

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

BOARD MEETING AGENDA

April 26, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 26, 2012, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of April 12, 2012.\* Board requested to authorize.
- B. Award of Contract No. 15QH-120, Site Improvements at Various Stations.\* Board requested to authorize.

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

Director Blalock, Chairperson

- A. Alameda County 2012 Transportation Expenditure Plan.
  - i. Presentation by Alameda County Transportation Commission.\* For information.
  - ii. Alameda County 2012 Transportation Expenditure Plan.\* Board requested to support.

4. ADMINISTRATION ITEMS

Director Sweet, Chairperson

- A. Issuance of Concession Permit to Administer the District's Parking Permit Programs.\* Board requested to authorize.
- B. Service Employees International Union (SEIU) Local 1021 Side Letter - Addition of Step to the Senior Programmer Applications Analyst Wage Scale.\* Board requested to approve.
- C. (CONTINUED from March 22, 2012, Board Meeting)  
Execution of Contract Option for CDSNet, LLC for the Sales and Exchange of Tickets.\* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 40FA-110, Procurement of Transit Vehicles, and Funding Plan Discussion.\* For information only.



6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

A. Board Member Reports. For information.

B. Roll Call for Introductions.

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

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Benjamin Gomez, Assistant General Manager – Administration; Rudolph Medina, Department Manager – Labor Relations.

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;  
(2) American Federation of State, County and Municipal Employees, Local 3993;  
(3) BART Police Officers Association;  
(4) BART Police Managers Association;  
(5) Service Employees International Union, Local 1021; and  
(6) Service Employees International Union, Local 1021, BART Professional Chapter

Government Code Section: 54957.6

10. OPEN SESSION

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

Board of Directors  
Minutes of the 1,652nd Meeting  
April 12, 2012

A regular meeting of the Board of Directors was held April 12, 2012, convening at 9:06 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Franklin, Keller, Murray, Raburn, and Radulovich.

Absent: Directors Fang and McPartland. Director Sweet entered the Meeting later.

Vice President Radulovich welcomed special guest Bob Melrose, and Mr. Melrose was presented with a letter of commendation on the occasion of his retirement as a reporter for KCBS radio.

Vice President Radulovich noted that item 2-B, Award of Contract No. 15TH-110, Pleasant Hill Station Water Intrusion Repair, would be removed from the consent calendar.

Director Blalock moved that the Minutes of the Meeting of March 22, 2012, be approved. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Raburn, and Radulovich. Noes – 0. Absent – 3: Directors Fang, Sweet, and McPartland.

Vice President Radulovich brought the matter of Award of Contract No. 15TH-110, Pleasant Hill Station Water Intrusion Repair, before the Board.

The following individuals addressed the Board.

Mr. Pete Pedersen  
Mr. Art Castaneda  
Mr. George Griffin  
Ms. Valerie Taber  
Mr. Thomas Lewis  
Mr. Chris Kloethe  
Ms. Carolyn Taylor

The item was discussed.

Director Murray moved that the General Manager be authorized to award Contract No. 15TH-110, Pleasant Hill Station Water Intrusion Repair, to Taber Construction Inc., for the Bid price of \$1,724,400.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures. Director Keller seconded the motion.



Director Sweet entered the Meeting.

Discussion continued. The motion carried by electronic vote. Ayes – 6: Directors Blalock, Franklin, Keller, Murray, Raburn, and Radulovich. Noes – 1: Director Sweet. Absent – 2: Directors Fang and McPartland.

Vice President Radulovich announced that the order of agenda items would be changed.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, gave a brief report on the Committee meeting of April 4, 2012.

Vice President Radulovich, acting as Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IK-110, Replacement of Motorized Station Security Access Grilles, before the Board. Ms. Cristiana Lippert, Manager of Electrical Engineering, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15IK-110, for Replacement of Motorized Station Security Access Grilles, to West Bay Builders, Inc., for the Bid price of \$2,545,957.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Department of Homeland Security requirements related to protests. Director Sweet seconded the motion. Discussion continued. The motion carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

Vice President Radulovich brought the matter of Change Order to Contract No. 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punchlist Items, with Kennison's Metal Fabrication Inc., for Additional Work (C.O. No. 1), before the Board. Mr. Jean-Luc Dupont, Group Manager for Systems Capital Programs, presented the item. The item was discussed. Director Franklin moved that the General Manager be authorized to approve executive of Change Order No. 01 to Contract No. 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punchlist Items, in the amount of \$18,000.00. Director Sweet seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Keller, Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 2: Directors Fang and McPartland.

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

Director Blalock exited the Meeting.

The item was discussed.

Director Sweet brought the matter of Fiscal Year 2013 Budget: Release Budget Pamphlet and Set Date for Public Hearing, before the Board. Director Franklin made the following motions as a unit.



1. That staff be directed to publish a Budget Pamphlet for Fiscal Year 2013, to be available for distribution no later than April 20, 2012.
2. That a public hearing on the Fiscal Year 2013 Preliminary Budget be set for Thursday, May 24, 2012, at 9:00 a.m. in the Board Room.
3. That the Board approve the suspension of the requirement in Rule 5-1.2 that the Fiscal Year 2013 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Franklin, Keller, Murray, Raburn, Sweet, and Radulovich. Noes – 0. Absent – 3: Directors Blalock, Fang, and McPartland.

Vice President Radulovich called for Board Member Reports.

Director Keller reported he had attended a matchmaking session presented by the Office of Civil Rights in Contra Costa County.

Director Sweet reported she had been a speaker at the Sons In Retirement meeting in El Sobrante and had attended three San Francisco Redevelopment Successor Agency meetings.

Director Franklin reported he had attended a tour of the Hayward Maintenance Facility with Federal Transit Administration Administrator Peter Rogoff, a town hall meeting at the San Leandro Station, and a San Leandro City Council meeting.

Director Murray reported she had given out two military passes, attended a press conference on the new BART seats, and had attended a community meeting regarding the Contra Costa County Crossover project.

Director Raburn reported he had attended a BART Bicycle Advisory Task Force meeting, the Planning, Public Affairs, Access, and Legislation Committee meeting, the Citizens Review Board meeting, two meetings in Oakland regarding the Lake Merritt Station Area Plan, the press conference on new BART seats, and the Hayward Maintenance Facility tour.

Vice President Radulovich called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in.

Vice President Radulovich brought Roll Call for Introductions before the Board.

Director Raburn requested the District adhere to the Coliseum/Oakland Airport Station parking pricing policy (used during Raiders games) for all applicable events at the Coliseum/Arena complex including Oakland A's games.



Director Raburn requested the District post "No tailgating" notices at parking lot entrances to the Coliseum/Oakland Airport Station.

Director Murray requested information on the schedule and topics included in the customer survey of the new rail car seats.

Director Murray requested the cleaning of materials and debris in the right of way adjacent to the Contra Costa Crossover by April 30.

Director Murray requested a copy for the Maintenance and Engineering Department's annual schedule for right of way cleaning Districtwide.

Director Sweet requested that the study/report on potential future system extensions include the I-80 corridor.

Director Sweet requested that the District limit the drumming by persons at the Ashby Station to before 10 p.m.

Vice President Radulovich requested development of urban design standards for transit oriented development projects.

Vice President Radulovich called for General Discussion and Public Comment. No comments were received.

Vice President Radulovich announced that the Board would enter into closed session under Item 9-A (Conference with Real Property Negotiator) of the regular meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 11:33 a.m.

---

---

The Board Meeting reconvened in closed session at 11:37 a.m.

Directors present: Directors Franklin, Keller, Murray, Raburn, Sweet, and Radulovich.

Absent: Directors Blalock, Fang, and McPartland.

The Board Meeting recessed at 12:35 p.m.

---

---

The Board Meeting reconvened in open session at 12:36 p.m.

Directors present: Vice President Radulovich.

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

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

Board Meeting was adjourned at 12:37 p.m.

Kenneth A. Duron  
District Secretary





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marca de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>4/20/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Isaac Lim Dept: M & E <i>Isaac Lim</i> Signature/Date: <i>04/16/12</i>	General Counsel <i>Andrew Rizzo</i> <i>4/16/12</i> [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARG <i>Paul Werner</i> <i>4/20/12</i>

TITLE:

### Award Contract No. 15QH-120 Site Improvements at Various Stations

NARRATIVE:

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No. 15QH-120, Site Improvements at Various Stations, to Golden Bay Construction, Inc. of Hayward, CA.

**DISCUSSION:** The work of this Contract consists of providing all labor, equipment, materials, and services required for refurbishing parking lots, roadways, and plaza areas at El Cerrito Del Norte, El Cerrito Plaza, Rockridge, and Pittsburg/Bay Point Stations. The work will replace deteriorated asphalt pavement and provide pavement markings, signage, concrete ramps and curb ramps to improve pedestrian flow. Additionally, at Pittsburg/Bay Point Station, lighting and wayfinding improvements will be made, including Real Time signage and display.

The District provided advance notice to 75 prospective Bidders on January 13, 2012, and Contract Documents were mailed to 23 plan rooms and minority assistance organizations on February 10, 2012. The Contract was advertised on February 15, 2012. A total of 18 firms purchased the Contract Documents. A pre-Bid meeting was conducted on February 24, 2012, with 8 prospective Bidders attending the meeting. One Addendum was issued in order to revise the Contract Bid Form. The following 2 Bids were received on March 20, 2012:

BIDDER	LOCATION	TOTAL BID
Golden Bay Construction, Inc.	Hayward, CA	\$1,621,747.00
Interstate Grading and Paving, Inc.	South San Francisco, CA	\$1,811,000.00
<b>Engineer's Estimate</b>		\$1,506,180.00

After review by District staff, the Bid submitted by Golden Bay Construction, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$1,621,747.00, which is approximately 8% above 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 5% MBE and 7.1% WBE. The Bidder did not meet the MBE/WBE 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.

**FISCAL IMPACT:** Funding of \$1,621,747 for the award of Contract 15QH-120 is included in the total project budget for FMS #15QH000 – Repair Sidewalks Systemwide. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of March 23, 2012, \$6,565,000 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
6511	City of Oakland MOU	40,000
850W	FY00-06 Capital Allocation	130,000
851W	FY07-11 Capital Allocation	2,895,000
8524	FY2012 Operating Capital Allocation	3,500,000
Total		6,565,000

BART has expended \$637,309.00, committed \$907,705.00, and reserved \$0 to date for other actions. This action will commit \$1,621,747 leaving an available fund balance of \$3,398,239 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:** The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the bid package and obtain new bids. The reissuance process will result in deferral of pavement rehabilitation, further deterioration of the pavement, and more extensive and costlier repairs in the future. There is no assurance that with a resolicitation the Bids would be lower than the amount of the current Bids received.

**RECOMMENDATION:** Adoption of the following motion:

**MOTION:** The General Manager is authorized to award Contract No. 15QH-120, Site Improvements at Various Stations, to Golden Bay Construction, Inc., for the Bid Price of \$1,621,747.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board			
DATE: 4/20/12		BOARD INITIATED ITEM: NO			
Originator/Prepared by: Donna Lee Dept: Capital Development	General Counsel	Controller/Treasurer	District Secretary	BARC	
Signature/Date: <i>D Lee 4/20/12</i>	<i>[Signature] 4-20-12</i> [ ]	<i>[Signature] 4/20/12</i> [ ]	<i>[Signature] 04/20/12</i> [ ]	<i>[Signature] 4-20-12</i> [ ]	
Status: Routed			Date Created: 04/02/2012		

TITLE:

### Alameda County Transportation Expenditure Plan

NARRATIVE:

#### PURPOSE:

To obtain BART Board support for the 2012 Alameda County Transportation Expenditure Plan (TEP). The ballot measure supported by this plan will augment and extend the existing half-cent sales tax for transportation in Alameda County. The Measure will also authorize an additional half-cent sales tax through 2022, and will extend the full, one-cent tax in perpetuity to fund the transportation programs and projects described in the 2012 TEP.

#### DISCUSSION:

In 1986, voters approved Measure B, a half-cent sales tax to fund transportation improvements and programs throughout Alameda County. In November 2000, Alameda County voters approved an extension of Measure B through 2022 to fund a new set of project and program investments. Virtually all of the major projects approved by the voters in the 2000 Measure B are either underway or complete, with many projects implemented almost 10 years ahead of schedule. Funds that go to cities and other local jurisdictions to maintain and improve local streets, provide critical transit service and services for seniors and persons with disabilities, as well as bicycle and pedestrian safety projects will continue until the current Measure B expenditure plan ends in 2022.

The 2012 TEP will double investments in transit services, allowing operators in Alameda County to close local funding gaps created by declining state and federal revenue, keep needed services in place, and restore service cuts for many providers. The 2012 TEP nearly doubles funding passed through to local agencies for local streets and roads and bike and pedestrian projects. The funds cannot be taken by the State or by any other governmental agency under any circumstance and, over the life of the plan, can only be used for the purposes described in the plan, or as amended. To modify the plan, an amendment must be approved by two-thirds of the Alameda County Transportation Commission Board. All jurisdictions within Alameda County will be given a minimum of forty-five (45) days to comment on any proposed plan amendment.

The TEP was developed in conjunction with the Alameda Countywide Transportation Plan (CWTP). A steering committee and two working groups (community and technical) were established to guide development of both the CWTP and the TEP over the past two years. Public



engagement and transparency were the foundations of the development of these plans. A wide variety of stakeholders helped shape the plan to ensure that it serves the County's diverse transportation needs. Thousands of Alameda County residents participated through public workshops, facilitated small group dialogues, a website with online questionnaires, submittal of comments, and advisory committees that represented diverse constituencies. In addition, opinion polls were conducted and results demonstrated that over 79 percent of those polled were supportive of augmenting and extending the transportation sales tax measure.

The 2012 Alameda County TEP includes several key projects and program funds for BART. These projects and programs include \$400 million for BART to Livermore; \$120 million for Irvington Station; \$100 million for Bay Fair Connection/BART Metro Program; \$90 million for Station Modernization and Capacity Program; \$116 million for East Bay Paratransit; and, for the first time, annual BART Maintenance pass-through funding of \$39 million to be distributed over the 30-year period. A dollar-for-dollar match (\$39 million) will be required for the BART Maintenance pass-through funding. In total, the funds in the TEP scheduled to be allocated to BART are roughly \$865 million in addition to some, yet to be determined, portions of Transit-Oriented Development Infrastructure Investments, and Bicycle/Pedestrian funding.

<b>BART - PROJECT/PROGRAM</b>	<b>Amount (\$M)</b>
<b>Mass Transit: Operations, Maintenance, and Safety Program</b>	
- BART Maintenance (continuous pass through requiring equal match)	\$ 39
<b>Specialized Transit for Seniors and Persons with Disabilities</b>	
- East Bay Paratransit	\$ 116
<b>BART System Modernization and Capacity Enhancements</b>	
- Irvington BART Station	\$ 120
- Bay Fair Connection/BART Metro Program	\$ 100
- BART Station Modernization and Capacity Program	\$ 90
- BART to Livermore	\$ 400
<b>TOTAL BART</b>	<b>\$ 865</b>

The ballot measure supported by this plan will augment and extend the existing half-cent sales tax for transportation in Alameda County; authorize an additional half-cent sales tax through 2022; and extend the full, one-cent tax in perpetuity. The TEP covers the period from approval in 2012, and subsequent sales tax collections, for an unlimited period unless otherwise terminated by the voters, programming a total of \$7.7 billion in new transportation funding in the first 30 years. Voters will have the opportunity to review and approve, with a simple majority vote, comprehensive updates to this plan at least once prior to the completion of 2042, and every 20 years thereafter.

**FISCAL IMPACT:**

If Alameda County voters approve the Measure in November 2012, BART will receive \$865 million dollars in Project and Program funds, in addition to funding for TOD (allocation



predicated on project readiness, scope, etc.) and bicycle & pedestrian. Roughly \$39 million of this funding would be allocated for BART Maintenance, which would require a \$39 million dollar-for-dollar BART matching fund.

**ALTERNATIVES:**

Do not support the Alameda County TEP. The TEP could move forward without BART's support, as it is not required. However, the TEP needs to garner support from a majority of jurisdictions, representing a majority of the population, in order to place the transportation sales tax measure on the ballot.

**RECOMMENDATION:**

Approval of the the following motion.

**MOTION:**

The San Francisco Bay Area Rapid Transit District supports the 2012 Alameda County Transportation Expenditure Plan (TEP).

**Background Information**  
**Provided by the Alameda County Transportation Commission in support of its**  
**Resolution in the Matter of the Approval of the 2012 Alameda County**  
**Transportation Expenditure Plan (TEP)**

---

The following information was provided by the Alameda County Transportation Commission (ACTC) in support of the 2012 Alameda County Transportation Expenditure Plan (TEP):

**Recommendation:**

Staff recommends that the City Council approve the 2012 Alameda County Transportation Expenditure Plan (TEP) and requests that the Board of Supervisors place it on the November 6, 2012 ballot. The ballot measure supported by this plan will augment and extend the existing half-cent sales tax for transportation in Alameda County, authorizing an additional half-cent sales tax through 2022 and extending the full cent in perpetuity to fund the transportation programs and projects described in the 2012 TEP.

**Discussion:**

In 1986, voters approved Measure B, a 1/2 cent sales tax, to fund transportation improvements and programs throughout Alameda County. In November 2000, Alameda County voters approved an extension of the first sales tax through 2022 to fund a new set of project and program investments throughout the County. All of the major projects promised to and approved by the voters in the 2000 Measure are either underway or complete. Funds that go to cities and other local jurisdictions to maintain and improve local streets, provide critical transit service and services for seniors and persons with disabilities, as well as bicycle and pedestrian safety projects will continue until the current Measure B expenditure plan ends in 2022.

While the existing measure will remain intact through 2022, the 2012 Alameda County Transportation Expenditure Plan (TEP) has been developed for three reasons:

- The capital projects in the existing measure have been largely completed, with many projects implemented almost 10 years ahead of schedule. Virtually all of the project funds in the existing measure are committed to these current projects. Without a new plan, the County will be unable to fund any new major projects to address pressing mobility needs, due to significant funding decreases in transportation from state and federal sources.
- Due to the economic recession, all sources of transportation funding have declined. The decline in revenues has had a particularly significant impact on transportation services that depend on annual sales tax revenue distributions for their ongoing operations. The greatest impacts have been to the programs that are highly important to Alameda County residents and businesses:



- Reductions in local funding to transit operators, combined with state and federal reductions, have resulted in higher fares and reductions in service hours.
- Reductions in local funding to programs for seniors and persons with disabilities have resulted in cuts in these programs as the populations depending on them continue to increase.
- Local road maintenance programs have been cut, and road conditions have deteriorated for all types of users.
- Bicycle and pedestrian system improvements and maintenance of pathways have continued to deteriorate, making it more difficult to walk and bike as an alternative to driving.
- Since the recession began, bus services in Alameda County have been cut significantly, and the gap between road maintenance needs and available funding is at an all-time high.

***Background on Development of a New Transportation Expenditure Plan***

The new transportation expenditure plan will provide significant investments in projects and program funding. The 2012 TEP will double investments in transit services allowing operators in Alameda County to close local funding gaps created by declining state and federal revenue, keep needed services in place and restore service cuts for many providers. A key feature of the local transportation sales tax is that it cannot be used for any purpose other than local transportation needs. It cannot be taken by the State or by any other governmental agency under any circumstance, and over the life of this plan can only be used for the purposes described in the plan, or as amended.

The ballot measure supported by this plan will augment and extend the existing half-cent sales tax for transportation in Alameda County, authorizing an additional half-cent sales tax through 2022 and extending the full cent in perpetuity. Recognizing that transportation needs, technology, and circumstances change over time, the expenditure plan covers the period from approval in 2012 and subsequent sales tax collections for an unlimited period unless otherwise terminated by the voters, programming a total of \$7.7 billion in new transportation funding in the first thirty years. Voters will have the opportunity to review and approve comprehensive updates to this plan at least once prior to the completion of 2042 and every 20 years thereafter.

The expenditure plan was developed in conjunction with the Alameda Countywide Transportation Plan (CWTP), the long range policy document that guides transportation investments, programs, policies and advocacy for Alameda County through 2040. A Steering Committee and two working groups (Community and Technical) were established to guide development of both the CWTP and the TEP over the past two years.

Public engagement and transparency were the foundations of the development of these plans. A wide variety of stakeholders, including businesses, technical experts,

environmental and social justice organizations, seniors and people with disabilities, helped shape the plan to ensure that it serves the county's diverse transportation needs. Thousands of Alameda County residents participated through public workshops and facilitated small group dialogues; a website allowed for online questionnaires, access to all project information, and submittal of comments; and advisory committees that represent diverse constituencies were integrally involved in the plan development process from the beginning. In addition, opinion polls were conducted through telephone surveys of a sample of Alameda County likely voters, and results demonstrated that over 79% of those polled were supportive of augmenting and extending the existing transportation sales tax measure.

The TEP includes a set of strong taxpayer safeguards to ensure that the promises in the plan are met. These include ongoing monitoring and review by an Independent Watchdog Committee; an annual independent audit and report to the taxpayers; requirement for full public review and periodic voter approval for comprehensive updates to the expenditure plan at least once before the completion of 2042 and every 20 years thereafter; and strict limits on administrative expenses charged to these funds.

***A New Mobility Plan for the 21<sup>st</sup> Century in Alameda County***

The TEP will serve as the New Mobility Plan for Alameda County for the 21<sup>st</sup> Century by providing essential transportation investments to address both current and projected transportation needs in Alameda County. Further, the TEP provides funding for maintenance, operations and new infrastructure that expands mobility choices, supports reducing greenhouse gas emissions, and enhances overall transportation efficiencies throughout the County. The vision for the TEP is to fund a premier transportation system that supports a vibrant and livable Alameda County through a connected and integrated multimodal transportation system, promoting sustainability, access, transit operations, public health and economic opportunities. The TEP was developed with the guidance from a steering committee of elected officials and input from two advisory committees, and by incorporating key findings from polling and outreach. The TEP was approved by the Alameda CTC Commission on January 26, 2012. Table 1 includes a summary of TEP investments by mode.



**Table 1 Summary of Investments by Mode**

Mode	Funds Allocated \$ in millions (M)*
Transit & Specialized Transit (48%)	\$3,732
Local Streets & Roads (30%)	\$2,348
Highway Efficiency & Freight (9%)	\$677
Bicycle and Pedestrian Infrastructure and Safety (8%)	\$651
Sustainable Land Use & Transportation (4%)	\$300
Technology, Innovation, and Development (1%)	\$77
<b>TOTAL NEW NET FUNDING (2013-42)</b>	<b>\$7,786</b>

\*Estimated in escalated dollars to 2042

The key features of the TEP are:

- **Fix-it-First**- Realizing the dire need to maintain Alameda County's existing infrastructure, approximately 70% of the TEP funding supports a "Fix-it-First" strategy to support maintaining and operating the existing transportation investments. It includes funding for transit and paratransit operations, bus enhancement and BART system maintenance and modernization, local streets and roads maintenance funds for every jurisdiction, non-capacity expanding projects on primary commute corridors, non-capacity expanding interchange improvements to improve safety and access, bicycle and pedestrian safety funds, and sustainable land use programs to support transportation efficiencies in relation to local land uses decisions.
- **Sustainable Communities** – Transportation and land use linkages are strengthened when development focuses on bringing together mobility choices, housing and jobs. Understanding how transportation efficiencies can be made by connecting transportation and land use development, the TEP supports infrastructure investments that would fund existing or proposed transportation services and facilities in and around transit hubs.
- **Climate Change** - California is a leader in addressing climate change issues through legislative mandates (AB 32 and SB 375) to reduce greenhouse gas (GHG) emissions. The TEP supports reductions in greenhouse gas emissions by investing in a multi-modal transportation system that expands travel choices beyond the single occupant vehicle trip. The CWTP, out of which the TEP was derived, showed a 24 to 25% GHG emissions reduction per capita. The CWTP and TEP investments will be aligned at final adoption of both final plans in May 2012.
- **Geographic Equity** – The TEP has been developed as a geographically equitable plan, providing critical transportation investments in every city and all areas of the County.

### ***Transportation Expenditure Plan Investment Details***

The following is the brief description of each of the investment categories by mode, including a breakdown of the proposed distribution within each category.

#### **Transit and Specialized Transit (48%)**

A total of 48% of net revenue from this tax will be dedicated to public transit systems for operations, maintenance and capital projects. The investments identified for public transit in this plan were guided by the principles of enhancing safety, convenience and reliability to maximize the number of people who can use the transit system. By doubling the amount of local sales tax funds available to transit operations and maintenance, this plan represents a major investment in Alameda County's transit system to increase transit services and expand access to transit throughout the county, and to help avoid further service cuts while preserving the affordability of transit.

Funds for operations and maintenance will be provided to bus transit operators in the county (AC Transit, Union City Transit and Livermore Amador Valley Transit Authority) as well as to ferries and the ACE commuter rail system. In addition, these funds will substantially increase Alameda County's commitment to the growing transportation needs of older adults and persons with disabilities, essentially doubling the funds available for targeted services for this important group. Funds are also committed to support transportation access to schools.

Major capital investments include upgrades to the existing BART system and a BART extension in the eastern part of the County, adding bus rapid transit routes to improve the efficiency of transit, and providing funding for rail transit investments such as the Capital Corridor rail and improvements across the Dumbarton Bridge. The following are the proposed funding details for this program:

<b>Transit &amp; Specialized Transit (48%)</b>	<b>\$3,732 millions</b>
Mass Transit: Operations, Access to Schools, Maintenance, and Safety Program	\$1,857 M
Specialized Transit For Seniors and Persons with Disabilities	\$774 M
Bus Transit Efficiency and Priority	\$35 M
BART System Modernization and Expansion	\$710 M
Regional Rail Enhancements and High Speed Rail Connections	\$355 M

#### **Local Streets and Roads (30%)**

Alameda County has more than 3,400 road miles of aging streets and roads, many of which are in need of repair: intersections need to be reconfigured, traffic lights need to be synchronized and pot holes need to be filled. Most importantly, these roads are



essential to every mode of transportation. A total of 30% of the net revenue anticipated from this tax is dedicated to the improvement of local streets and roads.

Streets and roads investments include two major components: a program that provides funding for local jurisdictions to maintain streets and roads, and a capital program that is focused on improving the performance of major commute routes and bridges throughout the County, including enhancing seismic safety of local bridges.

The Streets and Roads program in this Expenditure Plan involves shared responsibility: local cities and the County will set their road priorities within a framework that supports complete streets to serve all users and types of transportation, honors best practices and encourages agencies to work together. More specifically, streets and roads expenditures will be designed to benefit all modes of travel by improving safety, accessibility, and convenience for all users of the street right-of-way and 15% of these funds will support bicycle and pedestrian elements of streets and roads projects. The plan also focuses on important commute corridors that carry the majority of the driving public and cross city boundaries, ensuring enhanced cooperation and coordination between agencies. These funds will be allocated through the Alameda CTC Capital Improvement Program, which will be updated every two years and will allocate funding based upon geographic equity. The following is the proposed funding details for this program:

<b>Local Streets and Roads (30%)</b>	<b>\$2,348 millions</b>
Major Commute Corridors, Local Bridge Seismic Safety	\$639 M
Freight Corridors of Countywide Significance	\$161 M
Local Streets and Roads Program	\$1,548 M

**Highway Efficiency and Freight (9%)**

The County's aging highway system requires safety, access and gap closure improvements to enhance efficiencies on a largely built-out system. Funding has been allocated to each highway corridor in Alameda County for needed improvements.

Specific projects have been identified based on project readiness, local priority and the availability to leverage current investments and funds. A number of eligible projects have been identified as candidates for corridor improvements, which will be selected for funding based on their contribution to the overall goals of improving system reliability, maximizing connectivity, improving the environment and reducing congestion. Priority implementation of specific investments and amounts will be determined as part of the Capital Improvement Program developed by Alameda CTC every two years and allocated with geographic equity throughout the County. Most of the projects that have been identified for funding are designed to improve the



efficiency of and access to existing investments and to close gaps and remove bottlenecks. A total of 9% of the net revenue is allocated to the highway system, including 1%, or approximately \$77 M, allocated specifically to goods movement and related projects. The following is the proposed funding details for this program:

<b>Highway Efficiency and Freight (9%)</b>	<b>\$677 million</b>
Highway/Efficiency and Gap Closure Projects	\$600 M
Freight & Economic Development Program	\$77 M

**Bicycle and Pedestrian Investments (8%) - \$651 million**

Alameda County’s bicycle and pedestrian infrastructure is a key element in expanding travel choices that extend the reach of the transit services, provide a non-polluting and sustainable travel mode, and contribute to public health and quality of life.

Key investments in bicycle and pedestrian infrastructure include completion of major trails in the County. Funding will allow for the completion of three key trails: the County’s East Bay Greenway which provides a viable commute and community access route for many cyclists and pedestrians from Oakland to Fremont, and the Bay Trail and Iron Horse trails in Alameda County which provide important off street routes for both commute and recreational trips.

Funding for priority projects in local and countywide Bicycle and Pedestrian plans will also allow for investments that support the use of these modes. A total of 8% of the funds available in this plan are devoted to improving bicycle and pedestrian infrastructure as well as providing programs to encourage people to bike and walk when possible. A particular focus is on the County’s youth to encourage adoption of safe and healthy habits through Safe Routes to Schools. It is important to note that in addition to these dedicated funds, local bicycle and pedestrian investments will also be funded through the Local Streets and Roads and all funding in the TEP will support a complete streets policy.

**Sustainable Transportation and Land Use Linkages (4%) and Technology (1%)**

Investments in sustainable transportation and land use linkages recognize the need to plan the County’s transportation system along with the land uses that are going to serve the growing demand for housing and jobs in Alameda County.

The TEP includes investments in every part of the county, enhancing areas around BART stations and bus transfer hubs that are slated for new development, and supporting communities where biking, walking and transit riding are all desirable options. A total of 4% of net revenue or about \$300 M is dedicated to improvements that link our transportation infrastructure with areas identified for new development.



The TEP provides funding for technology, innovation and development at one percent (1%) of net revenue, or about \$77 M, dedicated to investments that can support technological advances in transportation management and information. The following is the proposed funding details for this program:

**Sustainable Land Use & Transportation (4%) and Technology (1%) - \$377 million**

Priority Development Area (PDA) / Transit-Oriented Development (TOD) Infrastructure Investments (4%)	\$300 M
Technology, Innovation, and Development (1%)	\$77 M

---

Appendix A: Full List of TEP Investments by Mode

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds
Transit & Specialized Transit (48%)	Mass Transit: Operations, Maintenance, and Safety Program	AC Transit	\$1,455.15	18.8%
		ACE	\$77.40	1.0%
		BART Maintenance	\$38.70	0.5%
		WETA	\$38.70	0.5%
		LAVTA	\$38.70	0.5%
		Union City Transit	\$19.35	0.25%
		Innovative grant funds, including successful student transportation programs	\$174.63	2.24%
	Transit Program for Students and Youth	Access to School Program	\$15.00	0.19%
		<b>Sub-total</b>	<b>\$1,857.64</b>	<b>24%</b>
	Specialized Transit For Seniors and Persons with Disabilities	City-based and Locally Mandated	\$232.20	3.0%
		East Bay Paratransit - AC Transit	\$348.31	4.5%
		East Bay Paratransit - BART	\$116.10	1.5%
		Coordination and Gap Grants	\$77.40	1.0%
		<b>Sub-total</b>	<b>\$774.02</b>	<b>10%</b>
	Bus Transit Efficiency and Priority	Telegraph Avenue/East 14th/ International Boulevard project	\$10.0	14%
		Alameda to Fruitvale BART Rapid Bus	\$9.0	
		Grand/MacArthur BRT	\$6.0	
		College/Broadway Corridor Transit Priority	\$10.0	
		<b>Sub-total</b>	<b>\$35.0</b>	
	BART System Modernization and Capacity Enhancements	Irvington BART Station	\$120.0	14%
		Bay Fair Connector/BART METRO	\$100.0	
		BART Station Modernization and Capacity Program	\$90.0	
		BART to Livermore	\$400.0	
		<b>Sub-total</b>	<b>\$710.0</b>	
	Regional Rail Enhancements and High Speed Rail Connections	Dumbarton Rail Corridor	\$120.0	14%
		Union City Intermodal Station	\$75.0	
		Railroad Corridor Right of Way Preservation and Track Improvements	\$110.0	
Oakland Broadway Corridor Transit		\$10.0		
Capitol Corridor Service Expansion		\$40.0		
<b>Sub-total</b>		<b>\$355.0</b>		
<b>TOTAL</b>		<b>\$3,731.66</b>	<b>48%</b>	

Notes: Priority implementation of specific investments and amounts for fully defined capital projects and phases will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

BART Maintenance funds will require an equal amount of matching funds and must be spent in Alameda County.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.



Appendix A: Full List of TEP Investments by Mode

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds	
Local Streets & Roads (30%)	Major Commute Corridors, Local Bridge Seismic Safety	<b>North County Example Projects</b>		10%	
		Solano Avenue Pavement resurfacing & beautification; San Pablo Avenue Improvements; SR 13/Ashby Avenue Corridor; Marin Avenue local road safety; Gilman railroad crossing; Park Street, High Street, and Fruitvale Bridge Replacement; Powell Street Bridge widening at Christie; East 14th Street; Oakland Army Base transportation infrastructure improvements			
		<b>Central County Example Projects</b>			
		Crow Canyon Road safety; San Leandro LS&R*; Lewelling Blvd/Hesperian Blvd.; Tennyson Road Grade Separation			
		<b>South County Example Projects</b>			
		East-West Connector in North Fremont and Union City; I-680/I-880 cross connectors; widen Fremont Boulevard from I-880 to Grimmer Boulevard; upgrades to relinquished Route 84 in Fremont; Central Avenue overcrossing; Thornton Ave widening; Newark LS&R			
		<b>East County Example Projects</b>			
		El Charro road improvements; Dougherty Road widening; Dublin Boulevard widening; Greenville Road widening; Bernal Bridge Construction			
		<b>Sub-total</b>			<b>\$639.0</b>
		<b>Countywide Freight Corridors</b>			
	Outer Harbor Intermodal Terminal; 7th Street Grade Separation and Roadway Improvement; Truck Routes serving the Port of Oakland				
	<b>Sub-total</b>	<b>\$161.0</b>			
	<b>Direct Allocation to Cities and County</b>	Local streets and roads program	<b>\$1,548.03</b>	<b>20%</b>	
	<b>TOTAL</b>		<b>\$2,348.03</b>	<b>30%</b>	

Notes: Priority implementation of specific investments and amounts for fully defined capital projects and phases will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.

\*This includes \$30 million for San Leandro local streets and roads improvements



Appendix A: Full List of TEP Investments by Mode

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds
Highway Efficiency & Freight (9%)	I-80 Improvements	I-80 Gilman Street Interchange improvements	\$24.0	8%
		I-80 Ashby Interchange improvements	\$52.0	
		<b>Sub-total</b>	<b>\$76.0</b>	
	SR-84 Improvements	SR-84/I-680 Interchange and SR-84 Widening	\$122.0	
		SR-84 Expressway Widening (Pigeon Pass to Jack London)	\$10.00	
		<b>Sub-total</b>	<b>\$132.0</b>	
	I-580 Improvements	I-580/I-680 Interchange improvements	\$20.0	
		I-580 Local Interchange Improvement Program: Interchange improvements - Greenville, Vasco, Isabel Avenue (Phase 2); Central County I-580 spot intersection improvements	\$28.0	
		<b>Sub-total</b>	<b>\$48.0</b>	
	I-680 Improvements	I-680 HOT/HOV Lane from SR-237 to Alcosta	\$60.0	
		<b>Sub-total</b>	<b>\$60.0</b>	
	I-880 Improvements	I-880 NB HOV/HOT Extension from A St. to Hegenberger	\$20.0	
		I-880 Broadway/Jackson multimodal transportation and circulation improvements	\$75.0	
		Whipple Road / Industrial Parkway Southwest Interchange improvements	\$60.0	
		I-880 Industrial Parkway Interchange improvements	\$44.0	
		I-880 Local Access and Safety improvements: Interchange improvements - Winton Avenue; 23rd/29th Ave., Oakland; 42nd Street/High Street; Route 262 (Mission) improvements and grade separation; Oak Street	\$85.0	
		<b>Sub-total</b>	<b>\$284.0</b>	
Highway Capital Projects	<b>Sub-total</b>	<b>\$600.0</b>		
Freight & Economic Development	Freight and economic development program	\$77.40	1%	
<b>TOTAL</b>			<b>\$677.40</b>	<b>9%</b>

Notes: Priority implementation of specific investments and amounts for fully defined capital projects and phases will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.



Appendix A: Full List of TEP Investments by Mode

Mode	Investment Category	Project/Program	\$ Amount	% of Total Funds
Bicycle and Pedestrian (8%)	Bicycle and Pedestrian Infrastructure & Safety	Gap Closure on Three Major Trails: Iron Horse, Bay Trail, and East Bay Greenway/UPRR Corridor	\$264.0	3%
		Bicycle and pedestrian direct allocation to cities and Alameda County	\$232.20	3%
		Bike and Pedestrian grant program for regional projects and trail maintenance	\$154.80	2%
	<b>TOTAL</b>		<b>\$651.0</b>	<b>8%</b>
Sustainable Land Use & Transportation Linkages (4%)	Priority Development Area (PDA) / Transit-oriented Development (TOD) Infrastructure Investments	<b>North County Example Projects*</b>		4%
		Broadway Valdez Priority Development Area; Eastmont Mall Priority Development Area; BART station areas: Oakland Coliseum; Lake Merritt; West Oakland; 19th St; MacArthur; Ashby; Berkeley Downtown		
		<b>Central County Example Projects</b>		
		Downtown San Leandro TOD; Bay Fair BART Transit Village; San Leandro City Streetscape Project; South Hayward BART Station Area		
		<b>South County Example Projects</b>		
		BART Warm Springs West Side Access Improvements; Fremont Boulevard Streetscape Project; Union City Intermodal Infrastructure Improvements; Dumbarton TOD Infrastructure Improvements		
		<b>East County Example Projects</b>		
		West Dublin BART Station and Area Improvements; Downtown Dublin TOD; East Dublin/ Pleasanton BART Station and Area Improvements		
		<b>Sub-total</b>	<b>\$300.00</b>	
<b>TOTAL</b>			<b>\$300.00</b>	<b>4%</b>
Technology (1%)	Technology, Innovation, and Development	Technology, Innovation, and Development program	\$77.40	1%
<b>TOTAL NEW NET FUNDING (2013-42)</b>			<b>\$7,786</b>	

Notes: Priority implementation of specific investments and amounts for fully defined capital projects and phases will be determined as part of the Capital Improvement Program developed through a public process and adopted by the Alameda CTC every two years and will include geographic equity provisions.

All recipients of sales tax funds will be required to enter into agreements which will include performance and accountability measures.

\* Preliminary allocation of North County Funds subject to change by Alameda CTC: Coliseum BART Area (\$40 M), Broadway Valdez (\$20 M), Lake Merritt (\$20 M), West Oakland (\$20 M), Eastmont Mall (\$20 M), 19th Street (\$20 M), MacArthur (\$20 M), Ashby (\$18.5 M), Berkeley Downtown (\$20 M).





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marica delBue</i>		GENERAL MANAGER ACTION REQ'D: Approve the EDD and forward to Administration Committee		
DATE: c <i>4/10/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Hagerty Dept/ Customer Access <i>Kevin Hagerty</i> 4/17/12	General Counsel <i>[Signature]</i> 4-19-12 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 4-20-12 [ ]
TITLE:				

### AUTHORITY TO ISSUE CONCESSION PERMIT TO ADMINISTER THE DISTRICT'S PARKING PERMIT PROGRAMS

NARRATIVE:

#### **PURPOSE:**

To authorize the General Manager or her designee to issue Concession Permit No. M342-12 to Pacific Park Management, Inc. to administer the District's Parking Permit Programs. The Concession Permit is for a three-year term with an option by the District to extend the permit for up to two additional one-year periods.

#### **DISCUSSION:**

BART currently operates three parking permit programs: Monthly Reserved, Single Day Reserved and Airport Long Term. The parking permit programs are administered by a professional parking vendor who is selected using a competitive selection process. The existing parking concession permit agreement with Pacific Park Management/Parking Carma expires on May 31, 2012.

The primary work performed by the vendor under the parking permit program consists of selling internet based monthly reserved, single day reserved and airport/long term parking permits for designated station parking, using a connection from BART's web page to the permittee's web page, and supporting customer services. Most patrons purchase the permits using their credit cards. The Vendor is compensated based on a fee charged to the patrons for processing each permit. BART does not have the resources nor the equipment to operate the parking permit program in-house.

On February 8, 2012, BART issued a request for qualifications and proposals (RFQ/P) for Concession Permit Number M432-12 to administer the District's parking permit programs. The District advertised in Board approved newspapers for RFQ/Ps and mailed RFQ/P documents to five potential vendors. Four companies submitted proposals prior to the March 13, 2012 deadline.

A six-person Selection Committee representing BART's Civil Rights, Customer Access, Customer Service, Information Technology, Police and Transportation Departments reviewed the proposals. A best value approach was used that combined technical qualifications and price analysis to determine the proposal most advantageous to the District. One of the four vendor proposals was determined by the Selection Committee to be non-responsive and that proposer was disqualified from proceeding in the selection process.



AUTHORITY TO ISSUE CONCESSION PERMIT TO ADMINISTER THE DISTRICT'S PARKING PERMIT PROGRAM

The Selection Committee evaluated and scored the qualifications and technical proposals and conducted and scored oral interviews of the three finalists, Clancy Systems International, Inc., Laz Parking and Pacific Park Management, Inc. Finally price proposals of each proposer were scored. The points from the technical evaluation, oral interview and price proposals were totaled and the final evaluated score for each company was as follows:

Pacific Park Management, Inc.	89.41
Clancy Systems International, Inc.	89.31
Laz Parking	81.97

Pacific Park Management, Inc.'s three year fee proposal is \$184,000 lower than that of the firm with the second highest score.

Pacific Park Management, Inc. is a minority owned firm, certified by the District as a Minority Business Enterprise (MBE). The firm is locally based, with its offices located in San Francisco. The proposer committed to 100% of the subcontracting to be performed by a BART certified Women Business Enterprise (WBE). Based on a review of the information submitted by the proposer, the Office of Civil Rights found no evidence of discrimination. The proposal submitted by Pacific Park Management, Inc. has been determined to be responsive to the solicitation and the price offered is fair and reasonable.

**FISCAL IMPACT:**

Under the existing and proposed permits, the vendor deducts authorized costs from monies collected, and forwards the balance to the District. Estimated authorized vendor expenses for FY13 are \$567,000, for FY14 are \$578,000 and for FY15 are \$ 589,000. These estimates assume no changes to current programs.

During FY 2012 the District's Parking Permit Program is expected to generate \$6.4 million gross revenues to the District. During FY13, FY14, and FY15, the Parking Permit Program is estimated to generate \$6.4 million, \$6.5 million, and \$6.6 million in gross revenue, respectively.

**ALTERNATIVES:**

Reject the Pacific Park Management, Inc. proposal and reissue the Parking Permit Vendor RFQ/P.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to issue Concession Permit No. M342-12 to Pacific Park Management, Inc. to administer the District's Parking Permit Programs, for a three-year period with an option by the District to extend the Permit for up to two additional one-year periods.





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deVaugen</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>4/18/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rudolph Medina Dept. Labor Relations <i>Rudolph Medina</i> Signature/Date: <i>4/12/12</i>	General Counsel <i>Andreea Rautu</i> <i>4/13/12</i> [ ]	Controller/Treasurer <i>Chonita</i> <i>4/8/12</i>	District Secretary [ ]	BARC <i>Paul Nunez</i> <i>4-13-12</i> [ ]
Status: <b>Approved</b>		Date Created: 03/15/2012		

TITLE:

**Approval of SEIU Local 1021 Side Letter - Addition of Step to the Senior Programmer Applications Analyst Wage Scale**

NARRATIVE:

**PURPOSE:**

To authorize the General Manager or her designee to enter into an agreement with SEIU Local 1021, (SEIU or the Union hereafter), Side Letter, SEIU/SL-11-1, a true and correct copy of which is attached, to modify the 2009-2013 SEIU/BART Collective Bargaining Agreement for the purpose of changing the pay grade for Senior Applications Programmer Analyst from pay grade 13 to pay grade 14. The new pay grade will address recruitment and retention issues impacting this classification.

**DISCUSSION:**

The current Base Wage Schedule in Section 28.4D of the Collective Bargaining Agreement requires that new employees be hired at the first step of the pay progression of the classification. In the case of the position of Senior Applications Programmer Analyst, this amount, \$72,318, makes recruitment in the current external job market difficult. In fact, even the first step of the grade 14, \$75,922, is under the current average market rate (\$88,910) for other local agencies. To address difficulty in recruiting and retaining qualified candidates from the external labor market, the District approached the Union to discuss an adjustment in both the grade and hiring level for this position, as well as an adjustment to the pay of the current incumbents of the position. As part of the larger San Francisco Bay Area labor market, the current entry level step is not an attractive nor competitive rate, despite the District's competitive benefit package.

The parties entered into discussions in earnest in April 2011 on how to address both the hiring rate issue and, the rate paid to current incumbents. On February 8, 2012 the parties entered into an agreement, a copy of the which is also attached, subject to the execution of the Side Letter modifying the terms on the CBA. The terms of the proposed agreement would resolve two class action grievances as well as the recruitment and retention issue currently facing the Information Technology department. The agreement reallocates the Senior Applications Programmer Analyst from pay grade 13 to pay grade 14. Section 28.2 would be amended to reflect this change.



With the execution of the Side Letter the requirement that new employees be hired at the first step of the pay progression will be waived for the next eight (8) external candidates hired. The agreement allows for external candidates to be hired and placed at any step within the new pay grade.

The agreement also addresses the placement of three employees into the Senior Applications Programmer Analyst Classification at the appropriate step.

The Office of the General Counsel has approved the Side Letter as to form. SEIU, Local 1021 Professional Chapter ratified the Side Letter on February 13, 2012.

**FISCAL IMPACT:**

The current total annual salaries of the nine (9) incumbents are \$827,753. With the ratification of the Side Letter, the new total annual salaries will increase to \$893,204, for a difference of \$65,452. The fiscal impact to the District of the pay grade reallocation for the nine incumbents for the remainder of FY12, (April 16 - June 30, 2012) is a total of \$13,843. On an annual basis, the fiscal impact for the nine incumbents is a total of \$65,452.

With the future hiring of eight candidates the fiscal impact would range from \$96,000 annually to \$215,000 per year, depending on initial hiring step placement. In all probability the department will not hire all eight (8) external candidates within the next fiscal year. The department anticipates that the hires will be made incrementally and may only hire two (2) external candidates within the next fiscal year.

**ALTERNATIVE:**

Maintain the current pay grade and terms of the Collective Bargaining Agreement thus losing the recruitment and retention benefits of the proposed agreement. Face arbitration in the two related grievances and a possible adverse decision.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION**

That the General Manager is authorized to execute the Side Letter of Agreement with SEIU, Local 1021, SEIU/SL-11-1 RE: Addition of Step to the Senior Programmer Applications Analyst Wage Scale and modifying the SEIU Collective Bargaining Agreement as specified therein.

February 2, 2012

Mr. Deslar Patten  
President, BART Professional Chapter  
SEIU Local 1021  
100 Oak Street  
Oakland, CA 94607

Mr. John Arantes  
President, BART Chapter  
SEIU Local 1021  
100 Oak Street  
Oakland, CA 94607

RE: SENIOR APPLICATIONS PROGRAMMER ANALYST

Dear Mr. Patten and Mr. Arantes,

This will confirm the Agreement reached between the San Francisco Bay Area Rapid Transit District ("District") and the BART Professional Chapter of SEIU Local 1021 ("Union") (hereinafter jointly referred to as "Parties") regarding the pay grade reallocation of the Senior Applications Programmer Analyst classification and the placement of external candidates at any step in the pay grade's pay progression.

The Parties agree as follows:

1. The Senior Applications Programmer Analyst classification will be reallocated from pay grade 13 to pay grade 14. The Functional Classification in Section 28.2 of the Labor Agreement shall be amended by an appropriate Side Letter to reflect this pay grade change. Current employees who are classified as Senior Applications Programmer Analyst will be reallocated to the top step of pay grade 14.
2. The current Base Wage Schedule in Section 28.4D of the Labor Agreement requires that new employees be hired at the first step of the pay progression of the classification. Because this has created difficulty in recruiting and retaining qualified candidates from the external labor market, this requirement will be waived, on a non-precedent setting basis, for the next eight (8) external candidates who are hired as Senior Applications Programmer Analysts. The external candidates can be hired and placed at any step up to the top step. Placement in the appropriate step will be based on qualifications and experience as determined by the District.
3. The following three employees, who had been previously misclassified, to the Senior Applications Programmer Analyst classification at the appropriate step.



Side Letter – SEIU 12-1

- a. Vanessa Szumlas
  - b. Kathleen Kelley
  - c. Shirley Cheung
4. All existing Senior Programmer Applications Analyst grievances, specifically Grievances 11-BPC-68-DES and 11-BPC-69-DES are withdrawn.
5. The Labor Agreement shall be amended pursuant to side letter as follows:
- (a) Section 28.2:

Change: Senior Applications Programmer Analyst “Pay Grade to 14”.

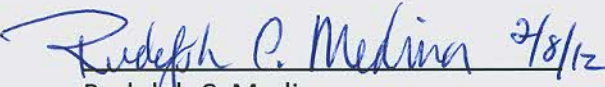
This Agreement between will be effective the first pay period following the ratification of the side letter required by this agreement.

CONCUR FOR THE  
DISTRICT

CONCUR FOR THE  
UNION

  
Benjamin Gomez  
Assistant General Manager, Administration

 2/2/2012  
Deslar Patten  
President BART Professional Chapter

 2/8/12  
Rudolph C. Medina  
Department Manager, Labor Relations

  
for Ravi Misra  
Department Manager, Information Technology

February 2, 2012

SIDE LETTER OF AGREEMENT: SEIU/SL 11-1

RE: SENIOR APPLICATIONS PROGRAMMER ANALYST

Mr. Deslar Patten  
President, BART Professional Chapter  
SEIU Local 1021  
100 Oak Street  
Oakland, CA 94607

Mr. John Arantes  
President, BART Chapter  
SEIU Local 1021  
100 Oak Street  
Oakland, CA 94607

Dear Mr. Patten and Mr. Arantes,

Upon ratification by the parties, this letter shall constitute a Side Letter of Agreement which has been reached by the San Francisco Bay Area Rapid Transit District ("District") and the BART Professional Chapter of SEIU Local 1021 ("Union") (hereinafter jointly referred to as "Parties") regarding the Senior Applications Programmer Analyst

1. The parties have reached an agreement regarding the pay grade reallocation of the Senior Applications Programmer Analyst classification.
2. As a result of this Agreement, the Labor Agreement shall be amended as follows:
  - (a) Section 28.2:

Change: Senior Applications Programmer Analyst "Pay Grade to 14".

This Side Letter of Agreement shall be deemed part of the Collective Bargaining Agreement between the Parties and will be effective the first pay period following the signing of this agreement.

CONCUR FOR THE  
DISTRICT

CONCUR FOR THE  
UNION

---

Benjamin Gomez  
Assistant General Manager, Administration

 2/2/2012  
Deslar Patten  
President BART Professional Chapter

---

Rudolph C. Medina  
Department Manager, Labor Relations





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcel Delandrea</i>		GENERAL MANAGER ACTION REQ'D: Forward to Admin Committee		
DATE: 4/18/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Julie A Yim Dept: Customer Services Department	General Counsel <i>Andrew Kavanagh</i> 4/16/12 [ ]	Controller/Treasurer <i>John White</i> 4/16/12 [ ]	District Secretary [ ]	BARC <i>Carol Munn</i> 4-18-12 [ ]
Signature/Date: <i>Julie A Yim</i> 4/16/12				
Status: Routed		Date Created: 03/05/2012		

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

NARRATIVE:

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

**Discussion:**

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

In addition to providing ticket sales in BART stations, CDSNet has also provided ticket exchange services since 2000 and sold tickets over the internet between 2000 and 2010. Clipper e-cash sales are also handled by CDSNet at the eight stations. Sales grew from \$3 million dollars per year in 1997 to \$28 million dollars in 2010. In 2011, sales dropped to about \$22 million, reflecting the shift from paper tickets to Clipper. Clipper cards are currently used to pay for nearly 50% of BART rides. While BART's previous ticket sales network had 400 locations that sold senior, youth, and/or disabled tickets, currently there are only 13 locations throughout the Clipper service area where a customer can obtain senior and youth Clipper cards. So, until more Clipper card distribution points are established in the region and in particular, the BART service area, staff believe that in-station sales outlets are important to making red and green tickets available to our eligible customers.



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

Over time, as additional customers migrate to Clipper, the cost of providing ticket sales and exchange services may exceed the commissions provided for in the Agreement. Staff believes that adding Clipper-related services to the Agreement would generate additional fees for CDSNet. For example the contractor will sell other Clipper products, such as MUNI passes for a 2% fee from BART. Clipper applications for youth and senior cards will be accepted, reviewed and processed by the contractor for a set fee per application. Operating methods will be re-evaluated to achieve cost savings and potentially reduce operating expenses. Changes to operating hours and the number of locations could also be considered after appropriate analysis and an adequate public input process are completed per federal and state regulations.

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

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

#### **Fiscal Impact:**

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

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



**Alternatives:**

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

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

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

**Recommendation:** That the Board adopt the following motion.

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





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: APPROVE AND FORWARD TO THE BOARD OF DIRECTORS		
DATE: 4/26/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Presley Dept: Rolling Stock and Shops	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 4/19/12	<i>[Signature]</i> 4/19/12	<i>[Signature]</i> [ ]	[ ]	<i>[Signature]</i> 4/19/12
Status: Draft		Date Created: 03/05/2012		

TITLE:

AWARD OF CONTRACT NO. 40FA-110 FOR PROCUREMENT OF TRANSIT VEHICLES

NARRATIVE:

**PURPOSE:**

- 1) At the Board meeting on April 26, 2012, to provide information to the Board regarding the staff recommendation to obtain Board authorization for the General Manager to award Contract No. 40FA-110 for the Procurement of Transit Vehicles, to Bombardier Transit Corporation.
- 2) At the Board meeting on May 10, 2012, or a subsequent Board meeting, to obtain Board authorization for the General Manager to award Contract No. 40FA-110 for the Procurement of Transit Vehicles, to Bombardier Transit Corporation.

**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 23, 2012, and will be presented at the Board meeting on April 26, 2012, for information purposes only. Staff will request that the Board authorize the General Manager to award the Contract at the Board meeting on May 10, 2012.

For ease of reference, this single Executive Decision Document supports staff's information only item on the April 26 Board meeting agenda and the action item on the May 10 Board meeting agenda, or an agenda for a subsequent Board meeting.

Since the initial procurement of A/B transit vehicles in the early 1970s, the District has procured additional vehicles (C1 and C2) and rehabilitated the original A/B vehicles. The District currently has 669 vehicles. The projected end of useful life for each existing vehicle will occur between 2012 and 2019, depending on the age of the vehicle and whether and when it was rehabilitated. The critical need for the District to procure new cars in order to continue providing reliable transportation for decades to come also presents a unique opportunity. For the first time in forty years, the District will be able to procure new vehicles based on specifications that will allow new technology, and that will not be constrained by the need for inter-operability between existing and new vehicles.



On June 11, 2009, the Board of Directors authorized the procurement of transit vehicles by competitive negotiation under Public Contract Code Section 20229.1. The District issued Request for Proposal (RFP) No. 40FA-110 for the Procurement of Transit Vehicles on September 16, 2009. The scope of work for the Base Contract in the RFP, as amended, generally consists of providing the design, engineering, mockups, manufacture, assembly, testing, delivery and acceptance testing for 260 new heavy rail transit vehicles, ready for revenue service as an integral part of the District's transportation system, and associated program management, in-service support, publications, warranty, training and data submittal. Additionally, the RFP includes two Options for 150 vehicles each, one Option for 100 vehicles, and one Option for 115 vehicles, for a total of 775 vehicles in the Base Contract and Options.

Initial Proposals were received on June 29, 2010 from the following five (5) companies: Alstom Transportation, Inc. (Alstom), Bombardier Transit Corporation (Bombardier), CAF USA, Inc., China Southern Railroad (CSR) and Hyundai Rotem USA Corporation (Rotem).

The five (5) initial Proposals were reviewed by the Proposal Evaluation Committee, consisting of two independent Subcommittees, a Technical Evaluation Subcommittee and a Price Evaluation Subcommittee. The Subcommittees evaluated the Proposers' initial Technical Proposals, Qualifications, and Price Proposals in accordance with the RFP and the Detailed Evaluation Procedure for the procurement. The review of initial Technical Proposals was completed prior to the opening of Price Proposals. Initial Proposal Prices and the Engineer's Estimate are shown in a table in Attachment 1, along with a table showing evaluation scores for the Initial Proposals.

Based on the combined scores for the initial Proposals of each Proposer, the Proposal Evaluation Committee determined that Alstom, Bombardier, and Rotem were in the competitive range, and invited them to participate in negotiations with District staff in October 2011. After negotiations were concluded with the three Proposers, the District issued a Request for Best and Final Offer (BAFO) on December 13, 2011. Among other changes, the Request for BAFO included the incorporation of a Buy America bid preference. The preference was authorized by the Buy America Bid Preference Policy for Federally Funded Rolling Stock that was adopted by the Board in November 2011, with an effective date of January 1, 2012. The bid preference would be applied to Price Proposals for Proposals in which the cost of components and subcomponents produced in the United States exceeded the minimum FTA requirement of 60% of the cost of all components. For each such excess percentage point, a downward adjustment of 0.25 percent of the total Proposal Price would be applied for evaluation purposes only, up to a maximum 10% reduction of the Proposal Price for 100% domestic content.

BAFO Proposals were received on February 28, 2012. The Proposal Evaluation Committee followed the same procedure for evaluating BAFO Proposals as was followed for initial Proposals, except that price scores were adjusted to reflect a Buy America bid preference. The unadjusted prices in the BAFO Price Proposals were as follows:



Proposer	Base	Option 1	Option 2	Option 3	Option 4	Total Proposal Price
Alstom	\$728,043,901	\$293,665,474	\$294,393,611	\$220,583,075	\$190,339,128	\$1,727,025,189
Bombardier	\$630,502,694	\$265,832,100	\$265,832,100	\$203,804,610	\$177,221,400	\$1,543,192,904
Rotem	\$1,032,083,020	\$504,624,900	\$509,568,600	\$395,676,130	\$349,442,200	\$2,791,394,850

The table below shows the effect of the Buy America bid preference on each total Price Proposal for evaluation purposes only. The District has verified the domestic content percentage proposed by Bombardier, the apparent successful proposer, by performing a Buy America pre-award audit.

Proposer	Total Proposal Price	Domestic Content %	Buy America Bid Preference Total Price	Total Price Score Adjusted for Buy America Bid Preference
Alstom	\$1,727,025,189	95%	\$1,575,901,360	31.83
Bombardier	\$1,543,192,904	66%	\$1,520,045,011	33
Rotem	\$2,791,394,850	70%	\$2,723,005,676	18.42

The table below shows the Technical and adjusted Price scores for each Proposer, and their combined scores.

Proposer	Technical Score	Price Score	Combined Score
Alstom	41.39	31.83	73.22
Bombardier	46.70	33.00	79.70
Rotem	30.05	18.42	48.47

The Proposer with the highest combined score is Bombardier. Bombardier also received the highest scores of the three Proposers for both Technical Proposals and Price Proposals. While Alstom's Buy America domestic content was significantly higher than Bombardier's, Bombardier's price was low enough to receive the maximum number of points available for Price.

Bombardier's total Proposal Price of \$1,543,192,904 is 25% below the Engineer's Estimate of \$2,055,015,278 and is considered to be fair and reasonable. Staff has also determined that the proposal submitted by Bombardier is the most advantageous to the District with price and other factors considered. Furthermore, review of Bombardier's business experience and financial capabilities has resulted in a determination that Bombardier is responsible and possesses the requisite technical expertise, business experience, and financial capabilities for Contract award.



As a Transit Vehicle Manufacturer (TVM), Bombardier has certified that it has met the FTA requirement set forth in 49 CFR Section 26.49 that TVMs for FTA-assisted vehicle procurements have submitted a current annual DBE goal to the FTA, and that the goal has been either approved or not disapproved. The Office of Civil Rights has reviewed the applicable FTA website and confirmed that the certification is accurate.

### **FISCAL IMPACT:**

Funding for the Base Contract of 260 vehicles and Option 1 of 150 vehicles in the amount of \$896,334,794, plus applicable tax and escalation, will come from funding sources identified in the Joint BART/MTC Resolution Nos. 5134 and 3918 respectively, adopted by the BART Board of Directors and the MTC Commission in April and December, 2010 respectively; and the Agreement Regarding Procurement of Vehicles for the Santa Clara County BART Extension, between BART and the Santa Clara Valley Transportation Authority (VTA), currently being negotiated (Agreement). Since the agreement has not been executed, funding for the vehicles required by VTA will be provided per the terms of the New Vehicle Procurement BART/VTA Principles of Agreement for Cost Sharing, dated April 21, 2011 (Principles).

Per the terms of Resolution Nos. 5134 and 3918, MTC and BART agreed to a phased funding plan for the planned replacement cost of the District's 669 car fleet. This overall funding plan consists of 75% MTC regional funds and 25% BART controlled funds. MTC's funding commitment is limited to \$871 million in regional funds in Phase 1, and a framework for the planned balance. MTC agreed to program FTA and FHWA funds subject to Congressional authorization and appropriation, the availability of funds, and other critical regional transit capital needs, in a timely manner in order to meet cash flow needs and minimize financing costs.

In keeping with this policy level commitment, 350 vehicles of the 410 vehicles included in the combined Base Contract and Option 1 will be funded with MTC regional funds and BART funds at an approximate ratio of 75% to 25%. The 60 vehicles included in the Base Contract attributed to VTA will be funded per the terms of the Agreement and Principles with VTA.

### **MTC FEDERAL FORMULA AND OTHER REGIONAL FUNDS**

Per MTC Resolution No. 3918, the funding sources for the \$871 million commitment include projected FTA Section 5307 and 5309 Fixed Guideway, FHWA STP, population-based spillover (or successor programs) and/or other anticipated funding sources included in Transportation 2035 and to be included in future Regional Transportation Plans, and projected earnings on the BART Car Replacement Funding Exchange Account.

A total of \$561,063,546 in MTC funds is required as the 75% contribution to fund the Base Contract and Option 1. Of this amount, \$135,500,000 has already been received, leaving a balance of \$425,563,546 to be received, as necessary funding for the Base Contract and Option 1. The remaining balance of \$309,936,454 due from the \$871 million MTC commitment is expected prior to FY 19, per MTC Resolution No. 3918.

### **BART FUNDS**

Per BART Resolution No. 5134, BART committed to provide a total of \$806 million in BART pursued and controlled revenues as local match to MTC regional funds. The first \$150 million



was to be funded from State Proposition 1A High Speed Rail (HSR) bond funds with the balance to be future BART controlled revenues such as State Transit Assistance Revenue-Based funds, general obligation bonds, parcel taxes, fare increases, or other means. Since HSR funds failed to materialize, BART-generated funds have been provided. Thus far, a total of \$22.4 million has been allocated as a combination of local match to prior federal grants and an initial FY 11 year end operating allocation. The FY 13 Preliminary Budget includes an allocation of \$45.7 million to a newly established Railcar Sinking Fund, resulting in a total of \$68.1 million of BART funds available.

A total of \$187,021,182 in BART funds is required as the 25% contribution to fund the Base Contract and Option 1. Following the adoption of the FY13 Preliminary Budget, a total of \$68.1 million will have been allocated. The remaining amount of \$118,921,182 required to fund the Base Contract and Option 1 will be funded from allocations from the operating budget in the amount of approximately \$45 million annually for the next three years. Following the Base Contract and Option 1, the District's remaining balance of \$618,978,818 due from the \$806 million commitment in Resolution No. 5134 may be funded through continuing allocations from the operating budget at a rate of approximately \$45 million per year, HSR bond funds, when available, as well as any of the BART controlled or pursued revenues listed above.

#### **SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

VTA has made a commitment to fund the 60 vehicles necessary for the extension of the BART system into Santa Clara County. These vehicles are included in the Base Contract. Per the terms of the Principles, VTA will provide \$148,250,066, plus applicable tax and escalation.

The recommended Board motion authorizes the award of the Base Contract and Option 1, subject to the availability of funding. Staff will return to the Board with a funding plan and request for approval to exercise Options 2, 3, and 4, in the amount of \$646,858,110, plus applicable tax and escalation.

The Notice of Award for the Base Contract and Option 1 will be issued only after the Controller/Treasurer has certified that funding is available.

#### **ALTERNATIVES:**

1. Do not procure new rail vehicles and continue indefinitely to operate using existing equipment that is no longer supported by the original manufacturer. This is not a feasible alternative as it would result in severe operational delays to revenue service.
2. Reject all bids and re-advertise the Contract. This would result in 1) a delay of the procurement by 18 -21 months, 2) additional District staffing costs and higher vehicle prices, 3) a potential loss of federal funding for the vehicles, and 4) inability to meet commitments for Berryessa and San Jose Extensions.

**RECOMMENDATION:** Adopt the following motion at the Board meeting on May 10, 2012, or a subsequent Board meeting:



**MOTION:** The Board finds that Bombardier Transit Corporation's proposal is most advantageous to the District with price and other factors considered. The General Manager is authorized to award Contract No. 40FA-110, Procurement of Transit Vehicles, to Bombardier Transit Corporation, for the Proposal price of \$630,502,694, plus applicable tax and escalation for the Base Contract of 260 vehicles, and the Proposal price of \$265,832,100, plus applicable tax and escalation for Option 1, subject to the District's protest procedures and FTA's requirements related to protests procedures. Staff will return to the Board with a funding plan and request for approval to exercise Options 2, 3, and 4.



*Attachment 1*

### Initial Price Proposals

<b>Proposer</b>	<b>Base</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>	<b>Total Proposal Price</b>
<b>Alstom</b>	\$782,772,638	\$326,684,274	\$325,482,094	\$245,506,669	\$214,696,364	\$1,895,142,039
<b>Bombardier</b>	\$767,103,348	\$353,999,970	\$353,999,970	\$271,399,977	\$235,999,980	\$1,982,503,245
<b>CAF</b>	\$707,898,296	\$399,120,780	\$399,120,780	\$305,992,598	\$266,080,520	\$2,078,212,974
<b>CSR</b>	\$779,344,556	\$373,449,670	\$373,449,670	\$286,311,414	\$248,966,447	\$2,061,521,757
<b>Rotem</b>	\$798,999,710	\$351,474,600	\$355,496,100	\$282,838,360	\$257,398,000	\$2,046,206,770

### Initial Scores

<b>Proposer</b>	<b>Technical Score</b>	<b>Price Score</b>	<b>Combined Score</b>
<b>Alstom</b>	42.8	33	75.80
<b>Bombardier</b>	46.91	31.55	78.46
<b>CAF</b>	18.73	30.09	48.82
<b>CSR</b>	6.24	30.34	36.58
<b>Rotem</b>	29.10	30.56	59.66