

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

BOARD MEETING AGENDA

April 10, 2014

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 10, 2014, 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 Public Comment.

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of March 27, 2014 (Regular), and March 28 and 29, 2014 (Special).* Board requested to authorize.
- B. Procurement of Replacement Non-Revenue Service Vehicles.* Board requested to authorize.
- C. Award of Contract No. 15QL-120, Maintenance Yards Surface Improvement – ORY.* Board requested to authorize.
- D. Fiscal Year 2014 Second Quarter Financial Report.* For information.

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

- A. CONFERENCE WITH LABOR NEGOTIATORS; PUBLIC EMPLOYEE PERFORMANCE EVALUATION / COMPENSATION
Agency Negotiators: Directors Blalock, Keller, and Saltzman
Titles: General Manager, General Counsel, Controller-Treasurer, District Secretary, and Independent Police Auditor
Gov't. Code Sections: 54957 and 54957.6

4. OPEN SESSION

- A. Compensation and Benefits for General Manager, General Counsel, Controller/Treasurer, District Secretary, and Independent Police Auditor.
Board requested to authorize.

5. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Small Business Opportunity Initiatives Update.* For information.

6. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Invitation for Bid No. 8929, Gasoline and Diesel Fuel.* Board requested to authorize.
- B. Sole Source Procurement with Dailey and Wells Communications for Interoperable Radio Network for the Warm Springs Extension Lake Elizabeth Tunnel.* (TWO-THIRDS VOTE REQUIRED.) Board requested to authorize.
- C. Agreements for General Engineering Services for BART Projects.* Board requested to authorize.
- D. East Contra Costa County BART Extension (eBART Project).
 - a. Approval of Cooperative Agreement between the East Contra Costa Regional Fee and Financing Authority and BART for Funding of the eBART Project.* Board requested to authorize.
 - b. Station Naming.* Board requested to authorize.
 - c. Procurement of eBART Vehicles.* For information.

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

Director Raburn, Chairperson

NO ITEMS.

8. GENERAL MANAGER'S REPORT

9. BOARD MATTERS

- A. Labor Negotiations Review Ad Hoc Committee: Agreement for Consulting Services for Assistance in Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees.* Board requested to authorize.
- B. Review of Roll Call for Introduction Reports. For discussion. (Director Mallett's request.)
- C. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)
- D. 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.)
- E. In Memorium.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. 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.)

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

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Service Employees International Union, Local 1021, and
Amalgamated Transit Union, Local 1555, v. San Francisco
Bay Area Rapid Transit District; Alameda Superior Court
Case No. RG13684861

Government Code Section: 54956.9(a)

12. 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 1,704th Meeting
March 27, 2014

A regular meeting of the Board of Directors was held March 27, 2014, convening at 5:03 p.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Fang. Directors Mallett, McPartland, and Murray entered the Meeting later.

President Keller called for Introduction of Special Guests. Director Blalock introduced and welcomed Brigadier General Garrett S. Yee, United States Army. Brigadier General Yee addressed the Board.

Director Murray entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 13, 2014.
2. Award of Contract No. 15LN-210, Controller and Power Saver O & K Escalators.

Director Raburn made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes - 6: Directors Blalock, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Absent – 3: Directors Fang, Mallett, and McPartland.

1. That the Minutes of the Meeting of March 13, 2014, be approved.
2. That the General Manager be authorized to award Contract No. 15LN-210, Controllers and Power Savers for O&K Escalators, to 3P Motor Controls, LLC, for the Bid price of \$433,486.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Non-CalPERS (California Public Employees Retirement System) Medical Plan Structure and Rates for Calendar Years 2014 through 2017 before the Board. Ms. Diane Iwata, Benefits and HRIS Manager, presented the item. Director Blalock moved adoption of Resolution No. 5258, In the Matter of the Non-CalPERS Medical Plan Plan Structure and Rates for Calendar Years 2014 to 2017. Director Murray seconded the motion, which carried by unanimous electronic vote.

Ayes - 6: Directors Blalock, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.
Absent – 3: Directors Fang, Mallett, and McPartland.

Vice President Blalock, in the absence of the Chairperson and Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IF-120, Powell Street Station Water Intrusion Repair, before the Board. Mr. Tian Feng, District Architect, presented the item. Director Murray moved that the General Manager be authorized to award Contract No. 15IF-120, Powell Street Station Water Intrusion Repair, to Shared Systems Technology, Inc., for the Bid price of \$1,990,230.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise Option 2 for \$400,000.00 consistent with the requirements of the Contract. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 6: Directors Blalock, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Absent – 3: Directors Fang, Mallett, and McPartland.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Station Retail Design Guidelines and Application to TransMart's Phase I Stations before the Board.

Directors Mallett and McPartland entered the Meeting.

Mr. Jeffrey Ordway, Department Manager, Real Estate and Property Development, and Mr. Feng presented the item.

The following individuals addressed the Board.

Ms. Susan Coss

Mr. Jerry Grace

The item was discussed.

President Keller called for the General Manager's report. Ms. Grace Crunican, General Manager, reported on steps she had taken and activities and meetings she had participated in. She reminded the Board of upcoming events: the Board Workshop on March 28 and 29, 2014; the Pete Snyder Plaza opening ceremony at the East Dublin/Pleasanton Station on March 31; and the BART Mobile birthday celebration at Children's Fairyland in Oakland on April 5.

President Keller called for the Independent Police Auditor's report. Mr. Mark Smith, Independent Police Auditor, gave a report on the recent activities of the Office of the Independent Police Auditor and the Citizen Review Board.

President Keller brought the matter of Report of the Labor Negotiations Review Ad Hoc Committee before the Board, noting that Agreement for Consulting Services for Assistance in Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees would be continued to a future meeting. Director Saltzman, Vice Chairperson of the committee, gave a brief report on the meeting of March 25, 2014.

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

Director Mallett reported he had attended an Oakland Airport Connector tour, and he requested a review and revision of the complex fare payment system planned for the BART Extension to Oakland International Airport

Director Saltzman requested that Public Comment be scheduled for the first fifteen minutes of future evening meetings.

Director Saltzman requested a report of the planning for Clipper® Card phase 2.

Director Murray reported she had attended a meeting in Sacramento regarding the Intercity Passenger Rail Program.

Director McPartland reported he had attended an Oakland Airport Connector tour; had meetings with BART staff, multiple civic groups, union leaders, and state legislators; and had presented a BART pass to a returning serviceman.

Director Blalock reported he would attend the San Joaquin Joint Powers Authority meeting in Madera.

The following individuals addressed the Board.

Ms. Nancy Scott

Mr. Jerry Grace

The Board Meeting was adjourned at 6:43 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 1,705th Meeting
March 28 and 29, 2014

A special meeting of the Board of Directors was held March 28 and 29, 2014. The meeting was a Board Workshop. The first session, convening at 9:10 a.m. on March 28, was held in the Crystal Ball Room II of Hotel Shattuck Plaza, 2086 Allston Way, Berkeley, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Blalock, Fang, and Mallett entered the Meeting later.

President Keller called for Public Comment. Mr. John Caner addressed the Board.

General Manager Grace Crunican introduced workshop facilitator Mr. Daniel Iacofono, and the Workshop was held.

Ms. Crunican and Mr. Val Menotti, Department Manager, Planning, gave a presentation on the Workshop Overview.

Director Mallett entered the Meeting.

The item was discussed.

Mr. Carter Mau, Assistant General Manager, Administration and Budgets, gave a presentation on District Finances. The item was discussed.

The Board Meeting recessed at 10:46 a.m.

The Board reconvened at 11:00 a.m.

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

Absent: Director Blalock.

Ms. Ericka Mitchell, Acting Department Manager, Labor Relations, gave a presentation on Human Resources: Contract Implementation. The item was discussed.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a presentation on Employee Safety. The item was discussed.

Mr. Jerry Grace addressed the Board.

The Board Meeting recessed at 12:25 p.m.

The Board reconvened at 12:58 p.m.

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

Absent: Director Blalock.

Mr. Benson Fairow, Deputy Chief of Police, Support Services Division, gave a presentation on Quality of Life in the BART System. The item was discussed.

Mr. Ravi Misra, Chief Information Officer, gave a presentation on Modernizing Business Practices. The item was discussed.

President Keller brought the matter of Roll Call for Introductions: Prioritization of Items, before the Board. The item was discussed.

Director Blalock entered the Meeting.

The Board Meeting recessed at 2:21 p.m.

The Board reconvened at 2:34 p.m.

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

Absent: None.

Mr. Mau and Mr. Frank Ruffa, Group Manager, Asset Management, gave a presentation on District Infrastructure: Asset Management and State of Good Repair. The item was discussed.

Mr. Jerry Grace addressed the Board.

Mr. Robert Mitroff, Manager of Fleet and Capacity Planning, and Mr. Menotti gave a presentation on District Infrastructure: Capacity Strategy. The item was discussed.

Mr. Robert Powers, Assistant General Manager, Planning and Development, Mr. Menotti, and M. Jeffrey Ordway, Department Manager, Real Estate and Property Development, gave a presentation on District Infrastructure: Stations and Access to Stations. The item was discussed.

The Meeting was adjourned at 5:31 p.m.

The Board reconvened at 9:07 a.m. in the Crystal Ball Room II of Hotel Shattuck Plaza, 2086 Allston Way, Berkeley, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Fang and Murray entered the Meeting later.

The Workshop continued.

Mr. Daniel Iacofono, workshop facilitator, reviewed the previous day's discussions.

Mr. Ordway gave a presentation on Benefit Assessment Districts.

Director Fang entered the Meeting.

The item was discussed.

Director Murray entered the Meeting.

Mr. Rodderick Lee, Department Manager, Government and Community Relations, and Mr. Paul Fadelli, Legislative Analyst, gave a presentation on Unmet Needs and Funding of District Priorities. The item was discussed.

Mr. Aaron Weinstein, Department Manager, Marketing and Research, gave a presentation on Building Ridership and Community. The item was discussed.

The following individuals addressed the Board.

Mr. Jerry Grace

Mr. Randall Glock

Ms. Kerry Hamill, Assistant General Manager, External Affairs, gave a presentation on Better BART, Better Bay Area. The item was discussed.

Mr. Iacofono reviewed and the Board discussed the Workshop.

The following individuals addressed the Board.

Mr. John Arantes
Mr. Jerry Grace

President Keller announced the Board would enter into closed session in Crystal Ballroom I under Item No. 5-A (Public Employee Performance Evaluation) of the Special Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Meeting recessed at 11:50 a.m.

The Board reconvened in closed session at 12:17 p.m.

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

Absent: Director Fang.

The Meeting recessed at 1:57 p.m.

The Board reconvened in open session at 1:58 p.m.

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

Absent: Directors Fang, Mallet, and Radulovich.

President Keller announced there was no action to be reported.

The Board Meeting was adjourned at 1:58 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DePaigen</i>		GENERAL MANAGER ACTION REQ'D:				
DATE: 4/4/14		BOARD INITIATED ITEM: No				
Originator/Prepared by: Larry Fisher	General Counsel	Controller/Treasurer	District Secretary	BARC		
Dept:	<i>Audrey...</i>	<i>[Signature]</i>	[]	[]	<i>Paul...</i>	
Signature/Date: <i>[Signature]</i> 3/28/14	<i>[Signature]</i> 3/28/14	<i>[Signature]</i> []	[]	[]	<i>[Signature]</i> 4/1/14	
Status: Approved			Date Created: 03/03/2014			

TITLE:

Procurement of Replacement Service Vehicles

NARRATIVE:

PURPOSE

To authorize the General Manager to purchase replacement non-revenue service vehicles consisting of police sedans and light, medium, and heavy duty maintenance trucks and vans through the State's cooperative bid process.

DISCUSSION

These vehicles will directly replace an equal number of like vehicles throughout the District which have exceeded their serviceable life expectancy, in accordance with District guidelines. Retired vehicles are removed from the fleet and sold at auction. The new vehicles will be used by a variety of Departments for routine and emergency maintenance and other District business as required throughout the Bay Area.

California Government Code Section 54205 allows districts, such as BART, to request the California Department of General Services to make procurement of materials, equipment, and/or supplies on its behalf in accordance with Section 10298 of the Public Contract Code. Section 10298 also permits the Director of the California Department of General Services to consolidate the needs of its agencies for goods, information technology, and services and establish contracts, master agreements, multiple award schedules, cooperative agreements, and other types of agreements that leverage the State of California's buying power. In addition, the Department of General Services may make its services available, upon the same terms and conditions, to any district empowered to expend public funds for the acquisition of goods, information technology, and/or services. Districts may then enter into agreements, without further competitive bidding, with suppliers awarded contracts, master agreements, multiple award schedules, and cooperative agreements by the Department of General Services. These vehicles are now available from a variety of dealerships throughout Northern California determined by the State's procurement office to be the low bidder for their respective vehicles. Dealerships qualified by the State include those typically solicited by the District through its own procurement process. Historically, the District has achieved significant cost savings by procuring automotive vehicles

through the State of California. Because the State (including local government agencies that purchase through the State's competitive bid process) purchases a substantially greater volume of vehicles, the cost of vehicles procured through the State is expected to be lower than what the District could attain through its own contracting procedures. Additionally, cost savings are also achieved from a significant reduction in District labor hours required to process the State bid, as compared to the time required for in-house bid procedures.

Currently it is anticipated that the District will purchase about 12 Police pursuit vehicles, 34 Light and Medium Duty Pick-ups, 4 Small SUV Vehicles and 5 Personnel Vans. These numbers are estimates and the mix might change somewhat due to immediate District needs.

The State contracts with suppliers contain several small sedans using hybrid and plug-in electric technology, however at this time the District has no need for this type of vehicle. Staff is however, studying availability of hybrid-diesel drives for large on-rail vehicles that will be purchased through the regular District IFB procedures.

FISCAL IMPACT:

Funding of \$990,000.00 for executing this contract will come from project budget 79BJ000 REPLACE NON-REVENUE VEHICLES. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of March 4, 2014, \$28,118,157.00 is available for this project from the following fund sources:

FUND	DESCRIPTION	Amount
659E	ALAMEDA CCMA/BAAQMD	24,750.84
8202	SLS TX REVN BOND FND(1	542,782.00
8205	1995 SALES TAX REV BON	2,651,723.00
8301	98 BOND INTEREST(06E-5	1,000,000.00
850N	CAPITAL IMPROVEMENT AL	3,622,381.00
850W	FY00-06 CAPITAL ALLOCA	8,211,220.16
850Z	CAPITAL MAINTEN. ALLOC	2,733,000.00
851W	FY07-11 CAPITAL ALLOCA	3,632,300.00
8524	FY2012 Operating Capital Alloc	2,900,000.00
8525	FY2013 Operating Capital Alloc	1,400,000.00
8526	FY2014 Operating Capital Alloc	1,400,000.00
TOTAL		\$28,118,157.00

BART has expended \$23,657,846.48, and committed \$906,081.41 to date for other actions. This action will commit an additional \$990,000 leaving an uncommitted balance of \$2,564,229.11 are in these fund sources.

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

ALTERNATIVE

Non-revenue vehicles are essential to the safe and reliable operation of the District. Although these vehicles could be purchased through the District's Procurement Office, it is anticipated that the cost would be greater and the time required for procurement would be significantly increased. To not approve this purchase, will increase the mileage and use of vehicles already due for replacement significantly beyond the limits established by District guidelines. Use of vehicles beyond the recommended retirement criteria increases maintenance expenditures and vehicle unscheduled down time.

RECOMMENDATION

It is recommended that the Board adopt the following motion.

MOTION

The General Manager is authorized, pursuant to Government Code Section 54205 and Public Contract Code Section 10298, to purchase replacement non-revenue service vehicles through State of California Department of General Services contracts for an amount not to exceed \$990,000.00, including applicable taxes and State fees.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQD: Approve and forward to April 10, 2014 E&O Committee meeting		
DATE: c <i>4/4/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance and Engineering Signature/Date: <i>Hamed T Tafaghodi 3/28/14</i>	General Counsel <i>Andrew R. ... 3/28/14</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul ... 3/31/14</i>

TITLE: **Award Contract No. 15QL-120 Maintenance Yards Surface Improvement-ORY**

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QL-120, Maintenance Yards Surface Improvement-ORY to ALB, Inc., of Pittsburg, California.

DISCUSSION: The work of this contract consists of providing all labor, equipment, materials, and services required for repaving and restriping the Richmond Yard employee parking lot and repaving selected segments of the Yard's interior access roads, as indicated in the contract documents.

Advance Notice to Bidders was e-mailed and mailed on December 13, 2013 to one hundred ten (110) prospective bidders. Contract Books were mailed to twenty three (23) plan rooms. The Contract was advertised on December 13, 2013. A pre-Bid meeting was held on January 8, 2014, with sixteen (16) prospective Bidders attending the meeting. Twenty-one (21) plan holders purchased the Contract Book.

The following Eleven (11) Bids were received on January 28, 2014:

No.	BIDDER	CA LOCATION	TOTAL BID
1	ALB, Inc.	Pittsburg	306,089.00
2	Maggiora & Ghilotti, Inc.	San Rafael	337,337.00
3	J.A. Gonsalves & Son Construction, Inc.	Napa	354,486.70
4	American Asphalt	Hayward	384,554.00
5	G&S Paving*	Oakley	387,490.00
6	Interstate Grading & Paving, Inc.	South San Francisco	390,000.00
7	C.F. Archibald Paving, Inc.*	Redwood City	400,914.00
8	Anvil Builders, Inc.*	San Francisco	417,300.00
9	Fanfa, inc. Engineering Contractors*	San Lorenzo	433,437.00
10	Alaniz Construction, Inc.*	Fremont	468,115.75
11	GECMS, Inc. dba Giron Construction*	San Francisco	469,500.00
	Engineer's Estimate		\$401,340.00

*Certified Small Business

After review by District staff, the Bid submitted by ALB, Inc. (Bidder) has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bidder's low Bid of \$306,089.00, which is approximately 25% below the Engineer's Estimate, is fair and reasonable.

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

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The Bidder committed to 10.71% MBE and 89.29% WBE. The Bidder did not meet the MBE percentage 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.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime Bid preference for this contract for Small Businesses certified by the California Department of General Services. ALB, Inc. is not a certified Small Business and therefore it is not eligible for the 5% prime Bid preference.

FISCAL IMPACT:

Funding of \$306,089.00 for the award of Contract No. 15QL-120 is included in the total project budget for FMS 15QL-000. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since February 2011, 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 3/17/14, \$2,150,000.00 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
851W	FY2007-11 Capital Allocation	1,750,000.00
8525	FY20013 Capital Allocation	400,000.00
		2,150,000.00

BART has expended \$100,053.48, committed \$0.00 and reserved \$1,310,000.00 to date for other actions. This action will commit \$306,089.00 leaving an available balance of \$433,857.52 in this project funding.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received. The ensuing delay of this refurbishing work will potentially result in costlier repairs.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QL-120, Maintenance Yards Surface Improvement -ORY to ALB Inc., of Pittsburg, California for the Bid price of \$306,089.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: General Manager
SUBJECT: FY14 Second Quarter Financial Report

DATE: April 4, 2014

The FY14 Second Quarter Financial Report (October - December 2013) is attached. The net operating result for the quarter was unfavorable to budget by \$7.1 million (M), although the year-to-date result was still \$2.9M favorable.

Operating Sources

Ridership was negatively impacted by the October labor strike, with an estimated loss of 1.4M trips and \$4.6M of fare revenue during the days with no or limited service. Trips in November and December were 3.2% and 0.8% below budget, indicating that ridership growth over the prior year is slowing down. Offsetting this is higher than budgeted fare revenue due to better than expected growth in passenger trip length and actual average fare.

Sales Tax revenue in the second quarter of FY14 grew 6% from one year earlier and finished \$0.6M over budget. We received the third quarter results in March (not reflected in the second quarter numbers), which showed a higher growth of 8.6% from one year earlier and \$2.4M over budget, resulting in year-to-date growth up 5.9%.

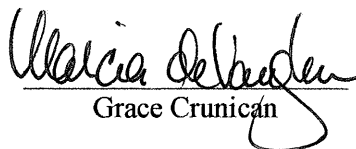
State Transit Assistance is \$4.7M under budget for the quarter, but we expect receipt of all funds by year end.

Operating Uses

Labor and benefits were unfavorable by \$0.7M (0.7%) for the quarter. Labor costs for the quarter did not yet include wage increases and other items specified in the Collective Bargaining Agreements, which will be reflected beginning with the January financial report. **Purchased Transportation** was unfavorable due to \$1.7M of additional bus service provided during the strikes, but does not include \$0.7M that will be reimbursed by MTC. **Electric Power** was favorable by \$1.5M (14.3%) due to market price of power coming in lower than budget and carbon fee expense timing. **Other Non-Labor** was unfavorable by \$0.5M, but is still favorable year-to-date by \$7.2M due to timing of actual expenses as compared to the budget. The large favorable variance is not expected to last, as the non-labor budget has been tight for a number of years due to increasing system maintenance costs.

After starting FY14 with ridership growth of 3-4%, growth slowed in the 2nd quarter, with average weekday trips actually declining 1% from the prior year, even excluding strike impacts. Third quarter ridership improved, growing 1.7%, but still below budget expectations. The favorable variance in expense through the second quarter will rapidly be used up, with the implementation of the labor agreements and catch-up of non-labor spending. The January financial report was completed recently, and has a \$4.5M negative net result, bringing the year-to-date result to an unfavorable \$1.6M.

As with last year, the monthly general ledger closings have been delayed due to a few remaining issues related to integration of data into the enterprise system. Accounting is now expediting closing processes and we anticipate timelier reporting for the remainder of the fiscal year.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Quarterly Financial Report
Second Quarter
Fiscal Year - 2014

	Current Quarter			Year to Date		
	Budget	Actual	Var	Budget	Actual	Var
Revenue						
Net Passenger Revenue	101.8	98.0	-3.7%	205.2	200.8	-2.2%
Parking Revenue	4.6	4.5	-2.4%	9.2	9.0	-2.4%
Other Operating Revenue	4.8	4.9	1.3%	9.8	10.7	9.4%
Total Net Operating Revenue	111.2	107.4	-3.4%	224.2	220.5	-1.7%
Expense						
Net Labor	96.8	97.5	-0.7%	194.7	194.5	0.1%
OPEB Unfunded Liability*	0.4	0.6	-62.3%	0.7	1.1	-56.5%
Electric Power	10.5	9.0	14.3%	20.9	17.8	14.6%
Purchased Transportation	4.1	5.3	-30.6%	8.1	9.8	-20.6%
Other Non Labor	25.3	25.8	-2.2%	54.1	46.9	13.2%
Total Operating Expense	137.0	138.2	-0.9%	278.5	270.2	3.0%
Operating Surplus (Deficit)	(25.8)	(30.8)	-19.5%	(54.3)	(49.7)	8.5%
MTC Rail Fund Car Swap	(18.0)	(20.7)	-15.0%	(36.0)	(40.4)	-12.2%
Taxes and Financial Assistance						
Sales Tax	54.5	55.7	2.2%	108.9	109.5	0.5%
Property Tax, Other Assistance	16.0	16.8	5.4%	17.5	18.4	4.9%
MTC Rail Fund Car Swap	18.0	20.7	15.0%	36.0	40.4	12.2%
State Transit Assistance	4.7	-	-100.0%	4.7	-	-100.0%
Debt Service	(14.6)	(14.6)	-0.1%	(29.1)	(29.1)	0.0%
Capital and Other Allocations	(24.8)	(24.5)	-1.3%	(62.1)	(61.1)	-1.7%
OPEB Unfunded Liability Offset*	0.4	0.6	62.6%	0.7	1.1	60.6%
Net Financial Assistance	54.2	54.8	1.1%	76.6	79.3	3.5%
Net Operating Result	10.4	3.3		(13.7)	(10.8)	
System Operating Ratio	81.2%	77.7%	-3.5%	80.5%	81.6%	1.1%
Rail Cost / Passenger Mile	0.314 ¢	0.335 ¢	-6.7%	0.317 ¢	0.321 ¢	-1.1%

Totals may not add due to rounding to the nearest million.

No Problem

Caution: Potential Problem/Problem Being Addressed

Significant Problem

Revenue

- Avg weekday trips for the quarter were 376,373, 5.1% under the same quarter last year due to the strike in October and low rider growth in November and December. Core trips down 5.1% and SFO trips down 5.0% compared to 2QFY13. As a result, net passenger revenue was 3.7% under budget.
- Parking revenue \$0.1M unfavorable due to October strike.

Expense

- Labor and benefits were slightly unfavorable for the quarter, on budget YTD. Unlike July (+\$3M), Oct strike (-0.1M) did not produce savings.
- OPEB unfunded liability is shown as an expense and is offset; there is no bottom line impact.
- Purchased Transportation unfavorable due to bus service during the strike, approximately \$1.7M cost in the first and second quarters, \$0.7M of which will be reimbursed by MTC...
- Electric Power favorable for the quarter due to market price of power lower than budget and GHG cost timing difference from budget.
- Other non labor was slightly over for quarter, but remains well below budget YTD, which is strictly due to timing of budget vs. actual expense.

Operating Deficit

- Operating Deficit (revenue minus expense) was \$2.7M unfavorable for the quarter due to negative revenue & expense variances, but is favorable YTD.

MTC Rail Car Swap

- The MTC rail car fund swap is a funding exchange program between MTC and BART that does not affect the net operating result.

Financial Assistance and Allocations

- Sales Tax for the quarter grew 6.3% over 2QFY13. The quarter was \$1.2M favorable.
- Property Tax/Other Assistance \$0.8M over budget due to timing of property tax and unbudgeted federal and local funds.
- STA \$4.7M under budget due to timing, however, it is expected to be on budget at year end.
- Capital and Other Allocations were \$0.3M under budget due to reverse capital allocations for rail car seats, which were budgeted as capital but are more properly classified as operating expenses.

Net Operating Result

- Net operating result for the quarter was unfavorable \$7.1M due to timing of STA payments and catch up in non labor spending. YTD is favorable by \$2.9M, with the biggest factor the positive non-labor variance due to timing.

*The Other Post Employment Benefits liability is a non-cash expense recognition of the unfunded obligation for life insurance provided to retirees and does not affect the Net Operating Result. Beginning in FY14 the District is paying the full Annual Required Contribution for retiree medical, so there is no longer an unfunded OPEB adjustment booked for retiree medical. Life insurance is not part of the Retiree Medical Trust.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** April 4, 2014
FROM: General Manager
SUBJECT: Administration Agenda Item 5.A: Small Business Initiatives Update

At the April 10, 2014 Board of Directors meeting, staff will present the attached update on the status of the District's Small Business Initiatives. The presentation also includes an update on District contract awards to small, minority and women-owned businesses.

If you have any questions or would like additional information, please contact Wayne Wong, Department Manager, Office of Civil Rights, at (510) 464-6134.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Maricia Delacruz</i>		GENERAL MANAGER ACTION REQ'D:				
DATE: 4/4/14		BOARD INITIATED ITEM: No				
Originator/Prepared by: Larry Fisher	General Counsel	Controller/Treasurer	District Secretary	BARC		
Dept: []	[]	[]	[]	[]		
Signature/Date: <i>[Signature]</i> 3/31/14	<i>[Signature]</i> 3/31/14 []	<i>[Signature]</i> []	[]	<i>[Signature]</i> 3/31/14 []		
Status: Approved			Date Created: 03/03/2014			

TITLE:

Invitation for Bid No. 8929, Purchase of Gasoline and Diesel Fuel

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Invitation for Bid (IFB) No. 8929 to Valley Oil of Mountain View, CA, for the purchase of gasoline and diesel fuel for the District's non-revenue vehicle fleet.

DISCUSSION:

Gasoline and diesel fuel are used to power the District's non-revenue vehicle fleet and engine driven equipment. Approximately two hundred and twenty thousand (220,000) gallons of gasoline and one hundred and twenty thousand (120,000) gallons of diesel are used annually for this purpose. Deliveries are made in bulk quantities into storage tanks at the District's Oakland Shop upon request. To achieve the greatest economic value for the District, an IFB for a multi-year contract was developed and advertised, requesting Bids for both gasoline and diesel fuel.

This is a three (3) year estimated quantity Contract. Pursuant to the terms of the Contract, during the term of the Contract the District is required to purchase from the Supplier a minimum amount of 50 percent of the total dollar value of the Contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the total dollar value of the Contract, subject to availability of funding.

A Notice Requesting Bids was published on February 5, 2014 and Bid Requests were mailed to seventeen (17) prospective Bidders. On February 25, 2014 the five (5) received Bids were opened. This solicitation contains two (2) items that are being awarded as an aggregate (class) contract. All Bids are detailed in a summary is below:

Bidder	Total for item 1, excluding all taxes, Reg. Unleaded Gasoline Est. 660,000 gallons	Total for item 2, excluding all taxes Diesel fuel no.2 Est. 360,000 gallons	Grand Total including all taxes Items 1 & 2
Valley Oil Co., Mountain View, CA	\$1,961,520	\$1,101,024	\$3,569,519.80
Western States Oil, San Jose, CA	\$1,951,290	\$1,111,964	\$3,571,043.45

Hunt & Sons, Inc, Sacramento, CA	\$1,964,424	\$1,100,088	\$3,571,494.30
Golden Gate Petroleum, Martinez, CA	\$1,965,150	\$1,120,464	\$3,594,852.66
Southern Counties, Orange, CA	\$1,966,866	\$1,130,904	\$3,608,215.15
Engineer's estimate:	\$4,500,000		

The Bid prices in the above table, as well as the actual price of delivered fuel, were/will be based in part on the prices established by the Oil Price Information Services (OPIS). The OPIS is a comprehensive source for pricing information on petroleum products. The OPIS benchmark is relied on by federal, state, municipal and county governments, major metropolitan transit authorities and railroad systems to verify fair wholesale purchase prices for local petroleum products.

During the Contract performance period, delivery price will be established by the weekly OPIS net average prices for San Francisco in effect on the date of delivery, together with the unit price adjustment offered by the low Bidder and applicable state and local taxes.

In accordance with the evaluation procedures contained in the IFB, the unit prices evaluated for award consist of the net average price established in the February 25, 2014 OPIS report for San Francisco adjusted by "mark-downs" or "mark-ups" as submitted by each Bidder.

Staff has determined that the Bid submitted by the apparent low Bidder, Valley Oil Co., is responsive and that the Bid pricing is fair and reasonable based on Bid competition and prior purchases.

The District will order the fuel by telephone prior to the required date of delivery. Delivery is usually made within twenty-four (24) hours of any telephone order.

The District's Non-Discrimination in Subcontracting Program does not apply to emergency contracts, sole source contracts under \$50,000 or any Invitation for Bids. Pursuant to the Program the Office of Civil Rights did not set any availability percentages.

FISCAL IMPACT:

Funding for this Contract will be provided from the FY14 through FY17 Operating Budgets for Cost Center 0802871, Non-revenue Vehicle Maintenance. Funding is currently in place for FY14 expenditures. Funding for the subsequent years FY15 - FY17 will be requested in future operating budget cycles.

FY14	\$297,459.98
FY15	\$1,189,839.93
FY16	\$1,189,839.93
FY17	\$892,379.95

ALTERNATIVE:

Gasoline and diesel fuel are essential to the operation of District automotive and engine driven equipment and must be available on an ongoing basis. The only alternative to this purchase would be to buy as-required from retail outlets at higher cost and less convenience. This fuel will be used by District staff to operate autos, trucks, and equipment in the context of District operations.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The General Manager is authorized to award IFB No. 8929, an estimated quantity contract for gasoline and diesel fuel to Valley Oil Co. of Mountain View, CA, for the Bid price of \$3,569,519.80, including all applicable sales and other taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm DeBevoise</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 4/4/14		BOARD INITIATED ITEM: No			
Originator/Prepared by: Melvin Ellis Jr Dept: Maintenance & Engineering	General Counsel	Controller/Treasurer	District Secretary	BART	
<i>Melvin Ellis Jr</i> / 4/2/14	<i>[Signature]</i> / 4/2/14	<i>[Signature]</i>	[]	<i>[Signature]</i>	<i>[Signature]</i> / 4/2/14
Signature/Date:					
Status: Routed		Date Created: 03/24/2014			

TITLE:

Interoperable Radio Network For Warm Springs Extension Fremont Central Park Subway

NARRATIVE:

PURPOSE: To obtain Board authorization, in accordance with Public Contract Code Section 20227, to enter into negotiations and execute a contract with Dailey and Wells Communications, Inc. to provide engineering, parts, software, equipment placement, and startup services necessary to design and furnish an Interoperable Radio Network for the Warm Springs Extension Fremont Central Park Subway, for a total price not to exceed \$725,000, plus applicable taxes. (Two-thirds vote required.)

DISCUSSION: The District has an Interoperable Radio Network throughout the underground regions of the BART System, which consists of radio equipment specifically intended for interagency emergency radio communications. The radio equipment is deployed as two systems: the first being a high call-capacity P25 trunked radio system; and the second consists of two separate mutual aid radio channels, one for fire department use and one for police use. Regional emergency responders are able to communicate and coordinate their activities within the BART underground by using one or both of these Interoperable Radio Systems. (Emergency response agencies with newer radio systems have user equipment that can use the high-call capacity P25 trunked radio system, and all agencies have equipment that can operate on the two mutual aid channels.)

The Warm Springs Extension (WSX) includes a new underground tunnel that runs underneath Lake Elizabeth. Interoperable Radio coverage for emergency responders is needed within that tunnel.

The WSX Underground Interoperable Radio Network equipment must integrate with the existing and in-service BART radio infrastructure that controls, configures, processes, and routes the radio signals. The P25 trunked radio system equipment in service at BART is manufactured solely by Harris, Incorporated (Harris). Harris manufactures the required new P25 radio equipment and supporting network equipment, and has developed the necessary electronic modules and software to fully integrate with the existing radio network. The needed equipment is available only from that one sole source, Harris.

Staff has been advised by Harris that the order for the needed equipment must be placed directly

with Dailey and Wells Communications, Inc. (Dailey and Wells). Staff proposes to contract with Dailey and Wells to provide the radio equipment and place it into service. Pursuant to Public Contract Code 20227, staff is requesting Board authorization to enter into negotiations and execute a contract with Daily and Wells. Section 20227 provides that the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use.

Dailey and Wells previously provided designs, parts and service for the BART P25 trunked radio network. Staff has determined the firm is capable of providing the engineering, services, and parts for any radio work required by the WSX Underground Interoperable Radio Network Site project.

Staff is seeking authorization to enter into direct negotiations with Dailey and Wells Communications, Inc. to execute a contract for the new equipment and modifications to existing equipment needed to provide the Underground Interoperable Communications within the WSX Lake Elizabeth Tunnel. The negotiated price will not exceed \$725,000 plus applicable taxes. BART pricing for the P25 equipment comes from a discounted price list under the Western States Contracting Alliance, and BART obtains the same discounted rate as the City of Los Angeles and the City of Oakland.

The District's Non-Discrimination Program for Subcontracting does not apply to emergency contracts, sole source contracts, construction contracts under \$50,000, procurement contracts and professional services agreements under \$100,000, or any Invitation for Bids. Pursuant to the Program, the Office of Civil Rights did not set any availability percentages.

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

FISCAL IMPACT:

Funding of \$793,875 (\$725,000 plus maximum possible tax of \$68,875) for acquisition of an Interoperable Radio Network for the Warm Springs Extension Lake Elizabeth Tunnel is available in project 02EE000. The Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of March 14, 2014, \$428,944,812.50 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
663K	Regional	ACTIA-2 BART SWX Stage 1	\$ 7,163,000.00
535A	State	Prop 1B – PTMISEA	\$ 6,987,098.00
535X	State	Prop 1B – PTMISEA	\$ 1,092,440.00
535Y	State	Prop 1B – PTMISEA	\$ 31,274,999.99
536B	State	Prop 1B – SLPP	\$ 23,341,000.00
5553	State	CTC Warmsprings	\$ 727,000.00
555N	State	CTC Warmsprings	\$ 12,000,000.00
6216	Regional	RM2 Alloc.	\$ 10,315,956.49
663R	Regional	ACTIA Meas. B – WSX Stage 2.	\$ 115,364,000.01
536C	State	WSX SLPP FY11 / 12	\$ 11,894,000.00
6102	Regional	MTC RM1 WSX	\$ 113,000,000.00
6403	Regional	MTC AB1171 WSX2	\$ 5,000,000.00
656F	Regional	VTA/Santa Clara Meas. C – WSX2	\$ 8,000,000.01
536A	State	WSX SLPP FY09 / 10	\$ 23,158,000.00
535V	State	Prop 1B – PTMISEA FY10-11	\$ 28,338,275.00
6218	Regional	RM2 Alloc. 11366705	\$ 21,777,043.00
536D	State	Prop 1B – SLPP	\$ 9,512,000.00
		Total	\$428,944,812.50

BART has expended \$187,680,773.81, encumbered \$172,284,860.31, and pre-encumbered \$1,048,341.25 to date. This action will encumber a maximum of an additional \$793,875 leaving an available fund balance of \$67,136,962.20.

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

ALTERNATIVES:

If the WSX Underground Interoperable Radio System is not procured, emergency responders will have unacceptable radio communication capability available for incidents and emergency situations in the WSX BART underground facilities. The equipment needed to match BART's existing interoperable radio system can only be procured from Dailey and Wells, the Harris

authorized company. There is no alternative source for this equipment.

RECOMMENDATIONS:

On the basis of analysis by staff, it is recommended that the Board adopt the following motion:

MOTION:

The Board finds in accordance with Public Contract Code Section 20227, that Dailey and Wells Communications, Inc. is the single source for procurement of equipment necessary to provide upgrades to certain trunked radio equipment and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District. The Board authorizes the General Manager to enter into direct negotiations with Dailey and Wells Communications, Inc. and to execute a contract with Dailey and Wells Communications, Inc. to provide engineering, parts, software, equipment placement, and startup services necessary to design and furnish an Interoperable Radio Network for the Warm Springs Extension Fremont Central Park Subway for a total price not to exceed \$725,000, plus applicable taxes.

(Two-thirds vote required.)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia De Vazquez</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the April 10, 2014 E&O Committee Meeting.			
DATE: <i>4/14</i>		BOARD INITIATED ITEM: No			
Originator/Prepared by: Robert Powers Dept: Planning and Development <i>Powers 3 APRIL 2014</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[]</i>	BARC <i>[]</i>	
Signature/Date:		<i>[]</i>	<i>[]</i>	<i>[]</i>	<i>[]</i>

Status: Approved	Date Created: 03/25/2014
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TITLE:
PROFESSIONAL SERVICES AGREEMENTS NO. 6M8067, 6M8068, 6M8069 AND 6M8070 GENERAL ENGINEERING SERVICES FOR BART PROJECTS

NARRATIVE:

PURPOSE: Request the Board to authorize the General Manager to award Agreement No. 6M8067 to PGH Wong Engineering, Inc., Agreement No. 6M8068 to Transit Modernization Partners, a Joint Venture, Agreement No. 6M8069 to B&C-URS Joint Venture, and Agreement No. 6M8070 to STV Incorporated (dba STV VBN) to provide General Engineering Services for BART Projects.

DISCUSSION: General engineering consulting agreements are a critical tool utilized in delivery of the District's Capital Programs. Since 2011, these services have been provided to the District through Agreement No. 6M8043 with Anil Verma Associates, Inc., Agreement No. 6M8045 with PGH Wong Engineering, Inc., and Agreement No. 6M8046 with Kal Krishnan Consulting Services, Inc. These Agreements were each valued at an amount not to exceed \$20 Million and for a term of up to five years. At this time, two of these Agreements (No. 6M8045 and No. 6M8046) have been fully utilized or scheduled, and based on current projections the third Agreement (No. 6M8043) is anticipated to be fully programmed within the next year. Therefore, new agreements are now needed to continue essential general engineering services. As a result, the District issued Request for Proposals ("RFP") No. 6M8067 on December 2, 2013 to obtain general engineering services.

Advertisements soliciting interest in the RFP were placed in a number of publications including DBE/MBE/WBE publications. A Community Outreach Meeting was held on September 18, 2013 notifying interested parties of this RFP and other upcoming District procurements, which was attended by approximately 90 firms. On December 2, 2013, an Advance Notice to Proposers was sent to prospective proposers and was also posted on BART's website. A Pre-Proposal Meeting for this RFP was held on December 17, 2013 providing details regarding the procurement process and the RFP submittal requirements. The RFP was distributed to all interested potential proposers, totaling 163 firms.

On January 21, 2014, proposals were received from the following 10 firms:

1. Acumen/Parsons, a Joint Venture, Oakland, CA (Acumen Business Enterprise, Inc. and

- Parsons Transportation Group)
2. Anil Verma Associates, Inc., Oakland, CA
 3. Auriga Corporation, Oakland, CA
 4. B&C-URS Joint Venture (B&C Transit Engineers, Inc. and URS Corporation Americas), Oakland, CA
 5. BKF Engineers, San Francisco, CA
 6. Kal Krishnan Consulting Services, Inc., Oakland, CA
 7. PGH Wong Engineering, Inc., San Francisco, CA
 8. Rail Surveyors and Engineers, Belmont, CA
 9. STV Incorporated (dba STV VBN), Oakland, CA
 10. Transit Modernization Partners, a Joint Venture (Parsons Brinckerhoff, Inc. and Robin Chiang & Company, Inc.), San Francisco, CA

The proposals were reviewed by a Selection Committee ("Committee") consisting of BART staff from Planning and Development, Maintenance and Engineering, Office of Civil Rights, Contract Administration, and a representative from the California Department of Transportation ("Caltrans"). Proposals were first reviewed to determine if the proposers were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the proposing firms, organization/depth of resources, qualifications of key personnel and past performance. As a result, the following six firms were deemed qualified and were short-listed and selected for oral presentations, which were conducted by the Committee on February 19 and 20, 2014:

1. Acumen/Parsons, a Joint Venture ("Acumen/Parsons")
2. B&C-URS Joint Venture ("B&C-URS")
3. Kal Krishnan Consulting Services, Inc. ("KKCS")
4. PGH Wong Engineering, Inc. ("PGH Wong")
5. STV Incorporated (dba STV VBN) ("STV")
6. Transit Modernization Partners, a Joint Venture ("TMP")

Based on the oral and written evaluations, the Committee ranked all six and determined that the four most qualified firms were PGH Wong, TMP, B&C-URS, and STV.

After making this determination, negotiations were entered into with the four 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 top four rated 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 four most qualified firms are responsible organizations.

Pursuant to the revised 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, each of the recommended

awardees made the following DBE participation commitments: PGH Wong - 25%; TMP - 30%, B&C/URS - 21%, and STV - 23%.

Accordingly, the Committee recommends four awards under RFP No. 6M8067, one to each of the four firms determined herein as most qualified, in an amount not to exceed \$15,000,000 each for a five year period of performance. Work Plans (WPs) under each Agreement will define individual assignments and are, in each case, subject to funding availability. Each WP will have its own scope, schedule and budget.

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

FISCAL IMPACT: Each of the four Agreements has a not-to-exceed limit of \$15,000,000. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. 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 these Agreements and the execution of each WP.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Re-issuing the RFP would adversely impact the implementation of BART's Capital Program and operations improvement initiatives by, among other impacts, delaying project schedules.

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

MOTION: The General Manager is authorized to award the below listed Agreements to provide General Engineering Services for BART Projects in an amount not to exceed \$15,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and the FTA's requirements related to protest procedures.

1. Agreement No. 6M8067 to PGH Wong Engineering, Inc.
2. Agreement No. 6M8068 to Transit Modernization Partners, a Joint Venture
3. Agreement No. 6M8069 to B&C-URS Joint Venture
4. Agreement No. 6M8070 to STV Incorporated (dba STV VBN)

GENERAL ENGINEERING SERVICES FOR BART PROJECTS

- **Introduction**

The San Francisco Bay Area Rapid Transit District requires a full range of engineering services over the next five years to support its Capital Improvement Program and other BART Projects.

Professional services to be provided by the selected Consultants under the four awarded Agreements include engineering, design and procurement activities and other related work associated with BART Projects. Consultants shall manage and work in conjunction with BART staff and other consultant team members, as appropriate, to support BART Projects. Services provided shall comply with the latest edition of all applicable codes, ordinances, criteria, standards, regulations, and other applicable laws.

Request for Proposal No. 6M8067 was issued to provide the District with the required services. The RFP:

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

- **Scope of Services**

- Facilities
 - Stations and Buildings
 - Yards and Shops
 - Mainline and Yard Infrastructure
 - Parking and Intermodal Access
- Systems
 - Train Control
 - Transit Power
 - Controls and Communications
 - Rail Vehicle Support – Standard BART and eBART/DMU Equipment

- **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 most qualified proposers; therefore, staff recommends awarding four Agreements as outlined on the following pages.

RECOMMENDED AWARD

- **Agreement No. 6M8067 - General Engineering Services**
PGH Wong Engineering, Inc., San Francisco, CA for a five year period for a cumulative not to exceed amount of \$15,000,000.
- **17 Subconsultants**

<u>Name and Location</u>	<u>Services</u>
AMC Consulting Engineers, Inc., San Francisco, CA (DBE) Arup North America, Ltd., San Francisco, CA	Structural Engineering Support Services Mechanical Engineering & Fire Protection Modifications, Stations & Buildings, Parking, Intermodal Support
Cornerstone Transportation Consulting, Inc., San Francisco, CA (DBE) Delcan Corporation, La Palma, CA	Scheduling, Estimating, Design Support Services ATC Implementation & Renovation, Technology Development, Yard Control, Car Tracking, Central Control Facilities Modifications
F.W. Associates, Inc., San Francisco, CA (DBE) Jade Associates, Martinez, CA (DBE) Macro, Chalfont, PA	Electrical Support, Transit Power, Essential Power, Station Power, Communications Project Administration Support Services Controls & Communications Support Services, Computer Hardware & Software Engr.
Maintenance Design Group, LLC, Pasadena, CA Moffatt & Nichol, Oakland, CA	Yards & Shops Design Support, Maintenance Planning & Reliability-Centered Maintenance Underground Structures, Overhead Structures, Additional Storage Facilities, Garage & Parking Lot
Parikh Consultants, Inc., Oakland, CA (DBE) PGAdesign, Inc., Oakland, CA (DBE) Shiralian Management Group, Inc., Berkeley, CA Towill, Inc., Concord, CA	Geotechnical Engineering Landscape Architecture Scheduling Survey Support Services
Transportation Decision Systems, Inc., Los Altos, CA Wilson, Ihrig & Associates, Inc., Emeryville, CA W.J. Robinson & Associates, Inc., San Francisco, CA (DBE) WRECO, Oakland, CA (DBE)	Technology Development, Prototype Development, Software & Hardware Engineering Noise & Vibration Cost Estimating Utilities & Environmental Support Services

RECOMMENDED AWARD

- **Agreement No. 6M8068 - General Engineering Services**
Transit Modernization Partners, a Joint Venture (Parsons Brinckerhoff, Inc. and Robin Chiang & Company (DBE)) for a five year period for a cumulative not to exceed amount of \$15,000,000.
- **7 Subconsultants**
 - Name and Location
Cordoba Corporation, Oakland, CA (DBE)
Lea + Elliott, San Francisco, CA
Merrill Morris Partners, San Francisco, CA (DBE)
Quality Engineering, Inc., Oakland, CA (DBE)
STRUCTUS, Inc., San Francisco, CA (DBE)
Turner Engineering Corporation, Venice, CA
YEI Engineers, Oakland, CA (DBE)
 - Services
Civil, Environmental, Estimating, Scheduling
Systems Support
Landscape Architect
Quality Assurance/Quality Control
Structural Engineer
Systems, Scheduling
Mechanical/Electrical Engineering

RECOMMENDED AWARD

- **Agreement No. 6M8069 - General Engineering Services**

B&C/URS, Oakland, CA for a five year period for a cumulative not to exceed amount of \$15,000,000.

- **22 Subconsultants**

Name and Location

Armand Consulting, Inc., Los Angeles, CA (DBE)
AMC Consulting Engineers, San Francisco, CA (DBE)
CH2M Hill, Oakland, CA
EXARO Technologies Corporation, Burlingame, CA (DBE)
FMG Architects, Oakland, CA (DBE)
Haygood & Associates, Albany, CA (DBE)
Jade Associates, Martinez, CA (DBE)
Ken Heilig, Oakland, CA
Kwan-Henmi Architecture/Planning, Inc., San Francisco, CA (DBE)
Lea + Elliott, Inc., San Francisco, CA
LTK Engineering Services, Ambler, PA
M Lee Corporation, San Francisco, CA (DBE)
Nelson/Nygaard Consulting Associates, Inc., San Francisco, CA
OPAC Consulting Engineers, Inc., San Francisco, CA (DBE)
Quality Engineering, Inc., Oakland, CA (DBE)
QuEST Rail, LLC, Wellington, MO
Seattle International Engineering, Inc., Lake Stevens, WA (DBE)
Studio L'Image, San Francisco, CA (DBE)
V&A Consulting Engineers, Inc., Oakland, CA (DBE)
Wilson Ihrig & Associates, Inc., Emeryville, CA
Wreco, Oakland, CA (DBE)
YEI Engineers, Inc., Oakland, CA (DBE)

Services

Communications/Radio, Advanced Technologies
Structural Engineering
Automatic Fare Collection, Rail Vehicle Support
Utility Location, Potholing
Architecture, Sustainability, Transit Oriented Development
Landscape Architecture
Project Administration, Contract Bid Document Development
Mainline & Yard Infrastructure, Industrial Engineering
Architecture, Sustainability, Transit Oriented Development
Systems Engineering, Advanced Technologies
Rail Vehicles, Support Structured BART and eBART DMU Equipment
Cost Estimating & Scheduling
Transit Oriented Analysis, Transit Oriented Development, Urban Design
Structural Engineering
Quality Assurance & Quality Control Best Practices
VATC Boards
Industrial Engineer Facilities
Wayfinding, Graphics
Cathodic Protection, Corrosion
Noise, Vibration & Acoustics
Civil Engineering
Mechanical/Electrical Engineering, Fire Protection Modifications

RECOMMENDED AWARD

- **Agreement No. 6M8070 - General Engineering Services**
STV Incorporated (dba STV VBN), Oakland, CA for a five year period for a cumulative not to exceed amount of \$15,000,000.

- **19 Subconsultants**

<u>Name and Location</u>	<u>Services</u>
Aetypic, San Francisco, CA (DBE)	Civil Engineering
Arup North America, Ltd., San Francisco, CA	Fire/Life Safety, Tunnel Ventilation, Sustainability
ATS Consulting, Pasadena, CA	Noise & Vibration Analysis, Acoustics
CHS Consulting Group, San Francisco, CA (DBE)	Traffic Engineering
Cinquini & Passarino, Inc., Oakland, CA	Land Surveying
Exponent, Inc., Menlo Park, CA	Emergency Response Services
FMG Architects, Oakland, CA (DBE)	Facilities Architecture (Stations and Buildings)
F.W. Associates, Inc., San Francisco, CA (DBE)	Electrical Engineering
Horton Lees Brogden Lighting Design Inc., San Francisco, CA	Lighting Design
Jacobs Associates, San Francisco, CA	Underground Structures
Lockwood, Andrews & Newnam, Inc., Sacramento, CA	Civil Engineering
M Lee Corporation, San Francisco, CA (DBE)	Cost Estimating
Merrill Morris Partners, San Francisco, CA (DBE)	Landscape Architecture
Parikh Consultants Inc., Oakland, CA (DBE)	Geotechnical Engineering, Materials Testing
RailPros, Inc., Irvine, CA	Train Control Systems
Redwood Consulting Associates, Oakland, CA (DBE)	Utilities Coordination
STRUCTUS, Inc., San Francisco, CA (DBE)	Structural Engineering
V&A Consulting Engineers, Inc., Oakland, CA	Cathodic Protection
YEI Engineers, Inc., Oakland, CA (DBE)	Mechanical/Plumbing Engineering



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Spitzer</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors		
DATE: 4/1/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Stacey Perkins Dept: Capital Development & Control	General Counsel <i>Audrey K...</i> 3/31/14	Controller/Treasurer	District Secretary	BART <i>Paul...</i> 4/2/14
Signature/Date: <i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Status: Approved	Date Created: 03/17/2014
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TITLE:
Approval of Cooperative Agreement Between the East Contra Costa Regional Fee and Financing Authority ("ECCRFFA") and BART for Funding of the eBART Project

NARRATIVE:

Purpose:

To obtain BART Board approval of Cooperative Agreement No. 26-14 ("Agreement") between the East Contra Costa Regional Fee and Financing Authority ("ECCRFFA") and BART. The Agreement sets forth the terms and conditions by which ECCRFFA will provide a total \$35 million maximum contribution for completion of the eBART Project ("Project").

Discussion:

The ECCRFFA is a joint exercise of powers agency organized as a separate entity by the cities of Antioch, Brentwood, Oakley, Pittsburg and the county of Contra Costa. ECCRFFA is authorized to collect and expend Regional Transportation Development Impact Mitigation ("RTDIM") fees. ECCRFFA adopted the East Contra Costa Regional Fee Program Update which lists the Project as eligible for receipt of RTDIM fees. The ECCRFFA Strategic Plan, approved on July 16, 2013, programs a total of \$35 million for the Project.

On January 6, 2014, ECCRFFA paid BART \$1.2 million for use on the Project, leaving a balance of \$33.8 million in funds that have been programmed for the Project. Prior to the appropriation of these funds, ECCRFFA is requiring that BART execute the Agreement. The Agreement provides that BART must submit request (s) for appropriation of funds to ECCRFFA. ECCRFFA will consider the request(s) and authorize specific funding amounts in one or more resolutions which may include additional conditions, if any, and the purpose and timing for the release of funds to BART for the Project.

Highlights of BART promises set forth in the Agreement include:

- To submit the initial request for appropriation of funds which includes the scope, schedule, and proposed funding plan for the Project component at least 60 calendar days before the funds are needed.

- To apply any funds received for the Project consistent with the funding appropriation resolution approved by ECCRFFA.
- To allow ECCRFFA to audit all expenditures relating to the Project funded through the Agreement for the duration of the Project and three years following completion.
- To provide invoices and progress reports consistent with the format provided, a summary of expenditures to date, and strict accounting of all eligible expenses for which reimbursement is requested.
- To prepare an annual report within 90 calendar days of the last day of the fiscal year, which itemizes the expenditure of all funds received from ECCRFFA for the Project and progress to date in its completion.
- To comply with applicable Contra Costa Transportation Authority (“CCTA”) and ECCRFFA policies including those that may be adopted in the future.
- To fully defend, indemnify and hold harmless ECCRFFA, its officers, agents, employees, and member agencies against any damage or liability occurring by reason of anything done or omitted to be done by BART, its officers, agents, etc., consultants, or contractors under or in connection with any work, authority or jurisdiction delegated to BART under the Agreement.
- To obtain all permits, licenses, and land rights necessary for construction of the Project.

Highlights of ECCRFFA promises set forth in the Agreement include:

- To consider each request for funds and adopt a resolution consistent with available funds, and subject to the maximum ECCRFFA contribution and any relevant components of the ECCRFFA Strategic Plan.
- To authorize advances or wire transfers, if warranted, to BART to address anticipated cash flow needs, if warranted.
- To transfer funds to BART for the purposes described in the relevant resolution.
- To provide timely notice if an audit is to be conducted.
- To fully indemnify and hold harmless BART against any damage or liability occurring by reason of anything done or omitted to be done by ECCRFFA under or in connection with any work, authority or jurisdiction delegated to ECCRFFA under this Agreement.

The Office of the General Counsel has approved the Agreement as to form. ECCRFFA

has requested that the Agreement be approved by the BART Board prior to execution by BART's General Manager.

Fiscal Impact:

Approval of the Agreement is a requirement for BART to receive funding that totals \$35 million from ECCRFFA for the Project. Of this amount, \$1.2 million has been received, leaving a balance of \$33.8 million to be appropriated. Funding for the award of eBART Project Contract No.04SF-130, Line Trackwork and Systems, includes \$20 million from ECCRFFA.

Alternatives:

Do not approve the Agreement. Failure to approve the Agreement will result in schedule delays and cost increases for the Project. If the Agreement is not approved, Contract No. 04SF-130, Line Trackwork and Systems, will not be awarded on schedule and substitute funding will need to be found.

Recommendation:

Adoption of the following motion.

Motion:

The Board of Directors approves Cooperative Agreement No. 26-14 between the East Contra Costa Regional Fee and Financing Authority and the San Francisco Bay Area Rapid Transit District and authorizes the General Manager to execute it.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter de Vries</i>		GENERAL MANAGER ACTION REQ'D: APPROVE AND FORWARD TO THE APRIL 10, 2014, E+O COMMITTEE MEETING		
DATE: c <i>4/1/14</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Effen Smith Dept: Planning <i>[Signature]</i>	General Counsel <i>Andrew Raw</i> <i>4/2/14</i> []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>Paul</i> <i>4/2/14</i> []
Signature/Date: [] [] [] [] []				

eBART Extension Station Naming

NARRATIVE:

Purpose

To provide the Board with information to consider in establishing the names for the eBART stations, one under construction and one planned.

Discussion

The eBART project, a 10-mile extension eastward from Pittsburg/Bay Point to Antioch, is under construction, with revenue service planned for December 2017. Station naming is being undertaken now in order to have signage included in Contract No. 04SF-130 for eBART Trackwork, Systems and Facility Finishes ("the Contract").

The end-of-line station is in the City of Antioch, located at the State Highway 4 and Hillcrest Avenue interchange. This station site has been referred to as the Hillcrest Station, or the Hillcrest Avenue Station, since 2001, when planning work began on the extension. The Hillcrest Avenue nomenclature was used to distinguish this station site from several others under review within the City of Antioch. The other station sites are no longer under consideration for development, and it is now appropriate to establish a station name following BART's typical pattern of using the city name for identification.

The Antioch City Council was informed by the City Manager at the City Council meeting on November 12, 2013, of BART's intention to formalize the station name as the Antioch Station.

A station located at the Highway 4 and Railroad Avenue interchange in Pittsburg has been planned and reviewed environmentally. This site has been called the Railroad Avenue station since the project planning phase, distinguishing it from other possible station locations within Pittsburg. While the station is not funded at this time, BART and Pittsburg are actively seeking full funding. The Contract includes construction of this in-line station as an option. The station could be built with the Contract, opening with the Antioch Station in 2017, or it could be built in the future as an infill station.

The Pittsburg City Council discussed the station name on October 21, 2013, and adopted Resolution 13-12050, which included: "In order to highlight the location of the station in Pittsburg, differentiate the planned eBART station from the existing "Pittsburg/Bay Point" BART

station, and identify the various civic buildings in the neighborhood that will adjoin the future station, the City Council hereby recommends that the eBART station planned to be built in the State Route 4 right-of-way near Railroad Avenue be named "Pittsburg Civic Center." The station will be located one-quarter mile from City Hall and related public buildings.

BART naming conventions established the general protocol of naming a station after the city in which it is situated. Thus Antioch Station is the appropriate name for this single-station city. In localities where multiple stations exist within a city (or neighborhood) it has been common to use local geographic references to further define location. Examples include:

19th Street/Oakland	El Cerrito Del Norte	Hayward
12th Street/Oakland City Center	El Cerrito Plaza	South Hayward
North Berkeley	16th Street Mission	
Downtown Berkeley	24th Street Mission	

Establishing "Pittsburg Civic Center" as the name for the future station follows this convention. The positioning of Pittsburg first in the name defines the host city, and Civic Center distinguishes it from the existing Pittsburg/Bay Point Station.

BART does not have a policy on the initial establishment of station names. However, the following are the key factors to be considered in station renaming, per the Station Renaming Policy and Procedure: 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 proposed names.

Fiscal Impact

The funding to pay for the station signage at Antioch Station is included in the project budget. Funding for signage at the planned Pittsburg Civic Center station will be included in the project budget.

Alternatives

"Antioch Hillcrest Avenue" was discussed at the Antioch City Council as a name for the end-of-line station. No recommendation or resolution was adopted by the Antioch City Council. "Pittsburg Center" and "Pittsburg Railroad Avenue" were considered by the Pittsburg City Council, with the Council recommending Pittsburg Civic Center in the resolution adopted October 21, 2013.

Recommendation

Adoption of the following motion:

Motion

The Board finds that the new Antioch Station and Pittsburg Civic Center Station provide riders with the information necessary to clearly identify each station and to distinguish them from other stations. The new station in the City of Antioch shall be called the Antioch Station, and the new station in the City of Pittsburg shall be called the Pittsburg Civic Center Station.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors for Action		
DATE: c 4/1/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Olga Perez Dept: P&D <i>Olga Perez</i>	General Counsel <i>Paula...</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paula...</i> 4/2/14
Signature/Date: _____				

TITLE:
AWARD OF CONTRACT NO. 04SF-140 FOR PROCUREMENT OF eBART VEHICLES

NARRATIVE:

PURPOSE

- 1) At the Board meeting on April 10, 2014, to provide information to the Board regarding the staff recommendation to obtain Board authorization for the General Manager to award Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG.
- 2) At the Board meeting on April 24, 2014 or a subsequent Board meeting, to obtain Board authorization for the General Manager to award Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG.

DISCUSSION

Public Contract Code Section 20216 governs the process for the District's procurements of electronic and specialized rail transit equipment by competitive negotiation under Public Contract Code Section 20229.1. Section 20216(e) provides that such a contract may not be awarded until 15 days after the staff's recommendation is made available to the public. Therefore, staff's recommendation for award of the subject Contract will be made available to the public on April 7, 2014, and will be presented at the Board meeting on April 10, 2014, for information purposes only. Staff will request that the Board authorize the General Manager to award the Contract at the Board meeting on April 24, 2014.

For ease of reference, this single Executive Decision Document supports both the staff's information only item on the April 10, 2014 Board meeting agenda and the action item on the April 24, 2014 Board meeting agenda, or an agenda on a subsequent Board meeting.

The East Contra Costa BART Extension Project (eBART Project) will introduce a new rail passenger service comprising approximately 9.5 miles of new track between the existing Pittsburg/Bay Point BART Station and a new station in the City of Antioch. The eBART Project will use independently propelled railcars (eBART Vehicles) known as Diesel Multiple Units (DMUs) that will operate on a standard gauge rail guideway to be constructed and owned by the District. The guideway will be located in the median of State Route 4 on a right-of-way for the

exclusive use of eBART. The eBART Project is subject to regulation by the California Public Utilities Commission (CPUC) and is subject to other regulations, standards, and codes but is not subject to regulation by the Federal Railroad Administration.

On June 11, 2009, the Board of Directors authorized the procurement of eBART Vehicles by competitive negotiation under Public Contract Code Section 20229.1. This process allows award to be made to the qualified Proposer whose proposal, as modified by a Best and Final Offer, is most advantageous to the District with price and other factors considered. The award recommendation is not solely based on price.

Prior to advertising a Request for Proposals (RFP) for the eBART Vehicles, the District conducted two separate series of industry review meetings to inform prospective proposers of the upcoming RFP. The purpose of the industry review meetings was to familiarize prospective proposers with the Contract requirements and the RFP process, and to receive comments and questions before finalizing the RFP. These industry review meetings were held in July 2010 and November 2011 in the District's offices with six prospective proposers. Discussions centered around the carbuilders' available vehicle models and configurations, delivery schedules, and compliance with emissions standards and CPUC regulations. The eBART Vehicles are required to comply with the Environmental Protection Agency's Tier 4 emissions requirements. In addition, the eBART Vehicles are required to meet the requirements in CPUC General Order No. 143B which includes several safety related features including collision protection.

On October 26, 2012, the District advertised RFP No. 04SF-140 for the Procurement of eBART Vehicles. The scope of work for the Base Contract in the RFP, as amended, generally consists of providing the design, engineering, manufacture, assembly, testing, delivery, materials, spare parts, special tools and equipment, performance and acceptance testing for eight (8) new service proven, lightweight low-floor DMU Vehicles. The RFP also includes Option 1, for two additional Vehicles, and Option 2, for four additional Vehicles, each of which may be exercised by the District at any time up to five years after award of the Contract. The RFP also includes Option 3 for Primary Spare Parts, Option 4 for Secondary Spare Parts and Option 5 for Miscellaneous Spare Parts, each of which may be exercised at any time up to 180 calendar days after the issuance of the Notice to Proceed.

To provide ample time to potential proposers to submit proposals and to maximize competition, the Proposal due date was established as April 30, 2013. The RFP was also mailed to 130 interested firms, including seventeen carbuilders. A Pre-Proposal Conference was held on November 13, 2012 with 32 interested firms in attendance.

A single Proposal was received on April 30, 2013 from Stadler Bussnang, AG (Stadler). The Proposal was reviewed by the Proposal Evaluation Committee (Committee), consisting of two independent Subcommittees, a Technical Evaluation Subcommittee, and a Price Evaluation Subcommittee. The Subcommittees evaluated the initial Technical Proposal and Price Proposal in accordance with the RFP and the Detailed Evaluation Procedure for the procurement.

After the completion of the initial evaluation of the Technical Proposal, a site visit committee

conducted a site visit at Stadler's facility in Switzerland and determined that Stadler's facility meets the capability requirements in the following four key areas of the Technical Specifications: Program Management, Design, Manufacturing, and Quality Assurance.

After the Technical Evaluation Subcommittee completed its review of the Technical Proposal, the Price Evaluation Subcommittee opened the initial Price Proposal submitted by Stadler.

The initial Price Proposal and the Engineer's Estimate are shown below:

Engineer's Estimate, (Base Order Proposal Price): \$65,000,000

Stadler Bussnang, AG, (Base Order Proposal Price): \$57,329,900

The Committee completed its initial evaluation of the Proposal and entered into negotiations with Stadler. Numerous face to face meetings and conference calls were held between the Committee and Stadler's negotiation team during the months of June 2013 through January 2014.

As negotiated, modifications to both the commercial terms and conditions and the Technical Specifications were made and included in a Request for Best and Final Offer (BAFO) that was issued on February 7, 2014. Prior to issuing this Request for BAFO, another Engineer's Estimate was completed. Stadler submitted its BAFO on March 11, 2014 and this was evaluated by the Committee in accordance with the same requirements and criteria as the initial Proposal.

Stadler's BAFO Price Proposal of \$58,124,419 is 2% below the revised Engineer's Estimate of \$59,460,647 and is considered to be fair and reasonable. Staff has also determined that the Proposal submitted by Stadler fully meets the eBART Vehicle performance requirements, and is the most advantageous to the District with price and other factors considered. Further, review of Stadler's business experience and financial capabilities has resulted in a determination that Stadler is responsible and possesses the requisite technical expertise, business experience, and financial capabilities for Contract award.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this Contract are 10% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Stadler does not commit to subcontract any percentage of the subcontracted amount to MBEs or to WBEs. Therefore, Stadler was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by Stadler, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 1% Small Business (SB) Participation Goal for this Contract. Proposers who meet the SB Participation Goal are eligible for a Small Business preference of 3% of the lowest responsible proposer's proposal. Stadler did not meet the SB Participation Goal and therefore is not eligible for the 3% Small Business preference.

FISCAL IMPACT:

Funding of \$58,124,419 for the award of Base Contract No. 04SF-140 plus applicable taxes is included in the total project budget for FMS #04SF140 – eBART - Vehicles (DMU). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table describes funding assigned to the referenced project since March 2014, 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.

Fund Number	Fund Description	Fund Source	Funded Amount
6103	RM1 eBART Alloc #11383305	Regional	52,000,000
6404	AB1171 - eBART Alloc #11391413	Regional	14,000,000
Total			66,000,000

As of March 27, 2014, \$66,000,000 is the total budget for this project. BART has expended \$0, committed \$0 to date for other actions. This action will commit \$58,124,419 leaving an available fund balance of \$7,875,581 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

Reject the Proposal and cancel the procurement for eBART Vehicles and readvertise the RFP. This would very likely result in: 1) delay of the procurement by at least 18 to 24 months, 2) additional District staffing costs and higher vehicle prices, 3) delay in the final construction of Contract No. 04SF-130 which includes systems elements that must be integrated with the eBART Vehicles, and 4) inability to meet commitments for revenue service for the eBART Project.

RECOMMENDATION:

Adopt the following motion at the Board meeting on April 24, 2014, or a subsequent Board meeting:

MOTION:

The Board finds that Stadler Bussnang, AG’s proposal is most advantageous to the District with price and other factors considered. The General Manager is authorized to award Contract No. 04SF-140, Procurement of eBART Vehicles, to Stadler Bussnang, AG for the Total Base Order BAFO Proposal Price of \$58,124,419, plus applicable taxes for the Base Order Items. The General Manager is also authorized to exercise Option 3, for Primary Spare Parts, for the Total Option 3 BAFO Proposal Price of \$1,521,577 plus applicable taxes, and Option 4, for Secondary Spare Parts for the Total Option 4 BAFO Proposal Price of \$1,918,232 plus applicable taxes, and Option 5 for Miscellaneous Spare Parts for the Total Option 5 BAFO Proposal Price of \$1,926,799 plus applicable taxes, subject to certification from the Controller-Treasurer of the availability of funding. Should the District choose to exercise Option 1, for two additional

Procurement of eBART Vehicles

vehicles, for the Total Option 1 BAFO Proposal Price of \$16,640,000 plus applicable taxes and/or Option 2, for four additional vehicles, for the Total Option 2 BAFO Proposal Price of \$29,200,000 plus applicable taxes, staff will return to the Board for authorization.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** April 4, 2014

FROM: Chairperson, Labor Negotiations Review Ad Hoc Committee

SUBJECT: Assistance in Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees

The Ad Hoc Committee recommends that the Board of Directors engage the services of a qualified consultant to assist the Labor Negotiations Review Ad Hoc Committee and the Board of Directors in producing recommendations for implementation by the District that will improve the process of future labor negotiations.

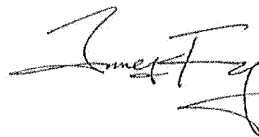
The purpose of this project is to assist the Ad Hoc Committee in attaining its objective as defined in the Board approved charter for the Ad Hoc Committee: "The objective of the Committee is to produce recommendations for implementation by the District that will improve the process of future negotiations and ensure that adequate safeguards are in place to prevent the type of error that occurred with respect to the tentative agreement signed with ATU/SEIU on Section 4.8."

The consultant's responsibility will be to assist the Ad Hoc Committee and the Board of Directors to complete this task in an accurate, efficient, and timely manner.

District staff contacted two referred consultants and reviewed the letters of interest submitted by two additional firms and found their qualifications to be satisfactory. The Ad Hoc Committee interviewed the four potential consultants on March 25, 2104. The recommended consultant, Rhonda Hilyer, Agreement Dynamics, Inc. Seattle, Washington, was determined to be the most advantageous for the District considering cost and other factors (prior experience, relevant labor relations capability, proposed project staff).

The funds required for the agreement will be included in the Office of the General Manager's Operating Budgets for Fiscal Years 2014 and 2015.

The Ad Hoc Committee recommends that the Board authorize the General Counsel to execute an agreement with Rhonda Hilyer, Agreement Dynamics, Inc. to provide consulting services for assistance in assessing the processes and procedures during the 2013 collective bargaining between the District and the Unions representing District employees, in the amount of \$225,000.00.



James Fang

Attachment

cc: Board Appointed Officers
Deputy General Manager

**Consulting Services for Assessing the Processes and Procedures during the
2013 Collective Bargaining between the District
and the Unions Representing District Employees**

MOTION:

The General Counsel is authorized to enter into an Agreement with Rhonda Hilyer, Agreement Dynamics, Inc. for Consulting Services for Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees, in the amount of \$225,000.00, subject to compliance with the District's protest procedures.