

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

May 10, 2007

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, May 10, 2007, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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” and “consent calendar addenda” 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 who wish to address BART Board matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
- D. Public Hearing on Fiscal Year 2008 Budget.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of April 26, 2007.* Board requested to authorize.
- B. Adoption of a Resolution of Local Support for a State Transportation Improvement Grant Related to the Ed Roberts Campus Project at the Ashby BART Station.* Board requested to adopt.
- C. Adoption of a Resolution of Local Support for a Federal Congestion Mitigation and Air Quality Improvement Grant for BART's Electronic Bicycle Locker Project.* Board requested to adopt.
- D. Award of Contract No. 15QB-110, Reroof Four Facilities.* Board requested to authorize.
- E. Fiscal Year 2007: Third Quarter Financial Report.* For information.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. Change Order to Agreement No. 6G2282 for Benefits Consulting and Brokerage Services with Mercer Human Resources Consulting.* Board requested to authorize.
- A-2. Fiscal Year 2008 Preliminary Budget.
 - A) Operating Sources, Uses and Service Plan.* For information.
 - B) Capital Budget.* For information.
- A-3. Fiscal Year 2008: Budget Procedural Matters: Forward the Fiscal Year 2008 Preliminary Budget to the Board of Directors.*
- A-4. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. Agreement with LAN Engineering Corporation for Construction Management Services for the Earthquake Safety Program Aerial Structures (Agreement No. 6M8013).* Board requested to authorize.

- B-2. Change Order to Contract No. 09AS-120, Vibro-Replacement and Grouting along the Transbay Tube, for Underground Obstructions during Vibro-Replacement (C.O. No. 10).* Board requested to authorize.
- B-3. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting
Director Radulovich, Chairperson

- C-1. (CONTINUED from April 26, 2007, Planning, Public Affairs, Access, and Legislation Committee Meeting)
Execution of Contract Option for CDSNet, LLC for the Sales and Exchange of Tickets.* Board requested to authorize.
- C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

- 3. CONSENT CALENDAR ADDENDA
Board requested to authorize as recommended from committee meetings above.
- 4. REPORTS OF STANDING COMMITTEES
 - A. ADMINISTRATION COMMITTEE
 - A-1. Change Order to Agreement No. 6G2282 for Benefits Consulting and Brokerage Services with Mercer Human Resources Consulting.* Board requested to authorize.
 - A-2. Fiscal Year 2008 Preliminary Budget.
 - A) Operating Sources, Uses and Service Plan.* For information.
 - B) Capital Budget.* For information.
 - A-3. Fiscal Year 2008: Budget Procedural Matters: Forward the Fiscal Year 2008 Preliminary Budget to the Board of Directors.*
 - B. ENGINEERING AND OPERATIONS COMMITTEE
 - B-1. Agreement with LAN Engineering Corporation for Construction Management Services for the Earthquake Safety Program Aerial Structures (Agreement No. 6M8013).* Board requested to authorize.
 - B-2. Change Order to Contract No. 09AS-120, Vibro-Replacement and Grouting along the Transbay Tube, for Underground Obstructions during Vibro-Replacement (C.O. No. 10).* Board requested to authorize.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

- C-1. (CONTINUED from April 26, 2007, Planning, Public Affairs, Access, and Legislation Committee Meeting)
Execution of Contract Option for CDSNet, LLC for the Sales and Exchange of Tickets.* Board requested to authorize.

5. GENERAL MANAGER'S REPORT

- A. Update on Infrastructure Bond Spending Plans. For information.

6. BOARD MATTERS

- A. Report of the District Security Advocacy Ad Hoc Committee. For information.
- B. Report of the District Organizational Review Ad Hoc Committee. For information.
- C. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. PUBLIC EMPLOYMENT APPOINTMENT:
Title: General Manager
Gov't. Code Section: 54957(b)(1)
- B. CONFERENCE WITH LABOR NEGOTIATORS – PUBLIC
EMPLOYEE PERFORMANCE EVALUATION:
Agency Negotiators: Directors Franklin, Murray, and Sweet
Titles: General Manager
General Counsel
Controller/Treasurer
District Secretary
Gov't. Code Sections: 54957 and 54957.6

9. OPEN SESSION

- A. (CONTINUED from April 26, 2007, Board Meeting)
Employee Recruitment and Relocation for the Position of General Manager. Board requested to authorize.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board for Approval		
DATE: 5/04/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joanne Parker Dept: Capital Development and Control Ext. 4795 Signature/Date: <i>[Signature]</i> 5/3/07	General Counsel <i>[Signature]</i> 5.4.07 []	Controller/Treasurer <i>[Signature]</i> 5/4/07 []	District Secretary []	BARC []

NARRATIVE:

Adoption of a Resolution of Local Support for a State Transportation Improvement Grant Related to the Ed Roberts Campus Project at the Ashby BART Station

Purpose:

To request Board adoption of a Resolution of Local Support for acceptance of a State Transportation Improvement Program (STIP) grant for project components related to the Ed Roberts Campus Project at the Ashby BART Station.

Discussion:

The Ed Roberts Campus Project (ERC Project) will result in the construction of an approximately 80,000-square-foot facility on the east side of the Ashby BART Station. The ERC Project will include the offices of ERC, the ERC partner organizations, meeting rooms, a computer/media resource center, a café, a childcare center, and other office space. The ERC Project is estimated to serve approximately 500 people a day, most of whom will arrive by public transportation. In addition to ERC and its partners, the City of Berkeley and BART, the Metropolitan Transportation Commission (MTC) and AC Transit have also been involved in the planning and development of the ERC Project.

ERC, with the cooperation of BART and the City of Berkeley, has sought grant funds from various sources to pay for the ERC Project. ERC has succeeded in obtaining several programming actions, several of which will be transferred to the project via the Federal Transit Administration (FTA), with BART acting as the primary grantee pass-through agent. A Fund Pass-Through Agreement between BART and ERC has been executed.

ERC, the City of Berkeley and BART have also cooperated to seek funding from grant sources to pay for a project related to the overall success of the ERC Project, the design and construction of a second elevator from the concourse to the platform inside the paid area of the Ashby BART Station. In order to provide for this second elevator and the additional station capacity necessary to accommodate the ridership growth generated by people traveling to and from ERC, significant station modifications will have to be constructed. Included in those modifications will be an expansion of the concourse area and the installation of additional accessible fare gates. A STIP grant will be programmed for construction of the second concourse to platform elevator and the related capacity expansion elements. The STIP funds will be for \$2,000,000 in FY07/08, with an allocation deadline at the California Transportation Commission (CTC) of June 30, 2008. BART will design and construct this additional component to the ERC project and these STIP funds will

EDD: Resolution of Local Support for STIP funds Related to the Ed Roberts Campus Proje

not be subject to the Fund Pass-Through Agreement. MTC has requested that BART adopt a resolution of local support for the STIP funds. Additional studies are underway to determine the final scope, schedule and budget for the second concourse to platform elevator project, with design and additional construction funds needed coming from MTC-programmed federal funds designated for Americans with Disabilities Act and accessibility projects. Discussions are ongoing with funding partners to identify additional grant monies for the completion of the project.

Key points of the attached STIP resolution are as follows: (1) STIP Program funding for this ERC Project-related second elevator will be \$2,000,000 for construction; (2) no local match is required; (3) that BART, as the Project Sponsor, has reviewed the project and has agreed that adequate staffing resources exist to complete the project within the timeline outlined by the grant requirements.

Fiscal Impact:

This action has no fiscal impact on District Reserves. Any additional funding required will be provided from an annually programmed increment of federal funds designated for Americans with Disabilities Act and accessibility related projects.

Alternatives:

Do not adopt the attached Resolution. If the Resolution is not adopted, BART would risk loss of STIP grant revenues of \$2,000,000, without the ability to re-apply for grant funds for the project.

Recommendation: Adoption of the following Motion.

Motion: Adoption of the attached Resolution.

RTIP Augmentation Project Application
Part 1: Resolution of Local Support
Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District (herein referred to as “APPLICANT”) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$2,000,000 in funding from the 2006 Regional Transportation Improvement Program (RTIP) Augmentation for the “Berkeley, Ashby BART Station, Concourse Expansion and Additional Elevator Project” (herein referred to as “PROJECT” or “PROJECTS”), a related component to the Ed Roberts Campus Project, for the MTC 2006 RTIP Augmentation, as authorized by MTC by Resolution 3790 (herein referred to as “PROGRAM”); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, 2006 RTIP Augmentation projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP Augmentation; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP Augmentation project fact and fund sheet of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP Augmentation; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by SB 45 in order to qualify the project listed in the RTIP

Augmentation project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for 2006 RTIP Augmentation funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED, that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the 2006 RTIP Augmentation Policies and Procedures (MTC Resolution No. 3790); and therefore be it further

RESOLVED, that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP Augmentation project fact and fund sheet of the project application, attached to this resolution; and be it further

RESOLVED, that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

RESOLVED, that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT; and be it further

RESOLVED, that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED, that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/04/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joanne Parker Dept: Ext.	General Counsel <i>[Signature]</i> 6/2/07	Controller/Treasurer <i>[Signature]</i> 5/4/07	District Secretary	BARC
Signature/Date: <i>J. Parker 7/3/07</i>			[]	[]

NARRATIVE:

Adoption of a Resolution of Local Support for a Federal Congestion Mitigation and Air Quality Improvement Grant for BART's Electronic Bicycle Locker Project

Purpose:

To request Board adoption of the attached Resolution of Local Support for acceptance of a Congestion Mitigation and Air Quality Improvement (CMAQ) Program grant for the BART Electronic Bicycle Locker Project, Alameda County Phase 2.

Discussion:

The BART Electronic Bicycle Locker Program is a District-wide project to replace existing, single user bicycle lockers with metal perforated multi-user electronic bicycle lockers. Since 2005, BART, in cooperation with a number of local jurisdictions, has been soliciting for grant funds for the installation of electronic bicycle lockers throughout the District. The 2002 BART Bicycle Access and Parking Plan specifies an increase in bicycle locker capacity at each station to meet access goals for bicycling. The Electronic Bicycle Locker Program will add adequate locker capacity throughout the District to eliminate bicycle wait lists and meet the existing parking demand, plus provide an additional 10% capacity for growth. This funding along with other pending applications will substantially complete Alameda County's portion of the systemwide Electronic Bicycle Locker Program. Multiple sources of grant funds have been acquired, including Bay Area Air Quality Management District's Transportation Fund for Clean Air (TFCA) funds, Alameda County Transportation Improvement Authority (ACTIA) Discretionary Bicycle and Pedestrian funds, and Safe Routes to Transit - Regional Measure 2 funds. Prior grants have been applied for and received by BART under the General Manager's authority to do so, granted by the BART Board under Resolution 4898.

Throughout Spring 2007, BART has negotiated with the Alameda County Congestion Management Agency (ACCMA) and local Alameda County jurisdictions to fund the BART Electronic Bicycle Locker Project, Alameda County Phase 2. This project is supported by TFCA Program Manager funds, Transportation Development Act (TDA) Article 3 Funds, and "matching" CMAQ funds that have been programmed for local Alameda County jurisdictions. Funding for each of these three sources will be transferred to BART from ACCMA and local Alameda County jurisdictions to install 116 electronic bicycle lockers at BART stations including: Ashby, BayFair, Coliseum, Dublin/Pleasanton, Fremont, Fruitvale, Hayward, San Leandro, and West Oakland.

EDD: Resolution of Local Support for CMAQ Grant for Electronic Bicycle Locker Project

The CMAQ funds for the installation of electronic bicycle lockers that are the subject of this current BART Board action are programmed by the ACCMA and subject to the adoption of a Resolution of Local Support per the Metropolitan Transportation Commission's (MTC) requirements. Key points of the attached CMAQ resolution are as follows: (1) CMAQ Program funding for this particular program cycle and project phase is fixed at \$130,000; (2) the 11.47% local match requirement for the CMAQ funds is a minimum of \$14,911, consists of State and Local grants for this project; (3) any cost increases to this phase of the project must be secured by BART from other revenues; (4) MTC expects that BART will obligate the funds before May 31, 2009; and (5) BART commits to complete the project. The total cost of this phase of BART's Electronic Bicycle Locker Project, Alameda County Phase 2, is \$540,560, with the remaining \$410,560 to be committed to the project by other public fund sources, including TFCA Program Manager funds and TDA Article 3 Funds.

Fiscal Impact:

This action has no fiscal impact on District Reserves. Overall project cost for the BART Electronic Bicycle Locker Project, Alameda County Phase 2 is \$540,560, with \$130,000 coming from this CMAQ grant, \$275,405 from TFCA Program Manager funds, and the remainder from TDA Article 3 funds.

Alternatives:

Do not adopt the attached Resolution. If the Resolution is not adopted, BART would risk loss of \$130,000 in CMAQ grant revenues, as well as risk the loss of an additional \$410,560 in leveraged grant funds, for the BART Electronic Bicycle Locker Project, Alameda County Phase 2.

Recommendation: Adoption of the following Motion.

Motion: Adoption of the attached Resolution.

**Resolution of Local Support
SAFETEA STP/CMAQ Funding**

Resolution No.

Authorizing the filing of an application for federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funding and committing the necessary non-federal match and stating the assurance to complete the project

WHEREAS, the San Francisco Bay Area Rapid Transit District (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$130,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the BART Electronic Bicycle Locker Project (herein referred as PROJECT) for the MTC First Cycle STP/CMAQ Program, MTC Resolution 3547 (herein referred as PROGRAM); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

WHEREAS, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) that the project will comply with all the project-specific requirements as set forth in the MTC First Cycle STP/CMAQ Program.

NOW, THEREFORE, BE IT RESOLVED that the San Francisco Bay Area Rapid Transit District is authorized to execute and file an application for funding under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA for the BART Electronic Bicycle Locker Project; and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide \$14,911 in non-federal matching funds; and
2. APPLICANT understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in the MTC First Cycle STP/CMAQ Program; and therefore be it further

RESOLVED that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/02/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ersten Y Imaoka Dept: M & E Ext: 6489 Signature/Date: <i>[Signature]</i> 5-2-07	General Counsel <i>[Signature]</i> 5.2.07 []	Controller/Treasurer <i>[Signature]</i> 5/2/07 []	District Secretary []	BARC <i>[Signature]</i> 5/2/07 []

NARRATIVE:

Award Contract 15QB-110, Reroof Four Facilities

PURPOSE:

To authorize the General Manager to award Contract No.15QB-110, Reroof Four Facilities, to Best Contracting Services, Inc.

DISCUSSION:

This Contract includes the performance of all operations necessary to install modified bitumen roofing using one-part cold adhesive on the existing metal roof decking of the platform canopies at San Leandro and Union City Stations, and on the existing concrete roofs of the Lake Merritt Station entrances and the Oakland Vent Structure.

Advance Notice to Bidders was mailed on March 21, 2007 to 25 prospective bidders. Contract Books were mailed to 18 plan rooms and Minority Assistance Organizations. The Contract was advertised on March 23, 2007. A Pre-Bid meeting and a Site Inspection Tour were conducted on April 4, 2007, with six prospective bidders attending the meeting, and four prospective bidders attending the site tour. The following five bids were received on April 17, 2007:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
1. Best Contracting Services, Inc	Hayward	\$346,000
2. Andy's Roofing Co., Inc	Milpitas	\$389,775
3. Pioneer Contractors, Inc	San Francisco	\$392,740
4. Waterproofing Associates	Mountain View	\$408,870
5. Western Roofing Service	San Francisco	\$428,314

ENGINEER'S ESTIMATE \$330,000

District staff has determined that the bid submitted by Best Contracting Services, Inc. is responsive to the solicitation, and the bidder's license, business experience, and financial capabilities indicate that the bidder is responsible. Staff has also determined that the bid of \$346,000, which is approximately 5% above the Engineer's Estimate, is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 10, 2007
FROM: General Manager
SUBJECT: FY07 Third Quarter Financial Report

Continued ridership growth, poor results in sales tax and tightening operating budget expenses summarize the third quarter (January – March) operating financial results. Operating revenue performance, particularly in passenger revenue, remains steady at 4.4% favorable for the quarter and 4.5% over budget year-to-date (YTD). Net financial assistance including sales tax is 4.5% unfavorable to budget, while expenses are nearly on target at 0.3% favorable to budget YTD, but were slightly over budget for the quarter.

Operating Sources

- **Average Weekday Ridership** was 1.8% favorable to budget. Compared to the previous quarter, core system growth over the prior year (4.3%) remained nearly the same. However, the SFO extension grew at a faster rate (6.9%) and total SFO extension trips are on budget, YTD.
- **Sales tax**, in contrast to ridership, ended the quarter \$2.1 million (-5.8%) under budget, with just 0.1% growth over the prior year, the lowest growth rate in over three years.
- **SamTrans** completed its \$5 million obligation for FY07. Future subsidy, including \$2 million this quarter, will come from the newly formed SFO Reserve, which will also be used to pay airport rent. The first funding for the Reserve will come from MTC as capital dollars. BART will use these funds, instead of Operating to Capital Allocations, for matching federal grants. The funds that would have been used to fund Capital Allocations will then fund the Reserve.

Operating Uses

- Expenses were slightly over budget for the quarter. Labor and benefits were unfavorable to budget for the quarter and YTD. Non-labor for the quarter was also unfavorable, mainly because of unbudgeted expenses for outside legal counsel, bank-card fees for ticket sales, the traction motor rewind project and timing issues due to “catch-up” spending from expenses budgeted for earlier in the year.

To date, net results are positive by \$4 million, but this is less than 1% variance of the total budget. Ridership and passenger revenue continued to grow, and we expect to end the year over budget. Fourth quarter sales tax won't be known until mid-June, but is expected to end the year under budget. Expenses are projected to finish slightly unfavorable to budget at fiscal year-end, although of course we will do our best to limit any overruns. The negative expense should be offset by the favorable results in revenue and we are projecting a slightly positive year-end result.


Thomas E. Margro

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>M. Lorraine</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>5/09/07</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mischa Lorraine Dept: Human Resources Ext. 6207	General Counsel <i>S. W. W. 5.4.07</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/4/07	[]	[]	[]	[]

NARRATIVE:

CHANGE ORDER TO AGREEMENT No. 6G2282 for BENEFITS CONSULTING AND BROKERAGE SERVICES – Mercer Human Resources Consulting

PURPOSE:

To obtain Board authorization for the General Manager to execute a change order to increase funding for the benefits consulting and brokerage services agreement with Mercer Human Resources Consulting of San Francisco, CA (Mercer) under Agreement number 6G2282.

DISCUSSION:

The District contracts for benefits consulting services to ensure that it has access to the skills needed to remain responsive and legally compliant in the increasingly regulated and technically complex area of employee benefits. The District has made the decision to use consultant expertise rather than to maintain in house expertise in this rapidly changing area. The recurring work in this area includes annual renewal services, as well as a modest amount of ad hoc consulting on issues such as actuarial valuations, HIPAA (Health Insurance Portability and Accountability Act) compliance, benefits adequacy and workers compensation analysis. In March, 2004 the Board authorized the District to contract with Mercer for these services.

The initial five-year term of this agreement will end March 16, 2009, and two additional one year option periods are provided. The agreement has a not-to-exceed limit of \$1,120,000. As a result of extraordinary expenses incurred in the early years of the contract -- to be discussed in detail below -- additional funding authorization is requested in the amount of \$440,000 for the remainder of the five-year agreement.

The District has spent \$1,112,384.52 of the \$1,120,000 authorized funding as of December 31, 2006 leaving just over \$7,600 of funding available at present.

The difference between the expected and actual costs is a result of:

- Unusual expenses incurred in the collective bargaining process for the 2005 - 2009 contract, particularly in actuarial work related to the retiree medical issue.

EDD: CHANGE ORDER TO AGREEMENT No. 6G2282 for BENEFITS CONSULTING A

Beginning in 2004, in support of 2005 negotiations, BART began to consider the manner of addressing retiree medical costs. The District used the services of Mercer to identify costs and liabilities for employees and retirees for medical and pensions and to ensure that the funding sources for retiree medical were secured.

The benefits consulting services associated with the successful outcome of the 2005 negotiations cost in excess of \$339,000.

- HIPAA requirements. This statute, which first took effect in April 2003, has spawned an unexpected number and complexity of implementing regulations, especially in the area of maintaining security of electronically maintained information. HIPAA-related expenses account for a total expenditure of \$54,000, much of which was unforeseen.

Human Resources has reviewed the records, discussed this agreement, and finds that the most reasonable course of action is to replenish the funds in the amount of \$440,000. This amount:

- Replaces \$281,000 of extraordinary 2005 collective bargaining costs of approximately \$340,000;
- Replaces approximately \$54,000 attributable to one-time HIPAA-related services, now in a maintenance phase; and
- Provides an additional \$105,000 for the balance of the contract term, to assure that the District can utilize Mercer's services for existing needs, and for special needs that may arise as we move into preparations for negotiations.

A new request for proposal will be issued to ensure that the District is prepared to recommend a new contract no later than March, 2009.

FISCAL IMPACT:

The issuing department, Human Resources, is the financial sponsor of this agreement. The department will be able to absorb its existing needs under the agreement within its fy07 budget, and has requested \$160,000 for this agreement for FY 2008. The FY 2009 budget will absorb the bulk of the anticipated additional expense.

ALTERNATIVES:

1. Not to extend funding, to issue an RFP immediately and secure benefits consulting services via letter agreement.
2. To extend funding in some other amount.

RECOMMENDATION:

To adopt the following motion.

EDD: CHANGE ORDER TO AGREEMENT No. 6G2282 for BENEFITS CONSULTING A

MOTION:

That the Board authorize the General Manager to execute a Change Order for an additional \$440,000 in funding to the Benefits Consulting Agreement No. 6G2282 with Mercer Human Resources Consulting.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>D. Dinger</i>		GENERAL MANAGER ACTION REQ'D: Place on Administration Committee Agenda for May 10, 2007		
DATE: <i>5/03/07</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept: Operating Budgets Ext. 4743 Signature: <i>Kimberly White</i> Date: <i>4.19.2007</i>	General Counsel <i>S. Wakeman</i> Date: <i>4.19.07</i>	Controller/Treasurer <i>[Signature]</i> Date: <i>4/19/07</i>	District Secretary []	BARC []

NARRATIVE:

Fiscal Year 2008 Preliminary Budget Procedural Action

PURPOSE:

To forward the Fiscal Year 2008 Preliminary Budget from the Administration Committee to the full Board of Directors.

DISCUSSION:

The rules of the Board of Directors (Rule 5-1.2) provide that the Administration Committee shall submit the preliminary budget to the Board not later than the first regular meeting in May of each calendar year. This action does not preclude further consideration and discussion of the FY08 Preliminary Budget at future Board committee meetings. The Board is currently scheduled to adopt the FY08 Annual Budget on June 14, 2007.

FISCAL IMPACT:

According to Board Rules, the FY08 Annual Budget must be adopted on or before June 30, 2007.

ALTERNATIVES:

Under Board Rule 5-1.2, forwarding the budget to the Board no later than the first meeting in May is a required step to adopt the Fiscal Year 2008 annual budget. The Board could suspend rule 5-1.2.

RECOMMENDATION:

1. That the Administration Committee forward the FY08 Preliminary Budget to the Board for further consideration.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors	
DATE: 5/02/07		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shirley J Ng Dept: TSD Ext. 4927	General Counsel <i>[Signature]</i> 5.1.07	Controller/Treasurer <i>[Signature]</i> 5/1/07	District Secretary <i>[Signature]</i> 5/2/07
Signature/Date: <i>[Signature]</i>	[]	[]	[]

NARRATIVE:

AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M8013 FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE EARTHQUAKE SAFETY PROGRAM AERIAL STRUCTURES

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M8013 in an amount not to exceed \$26,000,000 with Lim And Nascimento Engineering Corporation (LAN) for Construction Management Services in support of aerial structure retrofits as part of the Earthquake Safety Program (Program).

DISCUSSION:

Preliminary design of retrofits for the aerial structures are now in progress, with the first of five major retrofit contracts anticipated for contract advertisement in October 2008. Construction management services are needed for constructibility reviews during the design phase. These retrofit contracts may involve enlarging or thickening the existing foundation, jacketing columns, and strengthening the pier caps with shear keys or seat extenders. Program staff will require assistance to manage construction and coordinate the construction activities with outside entities.

Accordingly, RFP No. 6M8013, to procure a consultant to conduct construction management activities for the aerial structures, was released on January 23, 2007. Advance notices were mailed on January 22, 2007 to over 300 prospective proposers. RFP No. 6M8013 was advertised in eight publications both locally and nationally. A pre-proposal meeting was held on January 31, 2007 that was attended by 50 prospective proposers.

Four (4) proposals were received on March 13, 2007 from the following firms:

Firm	Location
Seismic Retrofit Team (SRT), a joint venture	Oakland, CA
LAN Engineering Corp.	San Ramon, CA
PGH Wong Engineering, Inc.	San Francisco, CA
URS Corp.	San Francisco, CA

EDD: CM FOR ESP AERIAL STRUCTURES

The proposals were evaluated by a Source Selection Committee chaired by BART Contract Administration and composed of representatives from BART's Transit System Development department, Maintenance and Engineering department, Office of Civil Rights and the General Engineering Consultant, Bechtel Infrastructure. A thorough evaluation of these proposals was conducted. As a result of the technical evaluation, all proposers were short-listed to participate in the oral presentations. Oral presentations were conducted on April 20, 2007.

The Source Selection Committee recommends the award of Professional Services Agreement No. 6M8013 for Construction Management Services for the Earthquake Safety Program aerial structures to LAN Engineering Corp. based on its highest cumulative technical evaluation and oral presentation scores. Negotiations have begun and BART's internal audit department is working with Caltrans' requirement for a pre-award audit, the results of which will be incorporated into the executed Agreement, as appropriate.

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

FISCAL IMPACT:

Agreement No. 6M8013 has a not-to-exceed cost limit of \$26,000,000. District financial obligations pursuant to each Agreement will be subject to a series of Work Plans (WPs). Each WP will have a defined scope of services and separate schedule and budget. Any WP assigned for funding under a State or federal grant will include State or federal requirements. WPs will be approved only if BART Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each WP.

Authority to issue WPs and administration of Agreement No. 6M8013 will reside with BART's Manager, Earthquake Safety Program.

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

ALTERNATIVE:

Not to authorize award of the proposed Agreement. If the Agreement is not awarded, BART would have to seek other means of furnishing the required construction management services, adding cost and time to the Program.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute Agreement No. 6M8013 with LAN Engineering Corp. of San Ramon, CA for Construction Management Services for the Earthquake Safety Program aerial structures in an amount not to exceed \$26,000,000 for a term ending December 31, 2013, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and subject to the District's protest procedures and FTA's requirements related to protest procedures.

CONSTRUCTION MANAGEMENT SERVICES FOR EARTHQUAKE SAFETY PROGRAM AERIAL STRUCTURES

• Introduction

The San Francisco Bay Area Rapid Transit District requires construction management services to oversee BART construction contracts for seismic retrofits of the aerial structures.

Request for Proposal (RFP) No. 6M8013 was issued to provide the District with the required services.

The RFP described the selection process in detail and indicated the criteria to be used for making the selection.

• Scope of Work

- Resident, field and office engineering
- Inspection services
- Constructability analysis
- Hazard analysis and safety certification
- Surveying
- Environmental monitoring
- Noise and vibration monitoring and data analysis
- Construction safety oversight
- Independent quality assurance oversight
- Project communications/recordkeeping
- Cost and schedule management
- Coordination with other entities
- Progress reporting and project closeout
- Claims management

• 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
- Upon determining the most qualified proposer, terms and conditions of the agreement are then negotiated.

Terms and conditions favorable to the District have been successfully negotiated with the most qualified proposer; therefore, staff recommends awarding the agreement as outlined on the following page.

RECOMMENDED AWARD

- **Agreement #6M8013**

LAN Engineering for a term ending December 31, 2013 with a not-to-exceed value of \$26 million.

Subconsultant Name, Location – Services

PBS&J, Walnut Creek, CA – Construction Engineering, Inspection, Administration
Pinnacle One, Los Angeles, CA – Construction Claims Engineering and Scheduling
S&C Engineers, Oakland, CA – Construction Engineering, Inspection, Administration
Sequoia Consultants, Orange, CA – Material Testing
Stantec Consulting, Oakland, CA – Systems/Communications/Signals Interface
TRS Consultants, Oakland, CA – Construction Engineering, Inspection, Administration
Vall Cooper, Point Richmond, CA – Construction Engineering, Inspection, Administration

- **Reasons for Selection**

- Strong experience in construction management
- Strong experience in retrofit of bridge and aerial structures
- Strong qualifications of team personnel
- High qualifications ratings for firms

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 9/30/06	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$186,000,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$186,000,000	
CM	\$61,498,000	\$66,912,000	
Environmental	\$1,042,796	\$2,473,947	
TOTAL E, E & CM	\$249,018,796	\$255,385,947	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,015,850	
Oakland Landside	\$17,970,000	\$10,701,339	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$174,939,000	Will adjust downward w/latest retrofit.
Marine Vibro Demo	\$101,285,000	\$115,601,434	
Stitching	\$82,962,000	\$1,426,680	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$122,804,000	
Fremont	\$178,224,000	\$193,507,000	
Concord	\$36,500,000	\$38,021,000	
Richmond	\$80,155,000	\$87,028,000	
San Francisco/Daly City	\$36,590,000	\$38,800,000	
Stations (#)	\$126,961,000	\$94,588,000	
Other Structures			
LMA	\$5,529,000	\$6,918,153	
Yds & Shops	\$12,436,000	\$11,459,000	
Parking Structures	\$14,437,000	\$15,194,000	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$5,904,000	
TOTAL CONSTRUCTION	\$909,469,000	\$917,907,456	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$182,522,986	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$78,489,611	
TOTAL PROGRAM COSTS	\$191,998,204	\$261,012,597	
TOTAL FUNDING	\$1,350,486,000	\$1,434,306,000	Budget may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>DMonger</i>		GENERAL MANAGER ACTION REQ'D: Forward to Board of Directors		
DATE: 5/02/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept: TSD Ext. 4978 Signature/Date: <i>Thomas Horton</i> 4/30/07	General Counsel <i>S. Wahmann</i> 4-30-07 []	Controller/Treasurer <i>[Signature]</i> 4/30/07 []	District Secretary []	BARG <i>Paul Bersier</i> 4/30/07 []

NARRATIVE:

CHANGE ORDER NO. 10 TO CONTRACT NO. 09AS-120 - VIBRO-REPLACEMENT AND GROUTING ALONG TRANSBAY TUBE

PURPOSE: Authorize the General Manager to execute Change Order Number 10, Underground Obstructions Encountered During Vibro-Replacement, to Contract No. 09AS-120, for an amount of \$281,553.00 and a time extension of 20 calendar days.

DISCUSSION: The District authorized award of Contract No. 09AS-120, Vibro-Replacement and Grouting Along Transbay Tube, in April, 2006, to Condon-Johnson Associates, Inc., in the amount of \$9,728,490.00. The Contract calls for the Contractor to retrofit the landside (Port of Oakland) portion of the soil along the Transbay Tube using a combination of vibro-replacement (stone columns) and grouting.

During installation of the stone columns, the Contractor encountered numerous subsurface obstacles that prevented installation of many of them. In each case, the Contractor was required to halt work while BART staff and the designer determined if the stone column could be abandoned or if further retrofit measures at that location would be necessary. The Contract included 40 hours of standby time for such purposes, but the large number of obstructions caused the Contractor to exceed the 40 hours. Change Order No. 10 provides funding for the additional costs of standby time needed to deal with the unforeseen field conditions, and provides for a time extension to the Contract of 20 calendar days.

Change Order No. 10 will be approved as to form by the Office of the General Counsel prior to execution. The Procurement Department will review the Change Order prior to execution for compliance with the District's procurement guidelines.

FISCAL IMPACT: The total amount of \$281,553 for Change Order No. 10 is included in the total project budget for the FMS 09AS, Transbay Tube Design & Construction. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 56D Gov TCRP & Gen Fund

\$281,553

Currently \$11,530,000 of funding is available for commitment from this source. As of month ending April 1, 2007, \$10,058,540 has been committed against this fund source. There are

EDD: CHANGE ORDER NO. 10 TO CONTRACT NO. 09AS-120

pending commitments of \$195,419 in BART's financial management system. This action will commit an additional \$281,553 leaving an uncommitted balance of \$994,488 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: If Change Order No. 10 is not executed, staff would be unable to provide compensation to the Contractor for standby time for any unforeseen obstructions encountered. Failure to provide compensation to the Contractor for unforeseen conditions will likely lead to claims from the Contractor.

RECOMMENDATION: Adoption of the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 10, Underground Obstructions Encountered During Vibro-Replacement, to Contract No. 09AS-120, Vibro-Replacement and Grouting Along Transbay Tube - Port of Oakland, for an amount of \$281,553.00 and a time extension of 20 calendar days.

CHANGE ORDER SUMMARY FORM

BACKGROUND

Name of Contractor: Condon-Johnson Associates, Inc.
Contract No./NTP Date: 09AS-120/May 17, 2006
Contract Description: Vibro-Replacement and Grouting Along Transbay Tube
Percent Complete (thru 4/1/07): 80.97

COST

Original Contract Amount: \$ 9,728,490.00

Change Orders:

Board Authorized CO's	0%	\$00	
Other than Board Authorized Change Orders*	2.4%	\$228,963.79	
Change Order No. 10	<u>2.9%</u>	<u>\$281,553.00</u>	
Subtotal:	5.2%	\$510,516.79	<u>\$ 510,576.79</u>

Revised Contract Amount: \$10,239,006.79

Budgeted Amount: \$10,701,339.00

SCHEDULE

Original Contract Duration: 200 days
Time Extension to Date*: 29 days
Time Extension Due to this Change Order: 20 days
Revised Contract Duration: 249 days

SUMMARY REASON FOR THIS CHANGE ORDER

Change Order No. 10: To account for subsurface obstructions encountered during vibro-replacement activities.

*Includes two pending Change Orders. Change Order No. 2 (\$195,418.79) is a change from grouting to stone columns for a portion of the area. Change Order No. 9 (-\$296,505.00) is for a credit to BART based on a Value Engineering Change Proposal to reduce pavement restoration requirements.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 9/30/06	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$186,000,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$186,000,000	
CM	\$61,498,000	\$66,912,000	
Environmental	\$1,042,796	\$2,473,947	
TOTAL E, E & CM	\$249,018,796	\$255,385,947	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,015,850	
Oakland Landside	\$17,970,000	\$10,701,339	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$174,939,000	Will adjust downward w/latest retrofit.
Marine Vibro Demo	\$101,285,000	\$115,601,434	
Stitching	\$82,962,000	\$1,426,680	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$122,804,000	
Fremont	\$178,224,000	\$193,507,000	
Concord	\$36,500,000	\$38,021,000	
Richmond	\$80,155,000	\$87,028,000	
San Francisco/Daly City	\$36,590,000	\$38,800,000	
Stations (#)	\$126,961,000	\$94,588,000	
Other Structures			
LMA	\$5,529,000	\$6,918,153	
Yds & Shops	\$12,436,000	\$11,459,000	
Parking Structures	\$14,437,000	\$15,194,000	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$5,904,000	
TOTAL CONSTRUCTION	\$909,469,000	\$917,907,456	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$182,522,986	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$78,489,611	
TOTAL PROGRAM COSTS	\$191,998,204	\$261,012,597	
TOTAL FUNDING	\$1,350,486,000	\$1,434,306,000	Budget may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Forward to PAAL		
DATE: 4/20/07		BOARD INITIATED ITEM: No		
Originator/Prepared by: Julie A Yim Dept: Customer Services Ext. 6106	General Counsel <i>S. Wakeman</i> 4.20.07	Controller/Treasurer <i>[Signature]</i> 4/20/07	District Secretary	BARC
Signature: <i>[Signature]</i> Date: 4/20/07	[]	[]	[]	[]

NARRATIVE:

Authority to Execute the Option to Extend Agreement No. 6G4435, Operation of Booths For The Sale of Transit Tickets

Purpose: To authorize the General Manager to execute a Change Order to exercise the option to extend Agreement No. 6G4435 for a five year period to provide ticket sales and services through April 2012. The contractor CDSNet, LLC will sell, exchange and consolidate tickets in the stations, sell tickets over the internet, and sell a limited selection of BART logo items on the internet and at its sales locations.

Discussion: High-value discounted tickets, red and green tickets are generally available through a network of 300 retail establishments. Ticket sales kiosks were established in certain San Francisco downtown stations by MTC in the 1980's. BART took over the management of the kiosks in 1997, located at the Embarcadero and Montgomery Stations, and has since added kiosks at Civic Center, Powell Street, Bay Fair, and Coliseum Stations. CDSNet, Inc. was selected through a competitive RFP process to provide in-station ticket services in 1999. In July 2000, mounting pressure from our customers to provide a convenient way to consolidate residual value tickets led the District to amend its agreement with CDSNet, Inc. to add ticket exchange services to their in-station service menu. In December 2000, their service agreement was modified to add internet ticket sales after a demonstration project determined that our customers would purchase tickets on-line. The original 1999 Agreement was for two years with a one year extension. By Change Order, the Agreement was extended by five years to April 15, 2007. The Change Order also included two five year options that could be executed by the District at its sole discretion.

The contractor has performed extremely well over the life of the Agreement. In FY2006, the contractor sold a monthly average of \$1.86 million in tickets, resulting in total annual ticket sales of \$22.3 million. CDSNet, LLC earns a 3% commission for ticket sales and a \$.75 fee for each exchange transaction. In FY 2006, CDSNet, LLC earned \$814,950 in commissions and fees.

With the introduction of the E-Z Rider Card and the eventual roll out of the Translink Card and the limited use Smart Cards, the need for ticket sales will decline significantly or disappear completely over the next several years. Thus, as ticket sales decline, so will commission and fee income. Eventually it may not be commercially viable to continue the operation. Extending the existing Agreement is prudent, rather than going out with an RFP for a new contractor since, at this time, we can not predict how long these ticket services may be necessary.

EDD: Authority to Execute Option for 6G4435

Fiscal Impact:

Commissions and fees paid to the contractor as compensation for services provided is treated as an offset to ticket sales revenue and therefore does not constitute an operating budget expense. All expenses associated with providing the services required under this Agreement are paid solely by the contractor.

Alternatives:

Not execute the option and eliminate services.

Not execute the option and issue an RFP for a new service Agreement.

Recommendation:

That the Board adopt the following motion:

Motion:

The General Manager is authorized to execute a Change Order to exercise the first option to extend Agreement No.6G4435, Operation of Booths for the Sale of Transit Tickets with CDSNet,LLC for an additional five years.