary Rowlands, Susan Gallagher
Date of Preparation:	March 16, 2010

Line Number	Col. A Actual Prior FY - 08/09	Col. B Projected Current FY - 09/10	Col. C Plan for Budget FY - 10/11	Col. D Budget vs. Current
Section 1: Revenues				
1 Measure B	\$5,447,496	\$4,838,985	\$4,838,985	0.0%
2 MSL Gap Grant				#DIV/0!
3 Stabilization			\$537,665	#DIV/0!
4 Fares	\$2,044,048	\$2,080,074	\$2,100,876	1.0%
5 General fund	\$23,002,403	\$24,486,844	\$25,110,746	2.5%
6 Fund balance--undesignated*				#DIV/0!
7 Reserve funds--designated for capital*				#DIV/0!
8 Reserve funds--designated for operations				#DIV/0!
9 Other: Contra Costa County Measure J		\$148,000	\$150,000	1.4%
10 Total reported revenue	\$30,493,947	\$31,553,903	\$32,738,272	3.8%
11 Fares retained by vendors**				#DIV/0!
12 Adjusted revenue	\$30,493,947	\$31,553,903	\$32,738,272	3.8%

*See "Definitions of Terms" for definitions of "Fund Balance" and "Reserve." Total fund balance and reserve funds for the Budget FY should equal projected Net Revenue (Line 33) for the current FY.

**If accounting procedures permit, include fares retained by providers with "fares." Otherwise show them here.

Section 2: Operating Expenditures by Expense Category

13 Labor and fringe				#DIV/0!
14 Administrative expense	\$258,188	\$268,000	\$275,000	2.6%
Contracts and grants (list each):				
15 Veolia Transportation	\$30,078,159	\$31,195,903	\$32,358,272	3.7%
16				#DIV/0!
17				#DIV/0!
18				#DIV/0!
19 Taxi reimbursement				#DIV/0!
20 Purchase of EBP Tickets				#DIV/0!
21 Transportation expense				#DIV/0!
22 Miscellaneous	\$157,600	\$90,000	\$105,000	16.7%
23 MSL Gap Grant Expenditures				#DIV/0!
24 Stabilization Expenditures			\$537,665	#DIV/0!
25 Total reported operating expenditures	\$30,493,947	\$31,553,903	\$32,738,272	3.8%
26 Adjusted operating expenditures*	\$30,493,947	\$31,553,903	\$32,738,272	3.8%
27 Description of MSL Gap Grant Expenditures:				
28 Description of Stabilization Expenditures:	In FY 10-11 EBP is applying for stabilization funds for the first time. These funds will be used for ADA transportation and will offset a small portion of the general fund requirements of AC Transit and BART.			

*Including fares retained by providers and not reported as revenue.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2010**

Jurisdiction: BART as part of the East Bay Paratransit Consortium

Fiscal Year for Which Funds are Requested: FY 2010-11

Section 3: Capital Expenditures

29 Vehicles

30 Other: (describe here)

31 **Total capital expenditures**

			#DIV/0!
			#DIV/0!
\$0	\$0	\$0	#DIV/0!

32 **Section 4: Depreciation**

(if allowed)

33 **Section 5: Net Revenue**

			#DIV/0!
\$0	\$0	\$0	#DIV/0!

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2010**

Jurisdiction: BART as part of the East Bay Paratransit Consortium
Fiscal Year for Which Funds are Requested: FY 2010-11

	Col. A	Col. B	Col. C	Col. D
	Actual Prior	Projected	Plan for	Budget vs.
	FY - 08/09	Current FY - 09/10	Budget FY - 10/11	Current
Section 6: Operating Expense Allocation by Function				
34 Management	\$180,000	\$180,000	\$190,000	5.6%
35 Customer service & outreach	\$600,000	\$650,000	\$670,000	3.1%
36 Trip provision	\$29,713,947	\$30,723,903	\$31,878,272	3.8%
37 Purchase of EBP tickets				#DIV/0!
38 Meal delivery				#DIV/0!
39 Other services (explain below)				#DIV/0!
40 Adjusted operating expenditures*	\$30,493,947	\$31,553,903	\$32,738,272	3.8%
41 Explanation of other trips or services:				

*This total should match Line 26. Any fares retained by providers and not reported as fares should be included in allocated cost for trip provision.

Section 7: Operating Statistics (Programs receiving under \$50,000 may report total trips on the line for "other trips")

Trips provided

42 Individual demand-responsive trips	686,246	693,358	700,292	1.0%
43 Lift/ramp-assisted trips included in above	162,366			#DIV/0!
44 Taxi trips included in above	3,815			#DIV/0!
45 Same-day trips included in above				#DIV/0!
46 Subscription trips included in above	261,078			#DIV/0!
47 Group trips	144			#DIV/0!
48 Shuttle or fixed-route trips				#DIV/0!
49 Other trips: (describe here)				#DIV/0!
50 Subtotal - Trips provided	686,390	693,358	700,292	1.0%
51 Attendant trips included in above	88,543			#DIV/0!
52 Companion trips included in above	8,620			#DIV/0!
53 Number of EBP Tickets Purchased				#DIV/0!
54 Meals delivered				#DIV/0!
55 Vehicle service hours for providing trips (excluding taxis)	388,973	395,834	397,893	0.5%

56 Explain any notable accounting, contracting, or performance measurement practices that would affect program statistics.

Operating statistics for subscription trips, attendants, companions, and lift assisted passengers are not projected or budgeted. Actual annual data collected is reported.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED February 2010**

Jurisdiction:	BART as part of the East Bay Paratransit Consortium
Fiscal Year for Which Funds are Requested:	FY 2010-11

Section 8: Revenues - Detailed by Agency

	Col. A	Col. B	Col. C
	Actual Prior	Projected	Plan for
	FY - 08/09	Current	Budget
		FY 09/10	FY 10/11
Measure B - BART	\$1,441,699	\$1,280,655	\$1,280,655
Measure B - AC Transit	\$4,005,796	\$3,558,330	\$3,558,330
Measure B Stabilization Funds - AC Transit			\$395,370
Measure B Stabilization Funds - BART			\$142,295
Fares	\$2,044,048	\$2,080,074	\$2,100,876
Contra Costa County Measure J		\$148,000	\$150,000
General Fund - BART	\$7,130,745	\$7,590,922	\$8,028,153
General Fund - AC Transit	\$15,871,659	\$16,895,922	\$17,082,593
Total Revenue	\$30,493,947	\$31,553,903	\$32,738,272

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Annual Program Submittal for Measure B Funding
Attachment 1 - Vehicle Fleet
REVISED February 2010
For FY 10/11 Claim**

Prepared 3/16/2010

Name of Jurisdiction:	BART, as part of the East Bay Paratransit Consortium
Contact Name:	Susan Gallagher
Phone:	510-464-6184
Email:	sgallag@bart.gov
Address:	San Francisco Bay Area Rapid Transit District, 300 Lakeside Drive, 16th floor, Oakland, CA 94612
Secondary Contact:	Mary Rowlands, EBP Program Coordinatior
Phone:	510 893-5949

Instructions: Please complete table below. If necessary, please contact your contractors to obtain the information.

Make	Type of Vehicle (specify bus, large van, minivan, sedan)	Fuel Type	Lift/Ramp Equipment (specify lift, ramp, or none)	Capacity		Number of Vehicles	Owner (specify if contractor)	City vehicle(s) garaged in
				Ambulatory	Wheelchair			
ford crown vic	Sedan	gas	none	4	0	58	contractor	n/a
Ford E450	van	diesel	lift	14	5	34	contractor	n/a
Ford E450	van	diesel	lift	18	7	6	contractor	n/a
Ford E450	van	diesel	lift	16	2	1	contractor	n/a
Chevy E350	van	diesel	lift	8	4	36	contractor	n/a
Chevy E350	van	diesel	lift	14	5	9	contractor	n/a
Ford E350	van	gas	lift	7	2	23	contractor	n/a
Ford E450	van	C-diesel	lift	14	5	8	contractor	n/a
Ford E450	van	gas	lift	14	5	27	contractor	n/a
					Sedans:	58		
					Vans:	144		

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

Date: April 2, 2010

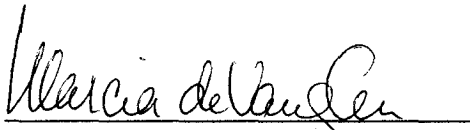
FROM: General Manager

SUBJECT: Administration Committee Item 3A: FY 2011 Preliminary Budget Overview

At the April 8th meeting of the Board of Directors, the FY11 Preliminary Budget will be discussed. Staff will do a brief informational presentation with no action required by the Board. The annual Resource Manual containing departmental goals and objectives, organization charts and other materials will also be distributed.

Following the FY11 Preliminary Budget presentation and discussion, the Board will be asked to authorize a routine procedural matter regarding release of the annual Budget Pamphlet and establishing a date for the public hearing.

If you have any questions, please contact Carter Mau, Executive Manager of Planning and Budget at (510) 464-6194.


Dorothy W. Dugger

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DelBande</i>		GENERAL MANAGER ACTION REQ'D: Place on the Administration Committee Agenda for April 8, 2010		
DATE: 3/31/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept: Operating Budget and Analysis <i>Kimberly White</i> Signature/Date: 3/31/2010	General Counsel <i>[Signature]</i> 3/31/10 []	Controller/Treasurer <i>[Signature]</i> 3/30/10 []	District Secretary []	BARC <i>[Signature]</i> 3-30-10 []
Status: Routed		Date Created: 03/29/2010		

TITLE:

Fiscal Year 2011 Preliminary Budget Procedural Actions

NARRATIVE:

PURPOSE:

To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2011 Preliminary Budget.

To set a public hearing on the Fiscal Year 2011 Preliminary Budget.

DISCUSSION:

The rules of the Board of Directors provide that the Board direct a Preliminary Budget Pamphlet to be prepared no later than the first day of June (Rule 5-1.2). Staff's schedule calls for this pamphlet to be available by April 9, 2010. The rules of the Board of Directors also provide that a public hearing on the budget be held on or before June 20 (Rule 5-1.3). Staff proposes that this hearing be held on May 27, 2010.

FISCAL IMPACT:

According to Board Rules, the FY11 Preliminary Budget must be adopted on or before June 30, 2010.

ALTERNATIVES:

Under Board Rules 5-1.2 and 5-1.3, publishing a budget pamphlet and holding a public hearing are required steps to adopt the Fiscal Year 2011 annual budget. The Board could suspend rules 5-1.2 and 5-1.3 or postpone the hearing to another date prior to June 20.

RECOMMENDATION:

That the Board adopt the following motions:

Motions:

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2011 to be available for distribution no later than April 9, 2010.
2. That a public hearing on the Fiscal Year 2011 Preliminary Budget be set for Thursday, May 27, 2010 at 9:00 am in the Board Room.

Northern CA Power Agency (NCPA) Development Activities

April 8, 2010

NCPA Projects

Two Projects:

1. Lodi Energy Center (LEC) – Natural Gas Plant – Operating 2012
2. Green Power Solar Photovoltaic (PV) Projects – Potential 2011/12

NCPA Projects - LEC

- Fourteen Public Participants
- Phase II Development Nearing Completion
 - CA Energy Commission Approval
 - Financing and Operating Agreements
- Board Allocated \$2.4M in 2008
- Will Provide Approximately One-Third of BART Power Load

NCPA Projects - PV

Developed Under NCPA Green Power Project Program

- Collective Effort for Renewable Supply
- Board Approved in 2006
- NCPA-Led RFP Process for Renewable Energy
- First Projects to Go Forward

NCPA Projects - PV

Three PV Projects Proposed for Further Study:

1. Solar Carport – Lafayette
2. Solar Carport – Orinda (Second Site)
3. Solar Farm (Ground-Mounted) at District Livermore Property

Six Megawatts Total

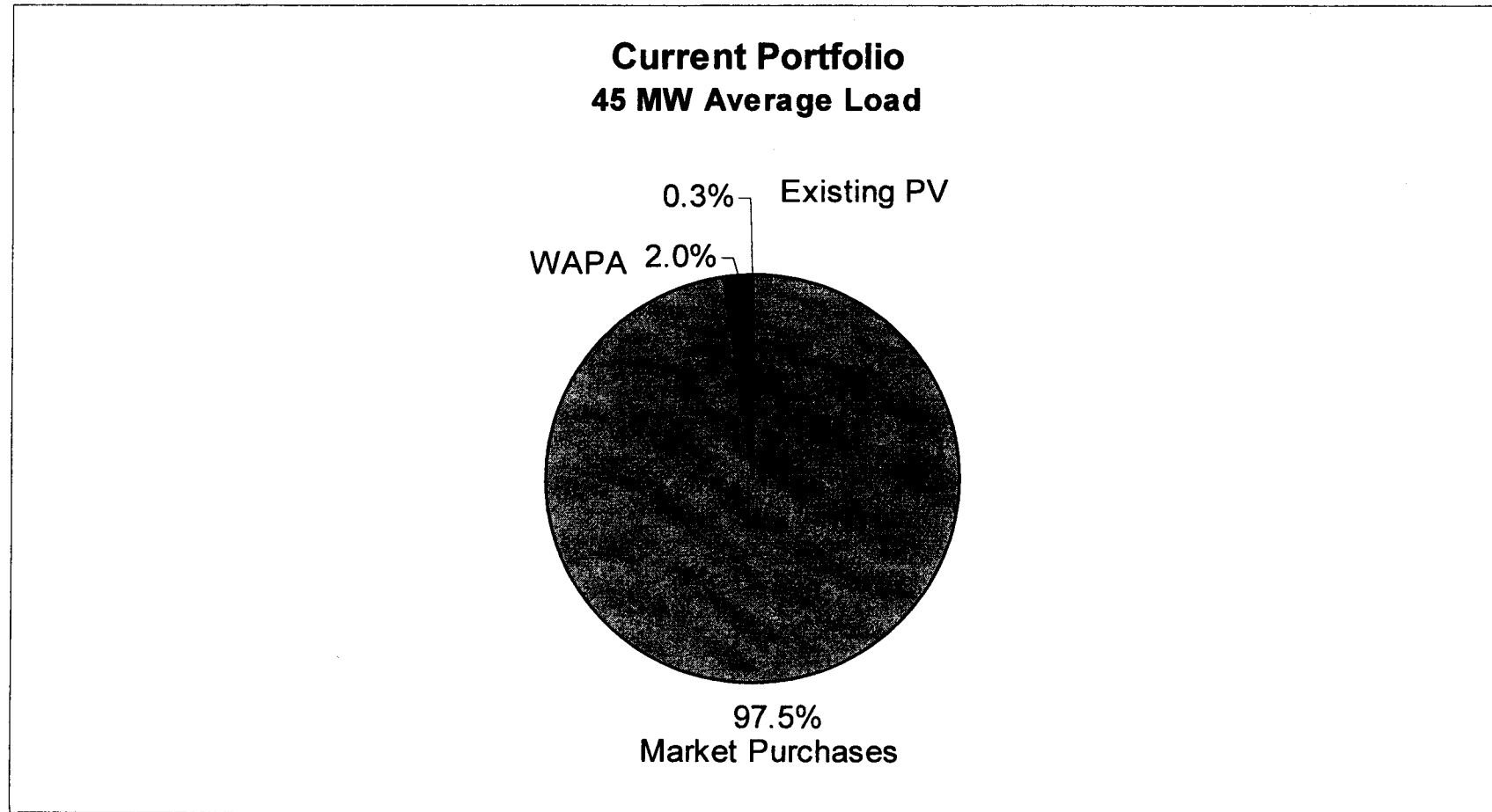
Possible Site at Concord Yard

NCPA Projects

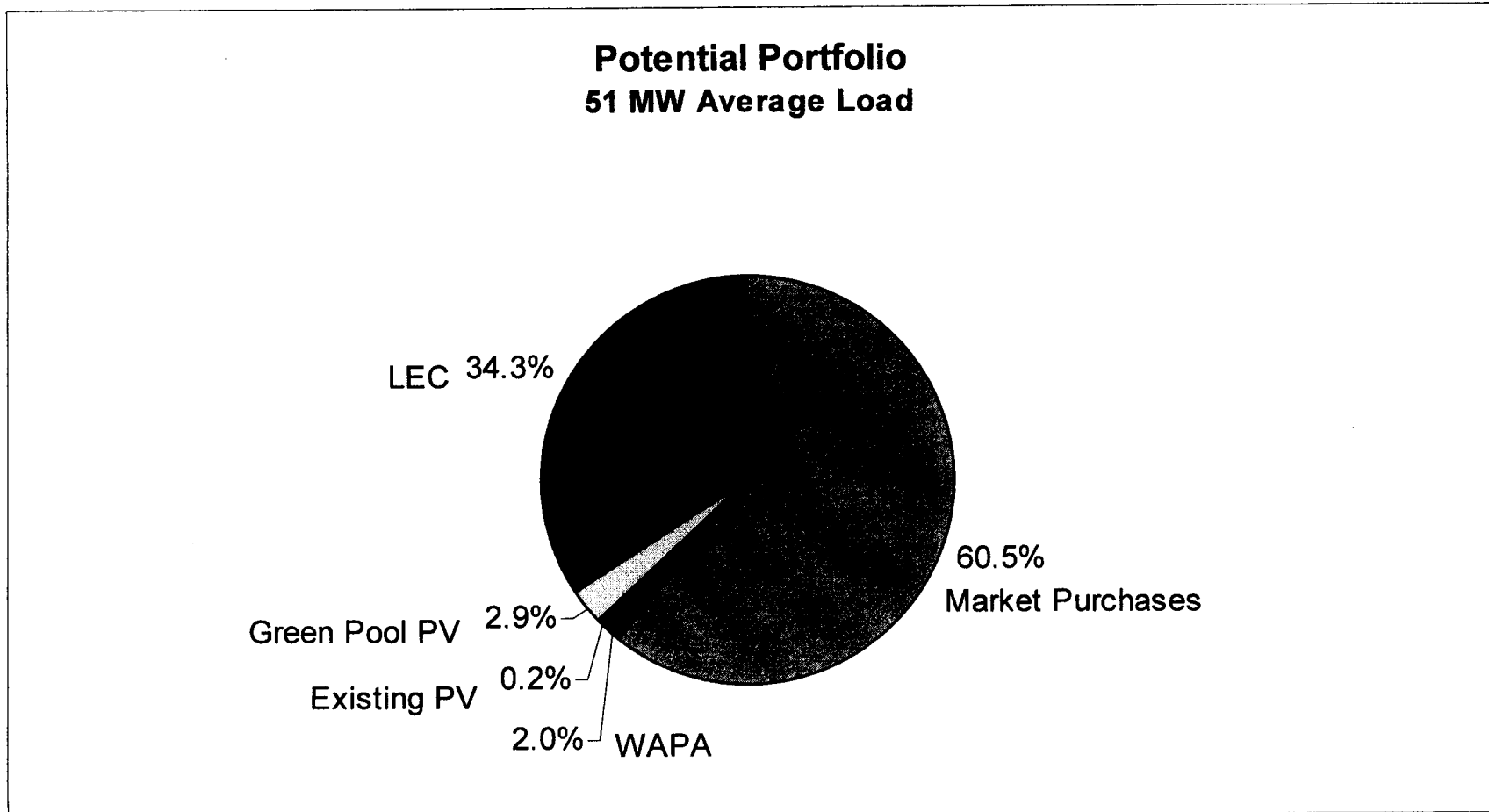
Two Primary Considerations:

1. Reduce Exposure to Market Power;
Develop Portfolio
2. Cost
 - LEC Below Estimated Market Cost
 - NCPA Pooled Solar Comparable to Long-Term Market Cost Through Group Purchase

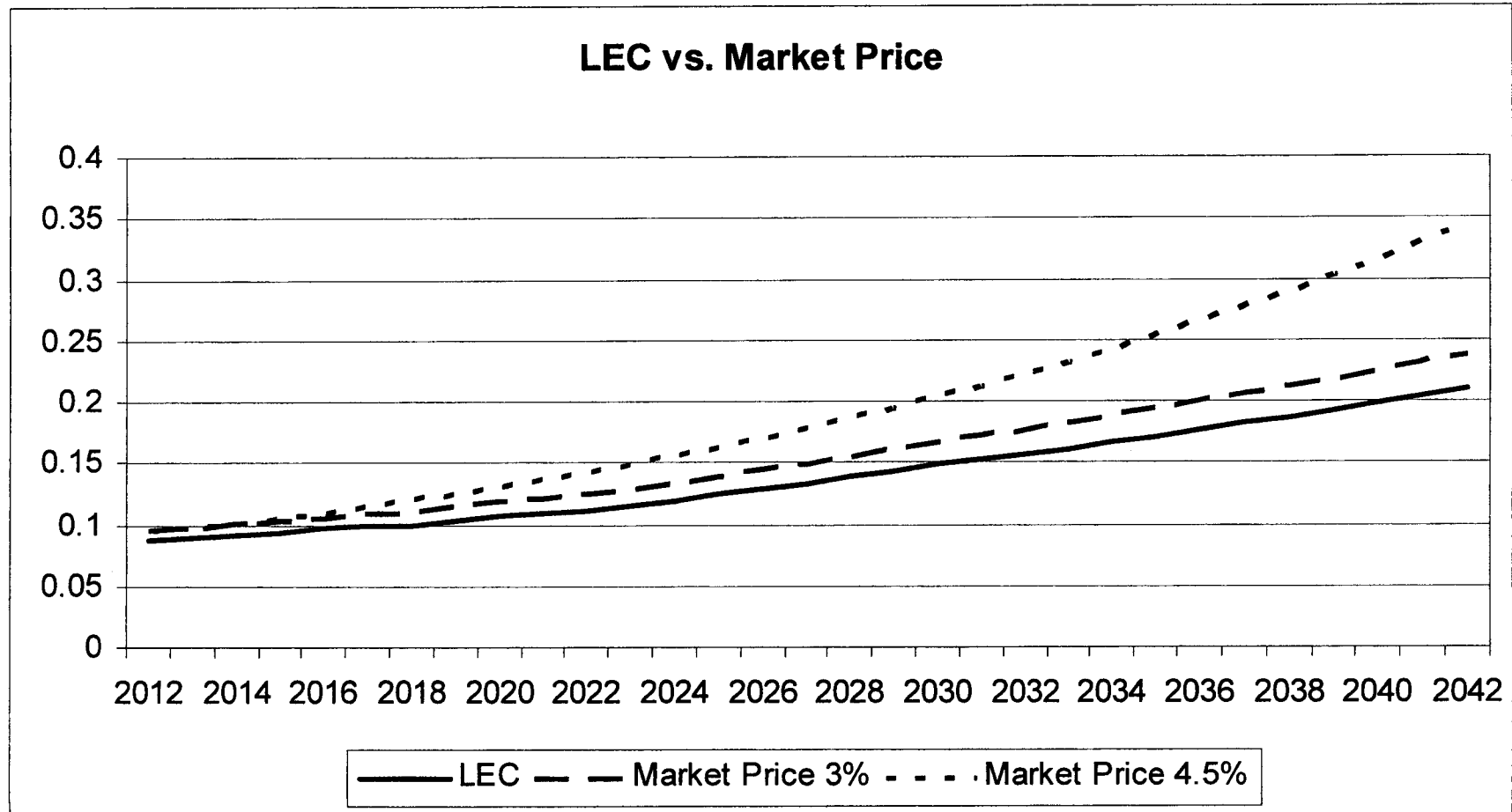
NCPA Projects



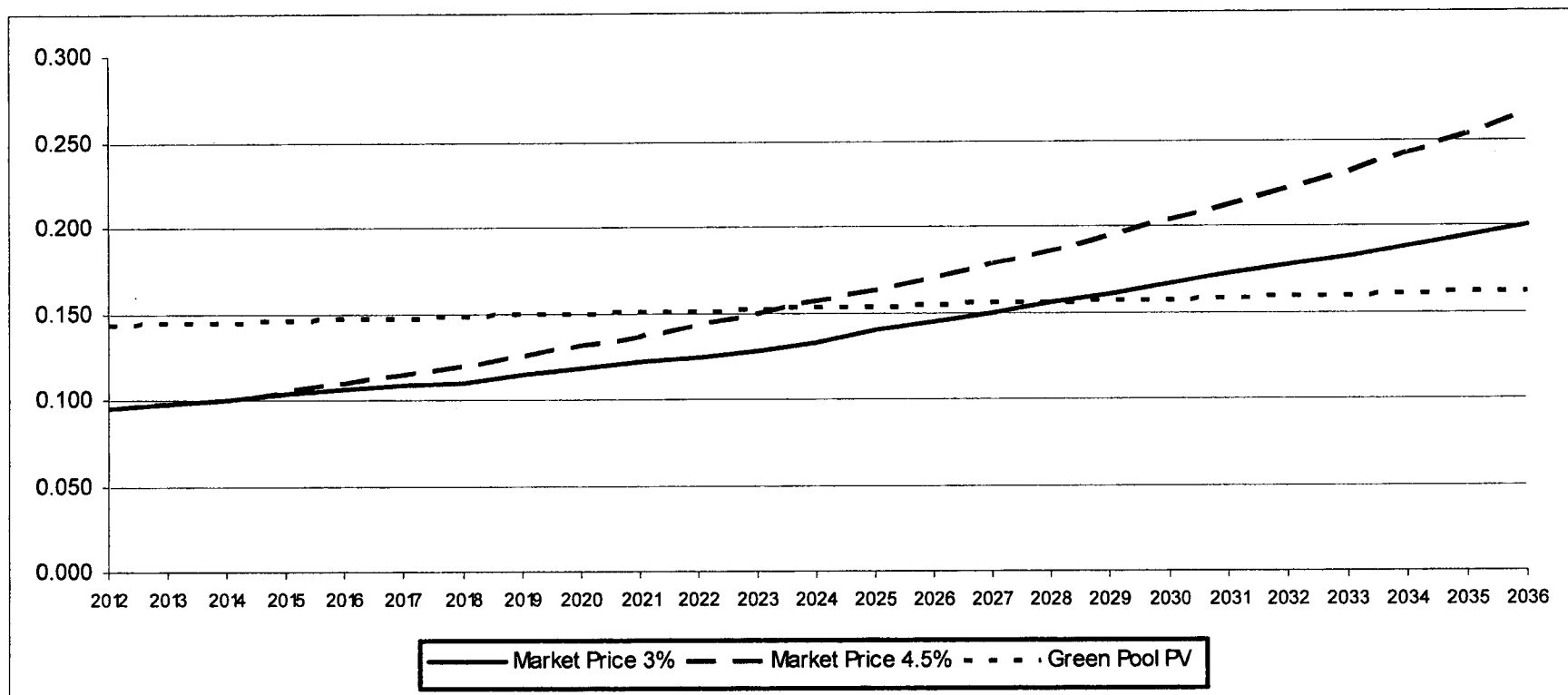
NCPA Projects



NCPA Projects – LEC Price



NCPA Projects – PV Price



NCPA Projects

- Both Projects Have Portfolio Benefits
- LEC
 - Savings Over Market Supply, \$68M to \$218M Over the Life of the Plant
 - Expected Green House Gas Fees Will Increase Cost
- NCPA Solar PV
 - Long-Term – Comparable to Estimated Market Cost
 - Near-Term – Approx. \$475,000 More per Year
 - Benefit Over Market Supply Greater When Green House Gas Fees Are Imposed

NCPA Projects

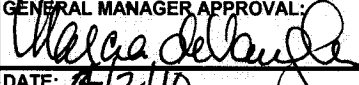
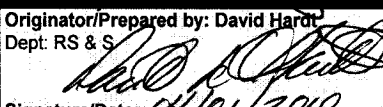
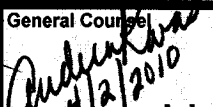
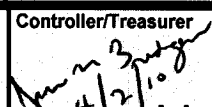
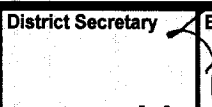
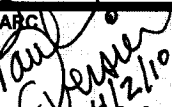
- Next Board Action - LEC
- Approval of Phase III Agreements
 - Power Sales Agreement
 - Plant Management and Operating Agreement
 - CEQA Finding
- April 22nd Meeting

NCPA Projects

- Next Board Action – NCPA Solar PV
- Possible Approval of NCPA Phase II Agreement
 - Environmental & Electrical Study
 - BART Share Approx. \$200-\$300K
 - No Commitment to Construction
- May 13th Meeting



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 4/2/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Hardt Dept: RS & S 	General Counsel 	Controller/Treasurer 	District Secretary 	BART 
Signature/Date: 04/01/2010	4/2/2010	4/2/10		4/2/10
Status: Routed		Date Created: 03/02/2010		
TITLE:				

Award of Contract 6M3146 - Reconditioning of Transit Vehicle Wheels

NARRATIVE:

Purpose:

To obtain Board authorization for the General Manager to award Contract 6M3146 for the Reconditioning of Transit Vehicle Wheels to Penn Machine Co., Carnegie, Pennsylvania.

Discussion:

The BART revenue vehicle uses a lightweight wheel, consisting of a steel tire that is mounted on an aluminum center. Each of the District's 669 revenue vehicles has eight wheels, two per each of its four axles. New wheels are 30" in diameter. When the wheel reaches 28" in diameter, it is no longer serviceable and must be removed from the transit vehicle and remanufactured to 30" in diameter before it is returned to service.

This is an estimated quantity contract with a Base Contract Year plus two option years. Pursuant to this Contract, an estimated quantity of 1,920 wheels will be reconditioned in the Base Contract Year. Assuming the District exercises its options, in the first option year, an estimated quantity of 1,920 wheels will be reconditioned and in the second option year, an estimated quantity of 1,920 wheels will be reconditioned. The Contract also provides for the supplier providing a sample of reconditioned wheels and an estimated quantity of 1250 aluminum wheel centers. The District is obligated to make available to the supplier transit vehicle wheels for reconditioning in a minimum quantity equal to 50% of the estimated quantity for the Base Contract Year, and 50% of the estimated quantity for each subsequent option year, if any, exercised by the District. This Contract permits the District to require reconditioning of quantities up to 150% of the estimated quantity during the Base Contract Year, 150% of the estimated quantity for any option year and up to 150% of the estimated quantity of new aluminum wheel centers.

The District provided advance notice to twenty-three (23) prospective bidders on January 26, 2010 (this is eight more than were sent out the last time this Contract went out for bid - a 35% increase). The Contract was advertised on January 29, 2010. A pre-Bid meeting was held on February 9, 2010, with one (1) prospective Bidder attending the meeting. One (1) addendum was issued on February 10, 2010. Seven (7) plan holders purchased the Contract Book. Bids were opened on February 23, 2010, and two (2) Bids were received.

<u>Name of Firm</u>	Bid Items 1,2 & 5 (Base Bid years, sample wheels and aluminum			Total (Excluding sales tax)
	<u>wheel centers)</u>	<u>Bid Item 3</u> <u>(Option Year A)</u>	<u>Bid Item 4</u> <u>(Option Year B)</u>	
Penn Machine Co. Carnegie, PA	\$3,935,128.00	\$2,565,120.00	\$2,684,160.00	\$9,184,408.00
ORX Tipton, PA	\$4,531,612.00	\$2,459,520.00	\$2,628,480.00	\$9,619,612.00
Engineer's Estimate				\$8,776,840.00

After review by District staff, the Bid by Penn Machine Co. has been deemed to be responsive to the solicitation. Furthermore, a review of the low Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible and staff has concluded that the Bid of \$9,184,408.00 submitted by Penn Machine Co. is fair and reasonable. Moreover, Penn Machine Co. has performed this work for the District under a previous contract.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 10% for MBEs and 12% for WBEs. The Bidder does not commit to subcontract any percentage of the subcontracted amount to MBEs or to WBE's. 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 for this Contract will be provided from the operating budget for Cost Center 622, RS & S Heavy Repair, account 680-300, as follows : Fiscal Year 2010, \$652,800.00; Fiscal Year 2011, \$3,061,469.33; Fiscal Year 2012, \$3,061,469.33; and Fiscal Year 2013, \$2,408,669.33.

Alternative:

The alternative to remanufacturing the transit vehicle wheels would be to buy new wheels at more than double the cost per wheel, which would not be cost effective for the District.

Recommendation:

Based upon the of analysis by staff, it is recommended that the Board adopt the following motion:

Motion:

The General Manager is authorized to award Contract No. 6M3146 for Reconditioning Transit Vehicle Wheels, an estimated quantity contract, to Penn Machine Co. for the base Bid period, including Items 1 (Sample of Reconditioned Wheels), 2 (Base Contract: Reconditioned Transit Vehicle Wheels) and 5 (New Aluminum Wheel Centers) for the Bid price of \$3,935,128.00, plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise Option A for the Bid price of \$2,565,120.00, plus applicable taxes and Option B, for the Bid price of \$2,684,160.00, plus applicable taxes, each Option consisting of a one-year extension for Reconditioning of Transit Vehicle Wheels. Exercise of the options as well as the quantities ordered during the base period and option years shall be subject to the availability of funding.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors	
DATE: c 3/31/10		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shirley J Ng Dept: TSD	General Counsel 	Controller/Treasurer 	District Secretary
Signature/Date: 3/31/10	3/29/10	3/24/10	3/29/10

TITLE:

Award of Contract 15PK-120, Earthquake Safety Program, Station Structures - R Line

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15PK-120, for BART Earthquake Safety Program, Station Structures - R Line, to Alten Construction, Inc.

DISCUSSION: Contract No. 15PK-120 will provide for the seismic strengthening of the El Cerrito Plaza and El Cerrito del Norte stations as part of BART's Earthquake Safety Program. The work consists of the structural retrofit of pier foundations, columns, pier caps and the associated architectural, mechanical and electrical components impacted by the retrofits.

The District provided an advance notice to 355 prospective Bidders on December 29, 2009 and Contract Documents were sent to 22 plan rooms. The Contract was advertised on January 5, 2010. A total of 47 firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour were conducted on January 19, 2010 with 40 potential Bidders in attendance. Ten (10) bids were received and publicly opened on March 2, 2010.

Review of the Bids revealed that the Bids submitted by Alten Construction, Inc., Robert A. Bothman, Inc. and Arntz Builders, Inc. had arithmetical errors in the Bid Item totals and/or in the total Bid Price. Article 15.B, Evaluation, of the Instruction to Bidders in the Contract clearly states that item totals are provided by the Bidder for the convenience of the District, and that the District will calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations shall govern. Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

BIDDER	LOCATION	TOTAL AMOUNT
Alten Construction, Inc.	Richmond, CA	\$8,162,272.31
Robert A. Bothman, Inc.	San Jose, CA	\$8,315,585.12
S. J. Amoroso Construction Co., Inc	Redwood Shores, CA	\$8,657,000.00
Proven Management, Inc.	San Francisco, CA	\$9,394,394.00
Diablo Contractors, Inc.	San Ramon, CA	\$9,555,818.00
Zovich & Sons, Inc.	Hayward, CA	\$9,604,304.82
Arntz Builders, Inc.	Novato, CA	\$9,837,757.40
California Engineering Contractors, Inc.	Pleasanton, CA	\$10,910,895.60

Award of Contract No. 15PK-120, Earthquake Safety Program, R Line Stations

William P. Young Construction, Inc.	Hayward, CA	\$11,361,901.00
Angotti & Reilly, Inc.	San Francisco, CA	\$11,433,024.08

<u>Engineer's Estimate</u>	\$10,050,000.00
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The apparent low Bid submitted by Alten Construction, Inc. has been deemed to be responsive to the solicitation. Furthermore, examination of the low Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible and that the low Bid of \$8,162,272.31 submitted by Alten Construction, Inc. is fair and reasonable.

The Contract was advertised pursuant to the California Department of Transportation ("CalTrans") DBE Program requirements for Federal Highway Administration funded contracts. Under the CalTrans DBE Program requirements, only Underutilized DBEs ("UDBE") can be counted towards meeting the race and gender conscious DBE goal. The Office of Civil Rights reviewed the scope of work for the Contract and determined that there were subcontracting opportunities; therefore, a UDBE participation goal of 4% was set for the Contract. Alten Construction, Inc. committed to subcontracting 5% to UDBEs.

FISCAL IMPACT:

Funding for \$8,162,273 for award of Contract No. 15PK-120 is included in the total project budget for the FMS #15PK, ESP R Line Stations. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds for this Contract will come from the following sources:

<u>F/G 49S - Seismic LSSRP - Federal Only</u>	\$2,661,717
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As of month ending 02/28/10, \$5,927,084 is available for commitment from this fund source for this project and BART has committed \$343,799 to date. There are pending commitments of \$0 in BART's financial management system. This action will commit \$2,661,717 leaving an uncommitted balance of \$2,921,568 in this fund source.

<u>F/G 55 U - LSSRP Local Match</u>	\$345,264
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As of month ending 02/28/10, \$767,916 is available for commitment from this fund source for this project and BART has committed \$44,543 to date. There are pending commitments of \$0 in BART's financial management system. This action will commit \$345,264 leaving an uncommitted balance of \$378,109 in this fund source.

<u>F/G 01F - 2004 Earthquake Safety General Obligation Bond</u>	\$5,155,292
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As of month ending 02/28/10, \$11,350,000 is available for commitment from this fund source for this project and BART has committed \$686,935 to date. There are pending commitments of \$0 in BART's financial management system. This action will commit \$5,155,292 leaving an uncommitted balance of \$5,507,773 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic strengthening of those two stations.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PK-120, Earthquake Safety Program, R Line Stations, to Alten Construction, Inc. for the Bid price of \$8,162,272.31, including applicable taxes, 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. The award is also subject to the Federal Highway Administration's concurrence.

FUNDING SUMMARY EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 3/10/10	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$226,200,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$226,200,000	
CM	\$61,498,000	\$79,000,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$307,398,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$76,030,000	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$90,000,000	
Fremont	\$178,224,000	\$117,800,000	
Concord	\$36,500,000	\$45,300,000	
Richmond	\$80,155,000	\$75,800,000	
San Francisco/Daly City	\$36,590,000	\$9,991,645	
Stations (18)	\$126,961,000	\$119,461,000	
Other Structures			
LMA	\$5,529,000	\$5,267,440	
Yds & Shops	\$12,436,000	\$23,300,000	
Parking Structures	\$14,437,000	\$13,500,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$40,000,000	
Systems	\$7,066,000	\$18,000,000	
TOTAL CONSTRUCTION	\$909,469,000	\$651,958,028	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$241,801,763	
Contingency	\$32,104,000	\$52,276,129	
TOTAL PROGRAM COSTS	\$191,998,204	\$294,077,892	
BASELINE FUNDING	\$1,350,486,000		
REVISED FUNDING		\$1,253,434,157	



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors	
DATE: 3/3/10		BOARD INITIATED ITEM: No	
Originator/Prepared by: Thomas Horton Dep. TSD Signature/Date: 3/3/10	General Counsel: 3/3/10	Controller/Treasurer: 3/3/10	District Secretary: 3/3/10
Status: Routed		Date Created: 02/12/2010	

AUTHORITY TO AWARD AGREEMENT NO. 6M8040, SMALL BUSINESS SUPPORT SERVICES IN SUPPORT OF BART'S EARTHQUAKE SAFETY PROGRAM

NARRATIVE:

PURPOSE: To authorize the General Manager to award Agreement No. 6M8040, to provide small business support services for the Earthquake Safety Program, to The Allen Group/Cooper Pineda Management Joint Venture (TAG/CPM JV).

DISCUSSION: This Agreement will provide the District with small business support services during Earthquake Safety Program procurement and construction activities. Assignments under this Agreement will be defined by Work Plans, subject to funding availability. Each Work Plan will have its own scope, schedule and budget. This Agreement will have a term of four years.

On November 9, 2009, the District issued Request for Proposals (RFP) No. 6M8040. Seventy six (76) consultant firms requested and were sent the RFP. Advertisements soliciting interest were placed in a number of publications including DBE/MBE/WBE publications. A Pre-Submittal meeting which included DBE/MBE/WBE participants was held on November 30, 2009.

On January 12, 2010, proposals were received from the following 13 firms:

Firm

Lee L. Davis & Associates
 GCAP Services Inc.
 Padilla & Associates
 Mason Tillman Associates LTD.
 Business Development Inc.
 TAG/CPM JV
 Baines Group Inc.
 Pendergast & Associates
 AURIGA Corporation
 Aztec Consultants
 DTA & ETF JV

Location

Oakland, CA
 Citrus Heights, CA
 Santa Ana, CA
 Oakland, CA
 Oakland, CA
 Oakland, CA
 Oakland, CA
 San Francisco, CA
 Milpitas, CA
 San Ramon, CA
 Oakland, CA

A Selection Committee (Committee) consisting of staff from Transit Systems Development, Office of Civil Rights and Contract Administration reviewed the submittals. The Committee evaluated the proposals utilizing the best value methodology. Under this approach, the District retains the right to award to other than the lowest cost proposal, based on a determination that certain technical advantages available from a proposal will equate to added value for the District. The submittals were first reviewed for responsiveness to the requirements of the RFP. Subsequently, the submittals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the firm and key personnel. The Committee later reviewed the price proposals and determined that six proposers were in the competitive range. All proposers in the competitive range were invited to make oral presentations. After the oral presentations, the Committee combined the qualifications/technical scores and the oral presentation scores, and based on best value analysis determined that TAG/CPM JV offered the best overall value to the District.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% 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.

Accordingly, staff recommends that the Agreement for Small Business Support Services be awarded to TAG/CPM JV.

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

FISCAL IMPACT:

Agreement No. 6M8040 has a not-to-exceed cost limit of \$2,000,000. District financial obligations under the Agreement will be subject to Work Plans (WPs). Each WP will have a defined scope of services and separate schedule and budget. Any WP assigned for funding under a State or federal grant will include State or federal requirements. WPs will be approved only if BART Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each WP.

BART's Manager, DBE Programs, Office of Civil Rights, will issue WPs and administer the Agreement.

Funding for individual WPs will be provided from BART's Capital Budget accounts as evidenced by the issuance of related work orders.

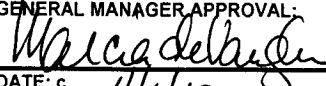
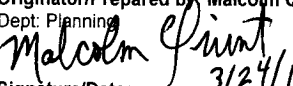
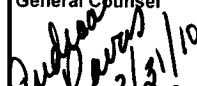
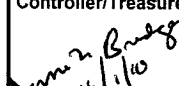

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. New proposals would be unlikely to yield more favorable technical and price characteristics.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Agreement No. 6M8040 to The Allen Group/Cooper Pugeda Management Joint Venture (TAG/CPM JV) for a term of four years in an amount not to exceed \$2,000,000, subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAL Committee		
DATE: c 4/1/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Malcolm Quint Dept: Planning  Signature/Date: 3/24/10	General Counsel  3/31/10 []	Controller/Treasurer  4/1/10 []	District Secretary []	BARC  3/31/2010 []

Memorandum of Understanding between BART and the California High Speed Rail Authority for the Proposed Livermore Extension

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute a Memorandum of Understanding ("MOU") between the San Francisco Bay Area Rapid Transit District ("BART") and the California High Speed Rail Authority ("CHSRA") in connection with the BART to Livermore Extension environmental work (a copy of which is attached hereto). The purpose of this MOU is to provide for cooperation between BART and the CHSRA with regard to the environmental review processes in connection with the Altamont Corridor Rail Project and the BART to Livermore Extension Program.

DISCUSSION:

Work on the Program-level Environmental Impact Report (EIR) for the proposed BART to Livermore Extension began in early 2008. In the fall of 2008, the CHSRA and various regional partners began to develop a concept for a dedicated regional rail corridor through the Altamont Pass and Tri-Valley area capable of supporting intercity and commuter rail passenger services. This "Altamont Corridor Rail Project" is a separate corridor project from the statewide CHSRA system. This Altamont Corridor Rail Project concept is consistent with the vision outlined in the recently adopted MTC Regional Rail Plan.

The CHSRA wants to work cooperatively with BART to serve mutual objectives regarding the preparation of future environmental and engineering work. As outlined in the MOU, BART and the CHSRA agree to coordinate and to work cooperatively to complete the environmental reviews for their respective complementary regional rail planning efforts. Each party agrees to encourage public awareness of and involvement in the environmental review processes in which the agencies are engaged.

BART will conduct environmental review in connection with the BART to Livermore Extension Program. The CHSRA will be the lead agency on the environmental review of the Altamont Corridor Rail Project. BART will be the lead agency on any future project-level environmental review for a potential BART to Livermore Extension Project.

FISCAL IMPACT:

No fiscal impact is attributable to this MOU. Staff time from the Planning Department will be required. Staff support costs are accounted for in BART's Planning Fiscal Year 2010 budget and as proposed for Fiscal Year 2011 budget.

ALTERNATIVES:

Not execute the MOU with the CHSRA. BART and the CHSRA will not be as coordinated in their environmental work relating to a possible, future intermodal connection between BART and Altamont Corridor Rail Project service in the city of Livermore.

The MOU has been approved as to form by the Office of the General Counsel.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to execute the MOU with the CHSRA in connection with the environmental work related to the BART to Livermore Extension Program, a copy of which is attached.

MEMORANDUM OF UNDERSTANDING
BETWEEN BART AND THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY
TO COLLABORATE IN RESPECTIVE ENVIRONMENTAL WORK FOR THE
LIVERMORE AREA

This Memorandum of Understanding ("MOU") is made and entered upon execution by and between the San Francisco Bay Area Rapid Transit District ("BART") and the California High-Speed Rail Authority ("Authority")

RECITALS

- A. The purpose of this MOU is to provide for cooperation between BART and the Authority with regard to the environmental review processes in connection with the Altamont Corridor Rail Project and the proposed Livermore Extension Project.
- B. In accordance with the California Public Utilities Code, Section 185000, et seq., the Authority is responsible for planning, designing and implementing a high speed train (HST) System with services up to 220 miles per hour (mph), including conducting related environmental reviews. The Authority also has jurisdiction for planning passenger rail service capable of speeds over 125 miles per hour (mph). The proposed Altamont Corridor Rail Project would include high-speed compatible equipment capable of attaining speeds higher than 125 mph.
- C. In accordance with California Public Utilities Code Section 28500, et seq., BART is responsible for the construction, operation and maintenance of its rail transit system, together with conducting related environmental reviews, including future extensions, such as the proposed Livermore Extension Project.
- D. An Altamont Corridor Rail Project/BART connection in Livermore could provide the fastest travel times between the San Joaquin Valley and key Bay Area markets.
- E. On November 4, 2008, the voters of California approved Proposition 1A, a state bond measure that lists corridors eligible for funding, including the Altamont Corridor.

AGREEMENT

NOW, THEREFORE, BART and the Authority hereby agree as follows:

- 1. BART and the Authority acknowledge and agree to coordinate and to work cooperatively to complete the environmental reviews for their respective complementary projects.

2. BART will conduct the environmental review in connection with the proposed BART Livermore Extension Project.
3. The Authority is the state lead agency for purposes of compliance with the California Environmental Quality Act (CEQA) for the environmental review in connection with the Altamont Corridor Rail Project.
4. Each party agrees to encourage public awareness of and involvement in the environmental review processes in which the agencies are engaged.

Dorothy W. Dugger
General Manager
The San Francisco Bay Area Rapid
Transit District

Medhi Morshed
Executive Director
California High-Speed Rail Authority



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca delBue</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: c <i>4/1/10</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Property Development	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Jeffrey P Ordway</i> Signature/Date: <i>3/31/10</i>	<i>Audrey Rayas</i> <i>3/31/10</i>	<i>Jeffrey P Ordway</i> <i>4/1/10</i>	[]	<i>Chris Han</i> <i>4-1-10</i>

TITLE:

Glen Park Station Development - Recommendation for Exclusive Negotiating Agreement

NARRATIVE:

PURPOSE: To obtain Board authorization to initiate exclusive negotiations with Urban Real Estate Equities and Sares Regis Group of Northern California for development of BART property at the Glen Park BART Station.

DISCUSSION: In April 2007 the Board of Directors authorized staff to issue a Request for Qualifications (RFQ) to identify a developer for the Glen Park BART Station property. Key topics to be addressed during the developer solicitation process included:

- Provision of Housing – predominantly, but not exclusively, affordable units
- Relationship to Street – Project to contain ground level uses that assist in activating the street (e.g., retail)
- BART Access – developer to work with BART and the City to address access improvements which may eliminate BART parking

Due to the need to ensure that City objectives were appropriately reflected in it, the RFQ was not issued until December 2008. An Evaluation Committee was formed, consisting of six members: three from BART Property Development, one from BART Planning and two from the City.

A pre-submittal conference was conducted on January 7, 2009, and on February 28, 2009, BART received submittals from seven development teams. Interviews were conducted in May 2009. In response to the original submittals and presentations, BART requested further information from the development teams regarding specific issues. BART also engaged one of its on-call consultants, Economic & Planning Systems, Inc. (EPS), to serve as an objective third party to review the qualifications and confidential financial statements of each development team, interview references and stakeholders involved in past projects, and prepare a memorandum regarding their findings.

Two of the developers who submitted qualifications subsequently withdrew. Citizens Housing Corporation withdrew due to changes in their internal management and staffing. Justin Development withdrew to pursue other development opportunities. The five developers that remained interested as of July 2009 included:

- Barry Swenson Builders

- Em Johnson Interests
- Richman Group of California
- ROEM Development
- Urban Real Estate Equities/Sares Regis Group of Northern California (UREE/SRGNC)

The development teams were evaluated according to the following criteria:

- 1) adequate experience developing projects of comparable scale and complexity;
- 2) the capacity to secure financing for predevelopment efforts as well as the construction itself;
- 3) positive experience engaging communities in predevelopment processes; and
- 4) demonstrated understanding, creativity, and commitment to this unique development opportunity.

On January 22, 2010, the Evaluation Committee reviewed all relevant material, including the EPS findings, and identified a short list of two development teams:

- Em Johnson Interests
- Urban Real Estate Equities/Sares Regis Group of Northern California (UREE/SRGNC)

The Committee determined that one additional round of questions should be transmitted to the two development teams. The questions sent to the teams addressed the entitlement process, community involvement, a parking study, and potential joint venture.

Based on the development teams' responses to these questions, the Evaluation Committee met on March 17, 2010 and determined that Urban Real Estate Equities/Sares Regis Group of Northern California should be selected by BART to pursue development at the Glen Park Station, for the following reasons:

- UREE/SRGNC 's previous development accomplishments in San Francisco exhibited strong sensitivity to surrounding development context, including their projects at One Church Street (93-units of affordable rental multi-family housing, retail café, and childcare facility), 235 Second Street (renovation of 283,600 square foot warehouse), and Richard Sorro Commons (100-unit affordable multi-family housing, multi-purpose community space, childcare facility and retail).
- The size and diversity of the development team exhibits an ability to bring significant and varied resources to the community process to create a development program in concert with the community and then deliver an agreed-upon project. In addition to the two principal real estate development companies, the team includes:
 - Taylor Quinn Development (affordable housing)
 - Zeta Development (sustainability developer/advisor)
 - FME Architecture + Design (lead architect)
 - Robin Chiang & Co. and Linda Sobuta (advisory architects)
 - Nelson/Nygaard (parking/traffic & accessibility)
 - Nashua Kalil (TOD planning & sustainable urban design)

- o GCA Strategies & Workman Associates (community outreach)
 - o Nibbi Brothers (general contractor)
- Team members have completed a variety of projects in San Francisco exhibiting an understanding of what will be encountered during the entitlement process at the Glen Park BART Station. Projects include: 74 New Montgomery Street, Winterland Complex in San Francisco's Western Addition, Edgewater at Mission Bay, 55 Laguna Street, One Church Street, 235 Second Street, Good Samaritan Center on Portrero Avenue, and Richard Sorro Commons.
- The development team exhibited significant interest in the Glen Park community by attending a number of community discussions related to the Glen Park Community Plan and interacting with the community during BART's RFQ process.

Based on the Evaluation Committee's recommendation, staff recommends that the Board approve exclusive negotiations with Urban Real Estate Equities/Sares Regis Group of Northern California for development at the Glen Park Station. Any proposed development transaction would be brought back to the Board for approval.

BART's Office of the General Counsel will approve the exclusive negotiating agreement as to form.

FISCAL IMPACT: The only fiscal impact from the proposed action would be staff time involved in participating in the Glen Park community planning effort and in negotiating with the developer. An exclusive negotiating fee will be paid by the developer to BART.

ALTERNATIVES: Do not pursue private development at the Glen Park Station at this time. This action would result in a missed opportunity to take advantage of private development interest in the station area property and would result in BART's continuing maintenance and liability associated with the parcel.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to enter into an Exclusive Negotiating Agreement with Urban Real Estate Equities/Sares Regis Group of Northern California for development at the Glen Park Station, for a period of two years, with a right to extend for one year.