

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

BOARD MEETING AGENDA

April 9, 2015

9:00 a.m.

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

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER
  - A. Roll Call.
  - B. Pledge of Allegiance.
  - C. Introduction of Special Guests.
  
2. CONSENT CALENDAR
  - A. Approval of Minutes of the Meetings of March 26, 2015 (Regular), and March 26, 2015 (Special).\* Board requested to authorize.
  - B. Revision to 2015 Standing Committee and Special Appointments: Personnel Recruitment Ad Hoc Committee.\* Board requested to authorize.
  
3. ADMINISTRATION ITEMS  
Director Keller, Chairperson
  - A. New Employee Relocation Expense Reimbursement.\* Board requested to authorize.
  - B. Agreement with Miller3 Consulting, Inc., to Conduct Disparity Study in Support of District's Disadvantaged Business Enterprise Program (Agreement No. 6M5078).\* Board requested to authorize.
  
4. ENGINEERING AND OPERATIONS ITEMS  
Director McPartland, Chairperson
  - A. Award of Invitation for Bid No. 8950, Multi-Function Tamping Machine.\* Board requested to authorize.
  - B. Renaming of the East Contra Costa County BART Extension (eBART) Pittsburg Center Station.\* Board requested to authorize.
  - C. Change Order to Contract No. 04SF-140, Procurement of eBART Vehicles, with Stadler Bussnang, AG, for the Procurement of Additional Spare Parts (C.O. No. 2).\* Board requested to authorize.
  - D. BART to Oakland International Airport.
    1. Project Update.\* For information.
    2. Change Order to Contract No. 01ZK-110, Design-Build of the Oakland International Airport Connector, with Flatiron/Parsons, JV, for Quality Assurance/Quality Control Incentive Program Adjustment.\* Board requested to authorize.

- E. Agreements with VSCE, Inc. (No. 6M8076), and Cornerstone Transportation Consulting Inc. (No. 6M8077), for Sustaining Construction Management Services for BART Projects.\* Board requested to authorize.
- 5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Raburn, Chairperson  
NO ITEMS.
- 6. GENERAL MANAGER'S REPORT
  - A. Report of Activities, including Update of Roll Call for Introductions Items.
- 7. INDEPENDENT POLICE AUDITOR'S REPORT
  - A. Quarterly and 2014 Annual Report of the Office of the Independent Police Auditor.\* For information.
- 8. BOARD MATTERS
  - A. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
  - B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
  - C. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)
- 9. PUBLIC COMMENT  
(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)
- 10. CLOSED SESSION (Room 303, Board Conference Room)
  - A. PUBLIC EMPLOYMENT:  
Title: Controller-Treasurer  
Gov't. Code Section: 54957
- 11. OPEN SESSION

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

Board of Directors  
Minutes of the 1,730th Meeting  
March 26, 2015

A regular meeting of the Board of Directors was held March 26, 2015, convening at 5:02 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Josefowitz entered the Meeting later.

President Blalock introduced and welcomed Ms. Linda Drattell, nominee for appointment to the BART Accessibility Task Force (BATF).

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 12, 2015.
2. BART Accessibility Task Force Membership Appointment.
3. Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program.

Director McPartland made the following motions as a unit. Director Keller seconded the motions.

1. That the Minutes of the Meeting of March 12, 2015, be approved.
2. That the Board accept the recommendation of the BATF and appoint the nominated candidate, Linda Drattell, for membership to the BATF for a term beginning April 23, 2015, for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.
3. Adoption of Resolution No. 5290, In the Matter of Authorizing the Execution of Certifications and Assurances and the Appointment of an Authorized Agent for the Low Carbon Transit Operations Program (LCTOP).

Director Raburn requested that Item 2-C, Resolution Authorizing the Execution of Certifications and Assurances for the Low Carbon Transit Operations Program, be removed from Consent Calendar.

Ms. Deidre Heitman, Principal Planner, gave a brief presentation on the item. The item was discussed, and replaced onto Consent Calendar.

The motions carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

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

Director Keller, Chairperson of the Administration Committee, brought the matter of Title VI/Environmental Justice Report for East Contra Costa Extension Pittsburg Center Station, before the Board. Ms. Sharon Moore, Program Manager, Workforce and Policy Compliance, presented the item. The item was discussed.

President Blalock moved that the Board approve the eBART Pittsburg Center Station Title VI/Environmental Justice Report. Director Saltzman seconded the motion.

Jerry Grace addressed the Board.

The motion carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Earthquake Safety Program: Berkeley Hills Tunnel Policy Discussion, before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. The item was discussed.

Director McPartland brought the matter of Update on Employee Safety Initiatives before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Jeffrey Lau, Chief Safety Officer; Ms. Tamar Allen, Chief Maintenance and Engineering Officer; Mr. Sean Steele, Group Manager, Hayward Maintenance Complex; and Mr. Roy Aguilera, Chief Transportation Officer, presented the item. The item was discussed.

The following individuals addressed the Board.

Jerry Grace  
Chris Finn

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Agreements with Public and Private Transportation Providers for Temporary Bus Services before the Board. Mr. Robert Franklin, Department Manager, Customer Access, presented the item. Director McPartland moved that the General Manager be authorized to enter into multiple agreements with various public agency bus providers and/or with private charter bus carriers in order to provide temporary bus transportation services in a total amount not to exceed \$150,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects and a bus bridge is required; and that the authorization would expire on June 30, 2016. Director Radulovich seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Raburn brought the matter of Art Policy and Program: Funding and Programming Alternatives, before the Board. Ms. Abigail Thorne-Lyman, Principal Planner; Ms. Jeannene Przyblyski, Provost at the California Institute of the Arts; and Ms. Regina Almaguer, Regina Almaguer Fine Arts, presented the item.

The following individuals addressed the Board.

Rachel Dinno Taylor

Pamela Mays McDonald

Jerry Grace

The item was discussed.

Heather Ehmke addressed the Board.

President Blalock called for the General Manager's Report.

Mr. Oversier gave a brief report on planned repairs along the trackway and interlocking between the Fruitvale and Coliseum stations.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Blalock called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Mallett reported email subscriptions to Board Meeting agendas had increased substantially since implementing the ability to self-subscribe. Director Mallett reported staff had completed the creation of new BART label pins.

Director Saltzman gave a brief report on the meeting of the Labor Negotiations Review Ad Hoc Committee.

Director Raburn gave a brief report on the meeting of the Environmental/Sustainability Ad Hoc Committee.

Director Raburn reported he had spent three days meeting with Federal Transit Administration representatives in Washington, DC.

President Blalock reported he had attended a meeting of the Diridon Station Joint Policy Advisory Board and an Alameda County Transportation Commission Transportation Open House in Fremont.

President Blalock requested the Meeting be adjourned in honor of Ryan Morgan, son of District employee Todd Morgan, and San Jose Police Officer Michael Johnson.

President Blalock called for Public Comment. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 8:15 p.m.

Kenneth A. Duron  
District Secretary

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

Board of Directors  
Minutes of the 1,731st Meeting  
March 26, 2015

A special meeting of the Board of Directors was held March 26, 2015, convening at 8:16 p.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Blalock called for Public Comment on Item 3 only. No comments were received.

President Blalock announced that the Board would enter into closed session under Item 3-A (Public Employment) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 8:16 p.m.

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The Board Meeting reconvened in closed session at 8:22 p.m.

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

Absent: None.

The Board Meeting recessed at 8:50 p.m.

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The Board Meeting reconvened in open session at 8:51 p.m.

Directors present: President Blalock.

Absent: Directors Keller, Josefowitz, Mallett, McPartland, Murray, Raburn, Radulovich, and Saltzman.

President Blalock announced that the Board had concluded its closed session under Item 3-A of the Special Meeting agenda, and that there were no further announcements to be made.

The Meeting was adjourned at 8:51 p.m.

Kenneth A. Duron  
District Secretary



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** April 2, 2015

**FROM:** District Secretary

**SUBJECT:** Appointments to Personnel Recruitment Ad Hoc Committee

As the Board of Directors addresses the recruitment of a Controller/Treasurer, President Blalock proposes the establishment of an ad hoc committee to discuss approaches and review supporting information, materials and documents with staff and returning to the Board for consideration at a future date.

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

In accordance with Board Rule 3-3.2, President Blalock is bringing the matter of appointing members to the newly established Personnel Recruitment Ad Hoc Committee.

President Blalock proposes that Directors Josefowitz, Keller, Radulovich and he be appointed to the Ad Hoc Committee.

**MOTION:**

That the Board of Directors ratifies the appointment of the following Directors to the Personnel Recruitment Ad Hoc Committee:

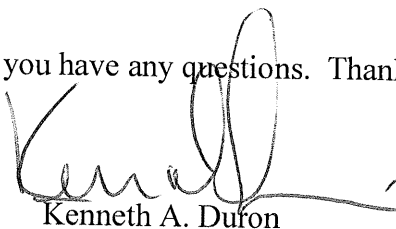
Thomas M. Blalock, P.E.

Nicholas Josefowitz

Joel Keller

Tom Radulovich

Please contact President Blalock or me if you have any questions. Thank you.



Kenneth A. Duron

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: c <i>4/1/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patrice McElroy Dept: Human Resources	General Counsel <i>Audrey Reeves</i> 4-1-15 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 4-1-15 [ ]
Signature/Date: <i>Patrice McElroy</i> 4/1/15				

### New Employee Relocation Expense Reimbursement

NARRATIVE:

#### Purpose:

To obtain Board authorization to reimburse eligible relocation expenses in accordance with Management Procedure 70, New Employee Relocation Expense Reimbursement for the individuals selected to fill the Assistant Chief Maintenance and Engineering Officer, Right of Way and the Assistant Chief Maintenance and Engineering Officer, Facilities Maintenance in the Maintenance and Engineering Department.

#### Discussion:

The two Assistant Chief Maintenance and Engineering Officers are two of four positions critical to assist with the new direction of the Maintenance and Engineering Department. The Assistant Chief's will be responsible for directly managing the activities of the complex multi-discipline maintenance and engineering organization.

The Assistant Chief Maintenance and Engineering Officer, Right of Way will be responsible for directly managing the overall activities of the track maintenance department including the areas of railway track systems, bridges, structures, and heavy rail equipment operation and maintenance. The position will play a key role with initiating the increased safety protocols outlined by the National Transportation Safety Board (NTSB), Occupational Safety and Health Administration (OSHA) and California Public Utilities Commission (CPUC), as well as assisting the District with modernizing the right of way practices.

The Assistant Chief Maintenance and Engineering Officer, Facilities Maintenance will be responsible for directly managing the overall activities of the facilities maintenance including Elevator and Escalator maintenance; station appearances; as well as ADA amenities and accessible pathway maintenance. This position will also play a key role in maintaining District equipment in Rolling Stock and Shops as well as addressing increased OSHA and CPUC safety regulations.

Board Resolution No. 4487, adopted March 11, 1993, requires Board approval prior to staff's use of an outside firm for recruitment and/or prior to offering relocation expenses

to new employees. In these two cases, the recruitments were conducted by the District's Human Resources Department.

Both positions were advertised on the District's website as well as a number of websites and periodicals that provide broad access to local and national candidates. We also received candidates from our sourcing vendors. Through these efforts, a number of both local and out-of-state candidates were considered for both positions.

The District recently completed the recruitments, selecting candidates for the Assistant Chief Maintenance and Engineering Officer, Right of Way, who currently resides in Murrieta, California and for the Assistant Chief Maintenance and Engineering Officer, who currently resides in Levittown, New York. Both candidates have been offered relocation expense reimbursement subject to Board approval.

**Fiscal Impact:**

The reimbursement of eligible relocation expenses will not exceed \$18,000 per candidate. Funding for the relocation expenses would come from the FY 2015 adopted budget of the Maintenance and Engineering Department.

**Alternative:**

Not to offer relocation expense reimbursements. This alternative may result in the loss of the identified candidates for these critical senior management positions.

**Motion:**

That the General Manager or her designee be authorized to provide relocation expense reimbursement, in an amount not to exceed \$18,000 each, consistent with Management Procedure No. 70, New Employee Relocation expense reimbursement for the successful candidates for Assistant Chief Maintenance and Engineering Officer, Right of Way and the Assistant Chief Maintenance and Engineering Officer, Facilities Maintenance.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maceo Wiggins</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 4/3/15		BOARD INITIATED ITEM: No			
Originator/Prepared by: Maceo Wiggins	General Counsel	Controller/Treasurer	District Secretary	BARO	
Dept: <i>Maceo Wiggins</i>	<i>Audrey Rowland</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Signature/Date: <i>Maceo Wiggins</i> 4/2/15	<i>Audrey Rowland</i> 4-2-15	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Status: Routed		Date Created: 03/30/2015			

**Award of Agreement No. 6M5078 to Conduct a Disparity Study in Support of the District's DBE Program**

NARRATIVE:

**PURPOSE:** To obtain Board authorization for the General Manager to Award Agreement No. 6M5078 to Miller3 Consulting, Inc. to conduct a disparity study in support of the District's Disadvantaged Business Enterprise (DBE) Program.

**DISCUSSION:** All FTA recipients are required to ensure that any use of race conscious measures to obtain DBE participation is narrowly tailored and supported by demonstrable evidence of discrimination. A disparity study investigates whether or not discrimination exists in the market area and to what extent discrimination exists in BART contracting. The District last conducted a disparity study in 2007 and the findings of this study were adopted by the Board in 2009. In order to ensure that the District's DBE Program is legally defensible, it is necessary to update the previous disparity study.

Advance Notice to Proposers was issued on October 23, 2014. On October 26, 2014, the District advertised Request for Proposals (RFP) No. 6M5078, Conduct a Disparity Study in Support of the District's DBE Program, in twelve publications, including minority-targeted publications. The RFP was issued to 24 firms and a pre-proposal meeting and networking session were held on November 6, 2014 attended by 14 firms. On December 23, 2014 proposals were received from 4 firms. Subsequently all of the proposals were evaluated by a Selection Committee chaired by Contract Administration with representatives from the Office of Civil Rights, Operations, and Planning and Development. Based on the price proposals submitted, Econsult Solutions, Inc. was determined to be outside of the competitive range. Oral interviews were conducted with the three remaining proposers between February 23, 2015 and February 26, 2015. A Best and Final Offer (BAFO) was requested from the three proposers on March 6, 2015 and received on March 13, 2015. The ranking of scores and best and final offer (BAFO) prices of the proposers are summarized below:

	<u>Firm</u>	<u>Location</u>	<u>Technical Rank</u>	<u>Price Rank</u>	<u>Price</u>
1.	Miller3 Consulting, Inc. (Miller3)	Atlanta, GA	1	3	\$668,050
2.	The Brattle Group (Brattle)	San Francisco, CA	2	2	\$607,306
3.	Mason Tillman Associates, Ltd. (MTA)	Oakland, CA	3	1	\$580,100*
4.	Econsult Solutions, Inc. (Econsult)	Philadelphia, PA	Outside of Competitive Range	4	\$1,195,000

District Cost Estimate - \$1,006,500  
\*MTA Price as adjusted for the 5% SB prime preference - \$551,095

At the conclusion of the evaluation process staff conducted a best value analysis and determined that Miller3 represented the best value to the District. Miller3 received the highest overall score for both the written statement of qualifications and the oral interview portions of the evaluation process. Miller3 proposes a technical methodology that was determined to be superior to all other methodologies. In addition, Miller3 proposes a combination project manager/legal advisor to its team who has over 20 years of disparity study experience and provides a unique combination of expertise in two areas critical to the success of the disparity study. Miller3 also proposes a statistician who is directly responsible for the design of the methodology as well as the statistical analyses, surveying and sampling methods employed during the course of the disparity study and is a subject matter expert with over 20 years of experience. This represents a significant, tangible benefit to the District whose value far exceeds the additional cost associated with selecting Miller3 Consulting. In addition, Miller3's price is approximately 34% below the cost estimate for this RFP.

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 Office of Civil Rights has determined the recommended proposer has exceeded both the MBE and WBE availability percentages for this RFP.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. Mason Tillman Associates Ltd. is a certified Small Business making it eligible for the preference, which was applied to its price proposal during the evaluation process. The application of the Small Business Program will not alter the award to Miller3.

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

FISCAL IMPACT: The total cost to complete the disparity study was estimated at \$1 Million. The funding for this has been allocated in the Office of Civil Rights' budget for FY15 and FY16.

ALTERNATIVE: The alternative is to reject all proposals and solicit new proposals. Re-issuing the RFP would delay the results of the disparity study and is not likely to result in additional proposals, and may require additional funding to be allocated in FY17.

RECOMMENDATION: Adopt the following motion.

MOTION: The General Manager is authorized to Award Agreement No. 6M5078 to Miller3 Consulting, Inc. to conduct a disparity study in support of the District's DBE Program for an amount not to exceed \$668,050.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcus DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: <i>Approve and Forward to April 9 E&amp;O Committee Mtg.</i>		
DATE: <i>4/3/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon Dept: Non-Revenue Vehicle Dept. <i>4-3-15</i>	General Counsel <i>Andrew Paves 4-3-15</i>	Controller/Treasurer	District Secretary	BARC <i>Paul Xavier 4/3/15</i>
Signature/Date: <i>Luis Leon</i>	[ ]	[ ]	[ ]	[ ]
Status: <b>Routed</b>		Date Created: <b>03/24/2015</b>		

### Award IFB No. 8950, Multi-Function Tamping Machine

NARRATIVE:

**PURPOSE:**

To request Board authorization for the General Manager to award Invitation For Bid No. 8950 to Plasser American Co., in the amount of \$3,210,618 (includes all taxes), for the purchase of a Multi-Function Tamping Machine.

**DISCUSSION:**

Track running rail and ties are supported by ballast, consisting of gravel, broken stone or slag placed between and under the rail and ties, to provide support and stability. Ballast helps to restrain lateral and vertical track movement caused by stresses like train traffic, precipitation effects and other natural forces. Purchasing a multi-function tamping machine (Tamper) equipped with blades and forks that rearrange and compact ballast, will facilitate the continued restoration of support to rail and ties, and keep track properly aligned at the designated elevation and held to its required gauge.

The District currently owns a twenty-two (22) year old Tamper that is experiencing unacceptable down time and excessive maintenance cost. Its failure rate and outmoded technology have become detrimental to the requirement to tamp ballast timely and efficiently, in eliminating track irregularities caused by shifting ballast.

The new heavy-duty, high performance switch and production tamping machine to be acquired, is designed with fully automatic track lifting, lining and cross-leveling capabilities, and will meet the stringent requirements of the BART high density transit and commuter line, within the District's on-track equipment clearance requirements. Using computer geometric referencing, this fifty (50) ton, forty-seven (47) foot long Tamper can efficiently identify track unevenness and squeeze and vibrate ballast to appropriate specifications, restoring track and ties to their correct position.

A notice requesting bids was published on January 16, 2015 and bid requests were mailed to six (6) prospective bidders. Bids were opened on February 10, 2015 and one (1) bid was received.

Quantity Grand Total (Including 9.5% sales tax)

Bidder

Plasser American Co. Chesapeake VA.	1 Each	\$3,210,618
Harsco Rail	No Bid	

Staff has determined that the apparent low bidder, Plasser American Co., Chesapeake VA., submitted a responsive bid, based on comparison to the independent cost estimate. An industry-wide search for qualified suppliers of this equipment was conducted and invitations for bid were sent to six potential bidders. Notice of the published invitation for bid was posted on webBART, and advertised in a local newspaper. Bidders who declined to bid responded they were unable to meet the District's on-track equipment clearance requirements, or their tamping machines might conflict with the District's third rail configuration.

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

Independent cost estimate by BART staff: \$ 3,000,000.00

FISCAL IMPACT:

Funding of \$3,210,618 for PR 9590 will come from project budget 15TD-000 WAYSIDE EQUIPMENT FY06. The following table depicts funding assigned to the referenced project since 05/26/2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of March 26, 2015 \$43,348,699.84 is available for this project from the following fund sources:

Fund	Description	Amount
226D	1995 SALES TAX REVENUE	3,891
226E	1998 S/T REV DEBT SERV2	2,081
226I	1999 S/T REV DEBT SERV2	34,858
3001	FTA CA-05-0253-00	3,200,000
3004	FTA CA-90-Y946-00	800,000
3401	FTA-CA-05-0263-00	2,200,000
347X	FTA CA-05-0211-00 FY06	2,827,778
347Z	FTA CA-05-0216-00 FY07	1,380,158
352Y	FY06 CAP ASST PGM CA-9	3,633,067
353K	CA-05-0236 FG MOD-FY09	155,947
353M	CA-05-0248 FG MOD-FY10 CAPITAL	2,582,621
354G	CA-90-Y604/FY08 CAP ASSIST PRG	210,566
3602	FTA CA-54-0007-00 FY13 CAP IMP	4,720,000
3603	FTA 5337 CA-54-0023-00	12,400,000
6010	BRIDGE TOLL ALLOC 06374312	1,615,211
6018	FY 11-12 BR TL ALLOC #12404403	200,000
6213	REGIONAL MEAS 2 08382301	1,043,921
6214	RM2 - MATCH TO 53G, 54G & 54J	52,642
6302	B-TOLL AB664 FY12-13 13408004	720,000
6303	MTC B-TOLL AB664 FY 13-14	905,932
8202	SLS TX REVN BOND FND(1	14,641
8205	1995 SALES TAX REV BON	27,530
8302	99 BOND INTEREST(06I-5	1,811
8504	SYSTEM IMPVT RESERVE(I	88
850N	CAPITAL IMPROVEMENT AL	3,002
850V	CAPITAL ALLOCATION-SEI	400,000
850X	CAP ALLOC.-SEISMIC NON	2,864
851W	FY07-11 CAPITAL ALLOCA	660,000
8523	CAP SURCHRG-STATN 2 ST	1,356,022
8525	FY 2013 OPERATING CAP ALLOC	2,194,068
	<b>TOTAL</b>	<b>43,348,700</b>

BART has expended \$10,593,375.03 and committed \$25,211,700.59 to date for other actions. This action will commit an additional \$3,210,618.00 leaving an uncommitted balance of \$4,333,006.22 in these fund sources.

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

**ALTERNATIVE :**

The alternative is to reject the Bid and re-advertise the IFB. Re-advertising the contract would result in costly delays in acquiring equipment essential to the safety and reliability of District operations. Parts for the current Tamper are becoming increasingly difficult to obtain.



**RECOMMENDATION:**

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

**MOTION:**

The General Manager is authorized to award IFB No. 8950, for the procurement of a new Multi-Function Tamping Machine, to Plasser American Co., Chesapeake VA., in the amount of \$3,210,618.18, including all applicable taxes, pursuant to notification to be issued by the General Manager.



ROADMASTER 2000

PLASSEUR AMERICAN  
COMPIÈGES AUTOMATED  
INDUSTRIAL TAMPER

22 YEAR OLD BART TAMPER

NEW PLASSER TAMPER





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i> DATE: 4/3/15		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
Originator/Prepared by: Olga Perez Dept. Planning and Development		General Counsel	Controller/Treasurer	District Secretary
Signature/Date: <i>[Signature]</i> 3/31/15	<i>Andrea Powell</i> 3-31-15 [ ]	<i>[Signature]</i> [ ]	[ ]	BARC <i>Paul Chenier</i> 4/3/15 [ ]
Status: Routed		Date Created: 02/11/2015		

**eBART Project Pittsburg Station Renaming**

NARRATIVE:

NARRATIVE:

**PURPOSE**

To provide the Board with information to consider in renaming the new Pittsburg eBART Station.

**DISCUSSION**

The eBART Project, a 10-mile extension eastward from Pittsburg/Bay Point to Antioch, is under construction, with revenue service planned to begin in May 2018. On April 10, 2014, the Board determined that the two stations planned in this extension would be named the "Pittsburg Civic Center Station" and the "Antioch Station." The Antioch City Council and the Pittsburg City Council also agreed to these names.

Subsequently, staff at the City of Pittsburg and BART discussed the Pittsburg Station name further and agreed that the name could cause patrons to confuse the Station with another existing BART station that also includes the word "Civic" in its name. As a result, staff at BART and the City of Pittsburg agreed to request approvals from the BART Board and Pittsburg City Council to rename the station, "Pittsburg Center Station."

On January 20, 2015 the Pittsburg City Council passed Resolution No. 15-2298 approving the name change to "Pittsburg Center Station."

Pursuant to the Station Renaming Policy and Procedure, the following are key factors to be considered in station renaming: overall helpfulness to the passenger, informativeness, geographical significance, brevity, how well it sounds, distinctiveness, ease of pronunciation, historical basis, prominence in the area, and overall appeal. These criteria are met by the new proposed name. Accordingly, staff is requesting BART Board approval of the name change to "Pittsburg Center Station."



## **FISCAL IMPACT**

None

## **ALTERNATIVES**

Leave the name of the eBART station as "Pittsburg Civic Center Station." This, though, could confuse patrons since another BART station also has the word "Civic" in its name.

Alternatively, another name that was previously considered by the Pittsburg City Council was "Pittsburg Railroad Avenue Station." Either of these alternative names, however, would conflict with the Pittsburg City Council Resolution approving "Pittsburg Center Station" as the new name.

## **RECOMMENDATION**

Adoption of the following motion:

### **MOTION**

The Board finds that the new name, "Pittsburg Center Station", provides riders with the information necessary to clearly identify the new eBART Station in the City of Pittsburg and distinguishes it from other BART stations. Accordingly, the new eBART station in the City of Pittsburg shall be named the "Pittsburg Center Station."



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delgado</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 4/3/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Olga Perez Dept. Planning and Development	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature/Date: 3/3/15	<i>Andrew Paves</i> 3-21-15 [ ]	<i>[Signature]</i> [ ]	[ ]	<i>Taulo</i> <i>[Signature]</i> 4/3/15 [ ]
Status: Routed		Date Created: 02/10/2015		
TITLE:				

**AUTHORITY TO EXECUTE A CHANGE ORDER  
FOR ADDITIONAL SPARE PARTS FOR THE eBART VEHICLES**

NARRATIVE:

**PURPOSE**

To obtain Board authorization for the General Manager to execute Change Order No. 002 to Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG. Change Order No. 002 is for the procurement of additional spare parts for the eBART Vehicles, in an amount not to exceed \$500,000, plus applicable taxes.

**DISCUSSION**

On April 24, 2014, the Board authorized the General Manager to award Contract No. 04SF-140 for the procurement of eBART Vehicles to Stadler Bussnang, AG (Stadler). The Notice to Proceed was issued to Stadler to commence work on May 30, 2014. The Board authorization included three Options for spare parts as follows: 1) Option 3, Primary Spare Parts for \$1,521,577; 2) Option 4, Secondary Spare Parts for \$1,918,232; and 3) Option 5 Miscellaneous Spare Parts for \$1,926,799, plus applicable taxes. The District could exercise Option 3 and/or Option 4 and/or Option 5 in any order, no later than one hundred eighty calendar days after issuance of the Notice to Proceed subject to certification from the Controller-Treasurer of the availability of funding. Change Order No. 001 was executed on November 12, 2014 to exercise Option 3 in the not to exceed amount of \$1,521,577 plus applicable taxes.

The list of spare parts included in Option 4 was reviewed by eBART Project and Rolling Stock and Shops staff to determine the necessity for all proposed items. The review resulted in a revised list of spare parts with reduced quantities and the elimination of unnecessary parts. A Change Notice was issued to Stadler requesting a cost proposal for the revised list of additional spare parts. Stadler submitted its cost proposal and staff has not yet finalized the negotiation for Change Order No. 002. As a further result of staff's review of the spare parts needed for this procurement, staff determined that Option 5 should not be exercised.

In December 2014, Stadler notified BART of a reduction in prices for various spare parts included in Option 3, resulting in a credit to BART in the amount of \$245,643. Change Order No. 002 shall be adjusted by this credit and issued in an amount not to exceed \$500,000 plus applicable taxes.

Staff recommends the procurement of these additional spare parts which are required for the District's use to effectively maintain the eBART vehicles. With this Change Order, BART will have a reliable supply and sufficient quantities of spare parts to support the District during revenue operations to repair failures, replace defective parts, and to replenish parts based on usage and lead time considerations.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve the Change Order as to form. The Procurement Department will review the Change Order for compliance with procurement guidelines.

Stadler did not commit to subcontract any percentage of the subcontracted amount to MBEs or WBEs.

**FISCAL IMPACT:**

Funding of \$545,000 (\$500,000 plus 9% tax) for the award of Change Order No. 2 for Contract No.04SF-140 is included in the total project budget for FMS #04SF140 – eBART Vehicles (DMU). The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of March 30, 2015, \$67,500,000 is available for this project from the following sources:

<b>Fund Number</b>	<b>Fund Description</b>	<b>Fund Source</b>	<b>Funded Amount</b>
6103	RMI eBART Alloc #11383305	Regional	\$52,000,000
6404	AB1171 - eBART Alloc #11391413	Regional	\$14,000,000
6645	ECCRFFA Co-Op Agmt 26-14	Local	\$1,500,000
<b>Total</b>			<b>\$67,500,000</b>

BART has expended \$5,785,603, committed \$56,926,268, and reserved \$1,673,735 to-date for other action. This action will commit \$545,000 leaving an available fund balance of \$2,569,394 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES**

The alternative would be not to issue the Change Order for the additional spare parts. The District would have to enter into a separate contract to procure the required spare parts at substantially higher costs and potential schedule delays.

**RECOMMENDATION**

Staff recommends approval of the following motion:

**MOTION**

The General Manager is authorized to execute Change Order No. 002 to Contract No. 04SF-140, for Procurement of eBART Vehicles with Stadler Bussnang, AG, for procurement of additional spare parts in a final amount owed by BART, after applying a credit of \$245,643 to BART, not to exceed \$500,000 plus applicable taxes.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: c 4/1/15		BOARD INITIATED ITEM: No	
Originator/Prepared by: Linda Dennis-Mallory Dept: Tom Dunscombe <i>LDM</i>	General Counsel <i>Andrew...</i> 3-27-15 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary BART <i>Fayl...</i> 3/31/15 [ ]
Signature/Date: 3-31-15 [ ]			

### AUTHORITY TO EXECUTE A CHANGE ORDER FOR THE QUALITY ASSURANCE/QUALITY CONTROL INCENTIVE PROGRAM ADJUSTMENT FOR THE OAKLAND AIRPORT CONNECTOR

NARRATIVE:

#### PURPOSE

To obtain authorization from the BART Board of Directors (Board) for the execution of a change order to Oakland Airport Connector (OAC) Contract No. 01ZK-110 for \$1,125,000 (one million one hundred twenty five thousand dollars) for the contractual Quality Assurance/Quality Control (QA/QC) Incentive Program adjustment.

#### DISCUSSION

On September 10, 2009, BART awarded Contract No. 01ZK-110 (the Contract) for the construction of the OAC Project using a design-build method to Flatiron/Parsons, JV (FPJV, or Contractor). NTP was issued November 1, 2010 and reached Substantial Completion on November 22, 2014 and is currently in revenue service.

The Contract requires that the Contractor implement a quality management system and procedures to ensure the consistent quality in the performance of the Work. Special Provisions Section 10 of the Contract requires that the Contractor provide a quality management staff, configuration control, design, construction, manufacturing, installation and testing quality control procedures as well as independent testing program. A Quality Assurance/Quality Control (QA/QC) incentive program was developed with the objective of making contract compliance more efficient and reducing verification costs for the District.

The OAC QA/QC incentive program provided for an adjustment (increase or decrease) of the design-build Contractor's proposed final invoice amount by \$1.5 million. A total of eight (8) audits were to be conducted every six months from the Notice to Proceed. Each audit was to evaluate the Contractor's QA/QC Program using a detailed check list of the work performed each evaluation period. The incentive amount varied each period but started at \$75,000 for mobilization and design, and increased to \$300,000 at the fifth audit during the peak design, construction and testing period. Each audit could result in an adjectival rating of "Exceptional", "Very Good", "Neutral", "Poor" or "Unsatisfactory". "Exceptional" or a "Very Good" ratings would increase the final invoice by 100% and 50%, respectively, of the incentive available

during the evaluation period. A rating of “Neutral” would not change the final invoice. A rating of “Poor” or “Unsatisfactory” would decrease the final invoice by 50% and 100%, respectively, of the incentive available during that evaluation period. Upon final acceptance of the Contract the Incentive Program Adjustment to the Final Invoice would be determined and a change to the Contract issued.

The last audit was conducted in February, 2015. Having received four audit ratings of “Excellent” and four audit ratings of “Very Good”, the Contractor has earned \$1,125,000 (of \$1,500,000 available). The table below summarizes the results of the OAC QA/QC Incentive program.

**OAC QA/QC INCENTIVE PROGRAM SUMMARY TABLE**

Audit No.	Rating	Interval Weight	Incentive Amount	Earned to date Adjustment
1	Excellent (100%)	5%	\$75,000	\$75,000
2	Very Good (50%)	5%	\$75,000	\$37,500
3	Very Good (50%)	10%	\$150,000	\$75,000
4	Very Good (50%)	15%	\$225,000	\$112,500
5	Very Good (50%)	20%	\$300,000	\$150,000
6	Excellent (100%)	20%	\$300,000	\$300,000
7	Excellent (100%)	15%	\$225,000	\$225,000
8	Excellent (100%)	10%	\$150,000	\$150,000
<b>Total</b>			<b>\$1,500,000</b>	<b>\$1,125,000</b>

**FISCAL IMPACT:**

Funding of \$1,125,000 for the award of QA/QC Incentive Program Change Order for Contract No.01ZK-110 is included in the total project budget for FMS #01ZK000 – OAC Construction. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

AUTHORITY TO EXECUTE A CHANGE ORDER FOR THE QUALITY ASSURANCE/QUALITY CONTROL INCENTIV

As of March 16, 2015, \$357,815,301 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
5903	State	CTC - SLPP	20,000,000
6131	Local	Regional Measure I	31,000,000
6203	Local	Regional Measure II	105,499,000
8210	BART	Sales Tax Bond for OAC Project	80,000,000
342B	Federal	CA-03-0791 - Oakland Airport Connector	24,999,999
535S	State	FY07/08 - PTMISEA Prop 1B	3,676,302
541A	State	CTC - PTA	20,000,000
659K	Local	ACTC - Measure B	72,640,000
		Total	357,815,301

BART has expended \$328,800,752, committed \$3,593,389, and reserved \$0 to-date for other action. This action will commit \$1,125,000 leaving an available fund balance of \$24,296,160 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES**

There is one alternative:

1. *Take no action* The Assistant General Manager of Planning & Development has \$500,000 of change order authority. Staff would be required to issue a change order to cap the OAC QA/QC incentive program at \$500,000. Because the Project is nearing Final Completion, limiting this change to \$500,000 would not have a substantial effect upon project quality. Likely the Contractor would file a claim for all associated QA/QC costs.

**RECOMMENDATION**

Authorize the General Manager or her designee to execute a Contract change order to 01ZK-110 in an amount of \$1,125,000 for the OAC QA/QC Incentive Program adjustment.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the April 9, 2015 E&O Committee meeting		
DATE: c <i>4/1/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Debra Grivois Dept: Planning and Development <i>D. Grivois</i> Signature/Date: <i>3-30-15</i>	General Counsel <i>Indira Rao</i> <i>3/30/15</i> [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>Paul Ho</i> <i>3/31/15</i> [ ]

TITLE:

**PROFESSIONAL SERVICES AGREEMENTS  
NO. 6M8076 AND NO. 6M8077  
SUSTAINING CONSTRUCTION MANAGEMENT SERVICES  
FOR BART PROJECTS**

NARRATIVE:

**PURPOSE:** Authorize the General Manager to award Agreement No. 6M8076 to VSCE, Inc. ("VSCE") and Agreement No. 6M8077 to Cornerstone Transportation Consulting Inc. ("Cornerstone") to provide Sustaining Construction Management Services for BART Projects.

**DISCUSSION:** These Professional Services Agreements were set aside for micro small business entities ("MSBE") under the District's Small Business Elements of the Disadvantaged Business Enterprise Program. Only firms certified by the District as MSBEs can compete for MSBE Professional Services Agreements. Request for Statement of Qualifications ("RFSOQ") No. 6M8076 stated the District's intent to engage the services of up to two (2) MSBE consulting firms to provide Sustaining Construction Management Services for BART Projects in support of ongoing and upcoming projects within the next three year period.

An Advance Notice to Proposers was sent to approximately 450 firms and advertisements soliciting interest in the RFSOQ were placed in a number of publications, including DBE/MBE/WBE publications. On September 2, 2014, the District issued RFSOQ No. 6M8076. A total of 146 consultant firms requested and were sent the RFSOQ. A Pre-Submittal Meeting was held on September 23, 2014, with approximately 90 prospective proposers attending.

As provided above, Statements of Qualifications ("SOQs") could only be submitted by firms certified by the District as a MSBE. On October 21, 2014, timely submittals were received from the following 23 firms:

1. ABA Global, Inc., San Francisco, CA
2. Aetypic, San Francisco, CA
3. AMC Consulting Engineers, Inc., San Francisco, CA
4. Analyzer International, Inc., Oakland, CA
5. Auriga Corporation, Milpitas, CA
6. C2PM, San Francisco, CA
7. Cornerstone Transportation Consulting Inc., San Francisco, CA

8. Corporate Project Management, Inc., Fresno, CA
9. DB Talak LLC, Concord, CA
10. Hattin Construction Management, Inc., Oakland, CA
11. L & L Group, Walnut Creek, CA
12. NBA Engineering, Inc., San Francisco, CA
13. PSM Associates, San Carlos, CA
14. Park Engineering, Inc., Orinda, CA
15. Rohadfox Construction Control Services Corporation, Atlanta, GA
16. Safework, Inc., Oakland, CA
17. Seattle International Engineering, Inc., Oakland, CA
18. Stevens & Associates, San Francisco, CA
19. Summit Associates, Concord, CA
20. Sunrise Pacific, Inc., Moraga, CA
21. VSCE, Inc., Oakland, CA
22. WE Group LLC, San Leandro, CA
23. YCat-C, San Francisco, CA

A Selection Committee ("Committee") consisting of staff from Planning and Development, Office of Civil Rights and Contract Administration reviewed the submittals. The submittals were first reviewed for responsiveness to the requirements of the RFSOQ. All submittals, with the exception of NBA Engineering, Inc. who was not certified by the District as an MSBE, were found responsive.

The remaining 22 submittals were then evaluated and scored on the basis of the criteria contained in the RFSOQ with respect to the qualifications of the key personnel and the proposed firms. The following proposers were short-listed and participated in the oral interviews which were conducted January 20-21, 2015:

1. AMC Consulting Engineers, Inc.
2. Cornerstone Transportation Consulting Inc.
3. PSM Associates
4. Park Engineering, Inc.
5. Safework, Inc.
6. Seattle International Engineering, Inc.
7. Summit Associates
8. VSCE, Inc.

After the oral interviews, the Committee combined the written scores and the oral interview scores, and determined that the two most qualified firms were VSCE and Cornerstone.

After making this determination, negotiations were entered into with the two most qualified firms. BART Contract Administration, with support from Internal Audit and Planning and Development, evaluated and discussed the rates and mark-ups (for a cost-plus-fixed-fee rate agreement) received from the two proposers. These discussions were concluded on terms favorable to BART and each of the proposers. Staff determined that the recommended rate

structures are fair and reasonable, and that the two most qualified firms are responsible organizations.

Pursuant to the District's DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set for these Agreements. Although no DBE goal was set, the two recommended awardees committed to the following DBE participation goals: VSCE – 70%; Cornerstone – 100%.

Accordingly, the Committee recommends two awards under RFSOQ No. 6M8076 to VSCE, Inc. and Cornerstone Transportation Consulting Inc. Each award will be in an amount not to exceed \$3,000,000.00 for Work Plans ("WPs") issued during a three year period of performance. WPs under the Agreement will be issued subject to funding availability. Each WP will include a detailed work scope, schedule and budget.

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

**FISCAL IMPACT:** Each Agreement will be established at a not-to-exceed limit of \$3,000,000.00. District obligations will be subject to a series of WPs. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement and the execution of each WP.

**ALTERNATIVES:** The District could reject all proposals and solicit new proposals. Re-issuing the RFSOQ would delay and adversely impact construction management services required by BART for various District projects.

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

**MOTION:** The General Manager is authorized to award Agreement No. 6M8076 to VSCE, Inc. and Agreement No. 6M8077 to Cornerstone Transportation Consulting Inc. to provide Sustaining Construction Management Services for BART Projects in an amount not to exceed \$3,000,000.00 each, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the FTA requirements related to protest procedures.

## SUSTAINING CONSTRUCTION MANAGEMENT SERVICES FOR BART PROJECTS

- **Introduction**

The San Francisco Bay Area Rapid Transit District requires sustaining construction management services to administer, monitor, inspect and interface with construction contractors on BART construction projects. Services provided shall comply with the latest edition of all applicable codes, ordinances, criteria, standards, regulations, and other applicable laws.

Request for Statement of Qualifications ("RFSOQ") No. 6M8076 was issued to provide the District with the required services. The RFSOQ process provides an alternative to the larger Request for Proposal ("RFP") process and was developed as a "Micro Small Business Entity ("MSBE") Set-Aside." Through this simplified RFSOQ process targeting small, minority, women-owned and/or DBE firms, a larger pool of firms can participate in District Agreements as prime consultants.

The RFSOQ:

- Described the detailed, objective selection process to be used;
- Indicated the criteria for making the selection; and
- Stated the District intended to award two Agreements for these services.

- **Scope of Services**

Consultant shall manage and monitor BART construction contracts by providing services which include:

- Technical Support
- Project Communications/Record Keeping and Meeting Coordination
- Cost Management
- Schedule Management
- Coordination with Other Agencies
- Project Reporting
- Project Close-out

- **Selection Process**

Followed California Government Code and Federal Brooks Act regulations related to the procurement of Architectural & Engineering services in which:

- Proposers are first evaluated on the basis of their qualifications, both written and oral; and
- Upon determining the most qualified proposers, terms and conditions of the Agreement are then negotiated.

Terms and conditions favorable to the District have been successfully negotiated with the two most qualified proposers; therefore, staff recommends awarding two Agreements as outlined in the EDD.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

TO: Board of Directors

DATE: April 2, 2015

FROM: Independent Police Auditor

SUBJECT: **OIPA 2013-2014 Annual Report**

At the April 9, 2015 Board of Directors meeting I anticipate discussing some details from the Office of the Independent Police Auditor's 2013-2014 Annual Report. Due to size constraints, the report has been forwarded to you under separate cover, both electronically and in hard copy. If you have any questions about the report, please do not hesitate to let me know.



Mark P. Smith

BART Independent Police Auditor