

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

BOARD MEETING AGENDA

May 10, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 10, 2018, in the BART Board Room, 2040 Webster Street, Oakland, California.

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

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

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

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

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

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

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

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

Patricia K. Williams
Interim 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 26, 2018.* Board requested to authorize.
- B. Sale of Parcel 0-A048-165X, North of Industrial Boulevard and East of the BART Right of Way, to City of Hayward.* Board requested to adopt.
- C. Lifeline Transportation Program Cycle 5 Funds.* Board requested to adopt.
- D. Award of Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalks Systemwide.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Allen, Chairperson

- A. Third Amendment to the Use, Operating, and Maintenance Agreement for the Millbrae Station and BART, Peninsula Corridor Joint Powers Board, and San Mateo County Transit District Facilities Related to the BART San Francisco Airport Extension Project.* Board requested to authorize.
- B. Fiscal Year 2019 Preliminary Budget Sources, Uses and Service Plan, and Capital Budget.* For information.
- C. Comparison of California Public Employees' Retirement System (CalPERS) Assumptions and BART Demographics.* For information.
- D. (CONTINUED from February 8 and 9, 2018 Board Meeting)
Pension Funding Strategies Update.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Quarterly Performance Report, Third Quarter Fiscal Year 2018 - Service Performance Review.* For information.
- B. Award of Contract No. 15CQ-110, C35 Interlocking Renewal.* Board requested to authorize.
- C. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group - California, LP, for Contract Time Extension (C.O. No. 275).* Board requested to authorize.
- D. Change Order to Contract No. 01RQ-120, Construction of Hayward Maintenance Complex Project Site, Track & Systems, with ProVen Management, Inc., for Contract Time Extension (C.O. No. 82.1).* Board requested to authorize.

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

Director Blalock, Chairperson

- A. (Continued from the April 26, 2018 Board Meeting)
State Legislation for Consideration.* Board requested to authorize.
- B. Station Experience Design Guidelines.* For information.
- C. BART to Livermore: Project Update.* For information.
- D. Irvington BART Station Project Update.* For information.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Office of the Independent Police Auditor.
For information.

9. BOARD MATTERS

- A. Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights.* Board requested to adopt. (Director Dufty's request)

- B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- C. 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.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer

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
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

B. PUBLIC EMPLOYEE EMPLOYMENT

Title: District Secretary

Government Code Section: 54957(b)(1)

C. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Keller, Raburn, and Simon

Title: District Secretary

Government Code Section: 54957.6

12. OPEN SESSION

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

Board of Directors
Minutes of the 1,812th Meeting
April 26, 2018

A regular meeting of the Board of Directors was held April 26, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, and Raburn.

Absent: None. Director Simon entered the meeting later.

President Raburn called for Introduction of Special Guests. General Manager Grace Crunican introduced Carl Holmes III as the Acting General Manager for Take Our Daughters and Sons to Work Day. President Raburn also introduced Mr. Mark Green, Former Mayor, Union City, CA.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 12, 2018.
2. Award of Invitation for Bid No. 9045, C-Car Cab Windows.

Director Allen requested that the Minutes be amended to clarify her request on Item 2-C, OIR Recommendations for Improvement to the BART Police Oversight Structure.

Director Saltzman made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, and Raburn. Noes - 0. Absent – 1: Director Simon.

1. That the Minutes of the Meeting of April 12, 2018, be approved as amended.
2. That the General Manager be authorized to award Invitation For Bid No. 9045 for the Procurement of C-Car Cab Windows, to Baktek, for the not to exceed price of \$162,430.00, plus applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

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

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART to Livermore: Project Update and Summary of Public Outreach before the Board. Mr. Robert Powers, Deputy General Manager; Mr. Carl Holmes, Assistant General Manager of Planning, Development and Construction; Mr. Val Menotti, Chief Planning and

Development Officer; and Mr. Andrew Tang, Principal Planner, presented the item. The item was discussed.

Director Simon entered the meeting.

The following individuals addressed the Board:

John Marchand
Robert S. Allen
Lynda Seaver
Susanna Chau
Mary Perner
Cathy Gabor
Van Rainey
Ellen Morris
David Best
Bob Allen
Mike Tassano
Lori Parks
Roland LeBrun
Marianne Payne
Brian Warner
Eddie Alvarez
Joel Ramos
Stewart Cohen
John Arantes

Discussion continued.

Director McPartland exited the meeting.

Director Allen, Chairperson of the Administration Committee, brought the matter of Award of Agreement No. 6M7266, Manager, Advertising Franchise Program, before the Board. Ms. Pamela Herhold; Acting Assistant General Manager, Performance and Budgets; Mr. Aaron Weinstein, Department Manager, Marketing and Research; and Ms. Catherine Westphall, Manager, Advertising Franchising, presented the item. The item was discussed.

Director Dufty introduced Ryan Brooks, Outfront Media.

Discussion continued.

Director Dufty moved that the General Manager be authorized to award Agreement No. 6M7266, for the BART Advertising Franchise, to OUTFRONT Media Group LLC, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

Director Allen brought the matter of Award of Agreement No. 6M2067, Brokerage Services for an Owner – Controlled Insurance Program (OCIP) before the Board. President Raburn moved that the Controller/Treasurer be authorized to award Agreement No. 6M2067, to Aon Risk Insurance Services West, Inc., to provide brokerage services for OCIP for a period of three years with two one-year options, in a total amount, including options, not to exceed \$6,105,628.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transportation Administration's (FTA) requirements related to protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

Director Allen brought the matter of Fiscal Year 2019 Budget Procedural Actions: Set Date for Public Hearing, Publish Pamphlet before the Board. Ms. Herhold; Mr. Dennis Markham, Department Manager, Operating Budgets; and Mr. Michael Eiseman, Division Manager, Financial Planning, presented the item. The item was discussed.

President Raburn moved that the Board adopt the following motion: That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2019 to be available for distribution no later than May 1, 2018; and that a public hearing on the Fiscal Year 2019 Preliminary Budget be set for Thursday, May 24, 2018, in the Board Room. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

Director Allen brought the matter of Fiscal Year 2019 Preliminary Budget before the Board. Ms. Crunican, Ms. Herhold, Mr. Markham and Mr. Eiseman presented the item. The item was discussed.

Jerry Grace and Yuri Hollie addressed the Board.

President Raburn announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators), Item 10-B (Public Employee Employment), and Item 10-C (Conference with Negotiators) 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 12:51 p.m.

The Board Meeting reconvened in closed session at 12:58 p.m.

Directors present: Directors Allen, Blalock, Keller, Saltzman, Simon and Raburn.

Absent: Director McPartland. Directors Dufty and Josefowitz entered the meeting later.

Directors Josefowitz and Dufty entered the meeting.

Director Dufty exited the meeting.

Director Saltzman exited the meeting.

The Board Meeting recessed at 2:27 p.m.

The Board Meeting reconvened in open session at 2:28 p.m.

Directors present: Directors Allen, Blalock, Josefowitz, Keller, Simon, and Raburn.

Absent: Directors Dufty, McPartland, and Saltzman.

President Raburn announced that the Board had concluded its closed session and that there were no announcements to be made

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Valley Transportation Authority/Bay Area Rapid Transit Silicon Valley Phase II Extension Project before the Board.

Director Simon introduced and thanked Carolyn Gonut and staff of Valley Transportation Authority (VTA).

Mr. Paul Oversier, Assistant General Manager, Operations; Mr. Powers; Mr. Menotti,; and Ms. Susan Poliwka, Senior Planner, Systems Development, presented the item. The item was discussed.

The following individuals addressed the Board:

Carolyn Gonut
Marianne Payne
Christine Fitzgerald
Tricia Kokes
Richard Hackman
Scott Kines
Jerry Grace
Roland LeBrun

Discussion continued.

Director Josefowitz moved that after review and consideration of VTA's BART Silicon Valley Phase II Extension Project (SVSX) Final Subsequent Environmental Impact Report (SEIR) and related Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan (MMRP) adopted by VTA on April 5, 2018, the Board:

1. Pursuant to the Comprehensive Agreement, accepts the BART Silicon Valley Phase II Extension Project SEIR.
2. Adopts VTA's Findings and Statement of Overriding Considerations for the SEIR.
3. For each Finding by VTA that changes or alterations have been required in or incorporated into the project to avoid or substantially lessen a significant environmental effect, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091(a)(1), finds that such changes or alterations are within the responsibility and jurisdiction of VTA and have been adopted by VTA, pursuant to CEQA Guidelines Section 15091(a)(2).

4. Pursuant to the Comprehensive Agreement, approves the Silicon Valley Phase II Extension Project.

Director Simon seconded the motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Josefowitz, Keller, Simon, and Raburn. Noes - 0. Abstain – 1: Director Allen. Absent – 3: Directors Dufty, McPartland, and Saltzman.

Director Allen brought the matter of Regional Means – Based Fares Program Update before the Board. Ms. Crunican and Ms. Herhold presented the item. The item was discussed.

Director Simon exited the meeting.

Director Allen brought the matter of California Public Employees Retirement System (CalPERS) Amortization Policy Changes before the Board. Mr. Michael Jones, Assistant General Manager, Administration; Ms. Diane Iwata, Human Resources, Division Manager; and Ms. Mary Beth Redding, Vice President Bartel Associates, Inc. presented the item. The item was discussed.

Director Allen brought the matter of Other Post – Employment Benefits (OPEB) Retiree Medical Valuation before the Board. Mr. Jones; Ms. Iwata; and Ms. Redding presented the item.

Jerry Grace addressed the Board.

Director Keller exited the meeting.

The Meeting was adjourned in memory of Harvey Peskin at 3:40 p.m. for lack of quorum.

Patricia K. Williams
Interim District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhet M. Pomeroy</i> 2 May 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/25/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gary Sue Dept: Real Estate and Property Development	General Counsel <i>[Signature]</i> 4/29/18 []	Controller/Treasurer <i>[Signature]</i> 4/30/18 []	District Secretary []	BARC <i>[Signature]</i> 4/30/2018 []
Signature/Date: <i>Gary Sue</i> 4-27-18				
Status: Routed		Date Created: 4/25/2018		

Sale of Parcel to City of Hayward

PURPOSE: To obtain Board authorization to enter into an Option Agreement with the City of Hayward for the sale of excess land parcel O-A048-165X to the City of Hayward for \$1,333,000.

DISCUSSION: The City of Hayward ("City") wishes to purchase a 113,456 square foot excess land parcel of land owned by BART (the "Parcel") in Hayward. The Parcel is depicted in Attachment "A." The Parcel is located north of Industrial Boulevard and east of the BART right of way, approximately one-half mile southeast from the South Hayward BART Station. The City wishes to acquire this parcel and include it as part of a Master Planned Community in that area.

The BART parcel was acquired in December of 1967 for the initial construction of the rapid transit system. In 1984, the Board of Directors approved a list of "Parcels for Access, Development or Other BART purposes." The Parcel was included on that list, and was described as a "large remnant – developable if access problems can be resolved." The Parcel is irregularly shaped, does not have direct pedestrian access to the South Hayward BART Station, and is essentially undevelopable as a standalone parcel.

The City negotiated an agreement with Caltrans to purchase seventeen parcels that Caltrans had acquired for use in a since-abandoned project. The City feared that selling these parcels in an uncoordinated fashion would result in a disjointed development, and prevent any chance of creating an economically vibrant center in South Hayward.

The City would like to utilize vacant and underutilized parcels in this area to create a large-scale, mixed-used development, close in proximity to the South Hayward BART Station. The potential development will consist of twenty-one separate parcels – seventeen Caltrans parcels which already been acquired by the City; one Hayward Area Recreation and Park District parcel; one City of Hayward parcel; one Alameda County Flood Control District parcel; as well as the BART Parcel, on twenty-five acres of land. The City's intent is to purchase and assemble these parcels and to transfer all these properties to a developer, William Lyon Homes, for their development.

In 2011, the City of Hayward adopted a form based code covering the Caltrans-owned properties, but not covering the BART-owned parcel. While the remainder of the parcels are zoned to allow for development with a minimum of 2-3 stories, up to a maximum of 4-6 stories, BART's property is presently zoned for industrial uses. The City believes that the BART Parcel is somewhat isolated by its lack of a connection to Mission Blvd, and that incorporating this parcel into the overall proposed project will make for a better designed project and meet the community objectives.

In January of 2016, the Hayward City Council authorized the City Manager to enter into an Exclusive Rights to Negotiate with William Lyon Homes to acquire the Caltrans parcels. In May 2017, the City Council authorized the City Manager to enter into a purchase agreement for these same properties.

The proposed William Lyon development consists of a total of 472 units; 400 townhomes with 28 of those units designated as affordable housing for moderate income residents. There will be 72 apartment units and 20 of the units will be designated for low income housing. The proposed development is also expected to include approximately 21,000 square feet of retail space.

The creation of affordable housing to meet demonstrated affordable housing needs identified in the Housing Element of the City's general plan constitutes an economic opportunity. The proposed project will be subject to the requirements of the City's inclusionary Housing Ordinance and will thus increase, improve, or preserve the supply of quality affordable housing in the community.

The City of Hayward is the only local public agency that expressed an interest in acquiring and developing the Parcel. Internal memos were circulated to BART staff and there were no objections to selling this parcel.

The Parcel is excess to BART's needs and undevelopable as a standalone site, but has potential for development if it is included in a project involving the surrounding parcels. The Parcel is vacant and has not been utilized by BART Operations or been leased to outside parties. BART periodically performs weed abatement and debris removal on the premises.

Staff recommends the sale of the Parcel to the City of Hayward for a total of \$1,333,000.

The price was negotiated and staff believes it reflects the fair market value of the Parcel.

The proposed Option Agreement will give the City eighteen months from the execution date of the Option Agreement to exercise its option to purchase the property. The Option Agreement permits the City to assign the option to another Party without BART's consent. The Option Agreement will be executed after BART Board approval of the proposed sale of the parcel.

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

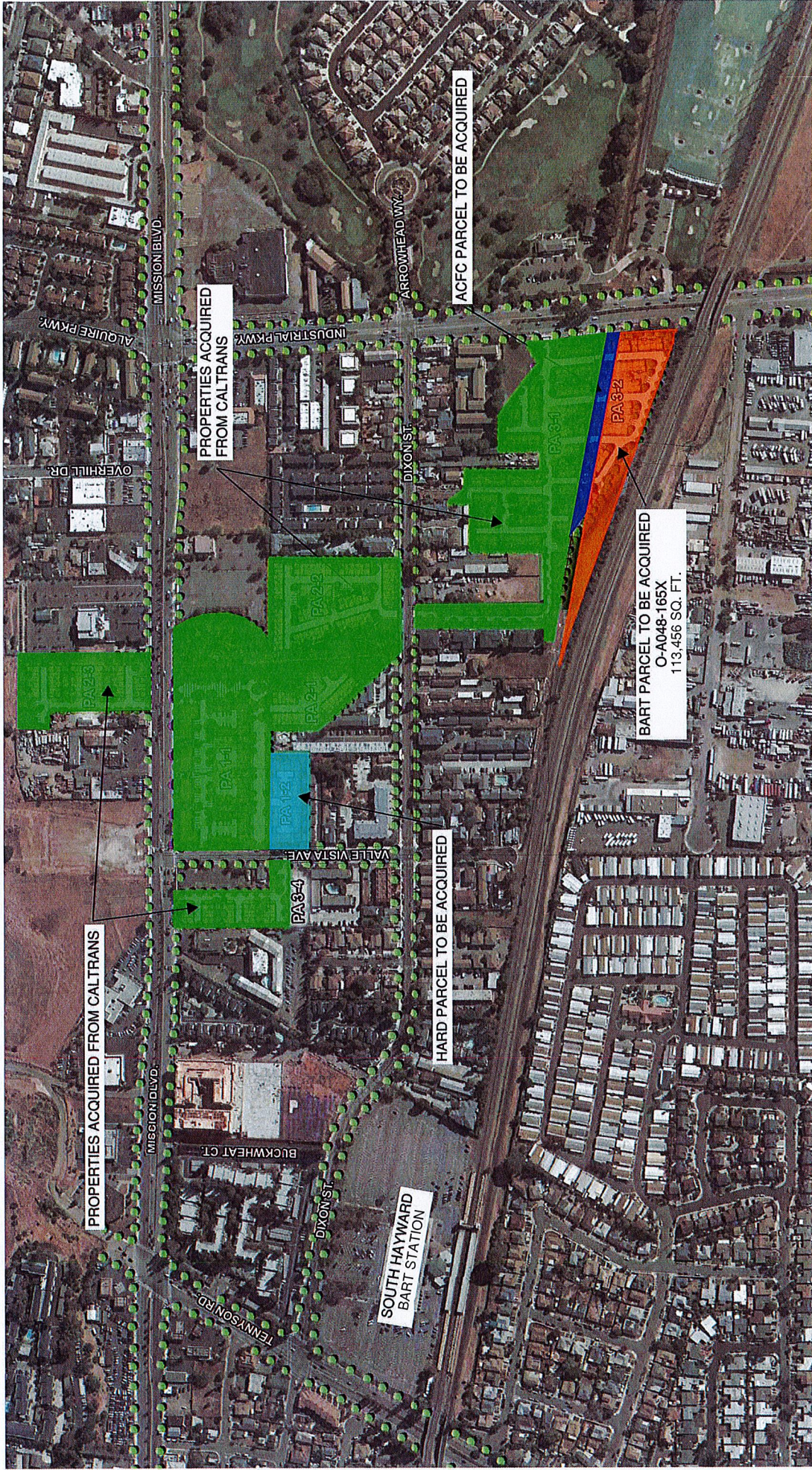
FISCAL IMPACT: BART will receive \$1,333,000 for the sale of the Parcel. BART will incur no costs in selling the property other than staff time. The sale proceeds will be deposited in BART's General Fund to fund one-time capital improvements at the MET Building.

ALTERNATIVE: Do not approve the Option Agreement. BART would then retain ownership, maintenance responsibility and liability for the Parcel.

RECOMMENDATION: Adopt the following motion.

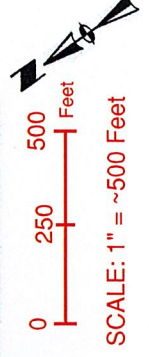
MOTIONS:

1. The Board of Directors adopts the attached Resolution designating as Excess Land available for immediate sale BART Parcel O-A048-165X and authorizing the sale of said parcel to the City of Hayward or the City of Hayward's assignee.
2. The Board of Directors authorizes the General Manager or her designee to enter into an Option Agreement with the City of Hayward for the sale of parcel O-A048-165X.



ILLUSTRATIVE SITE PLAN

PREPARED BY CITY OF HAYWARD USING
PRELIMINARY SITE PLAN PREPARED BY DAHLIN
FOR REFERENCE ONLY DATED 4-5-2018



SCALE: 1" = ~500 Feet

EXHIBIT "A"

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the matter of designating as Excess Land available for
immediate sale BART Parcel O-A048-165X
and authorizing the sale of said parcel to the City of Hayward or
the City of Hayward's assignee
(APN 083-0460-010-00) _____ /

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board designates as Excess Land available for immediate
sale and determines that the sale of the parcel substantially as shown on the attached Exhibit "A" to
the City of Hayward or the City of Hayward's assignee is in the best interests of the District, and
hereby authorizes the execution of a deed by the President or Vice President of the Board and the
District Secretary or Interim District Secretary of any document required to be signed by those
Officers in connection with said sale.

#

SECRETARY'S CERTIFICATE

I, PATRICIA WILLIAMS, Interim District Secretary, of the SAN FRANCISCO
BAY AREA RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the
original resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT at its meeting regularly called and held on _____ 2018, a
majority of the members of said Board being present and voting therefor.

Dated this _____ day of _____, 2018.

Patricia Williams, Interim District Secretary

SEE SHEET 2

LEGEND

ACFC&WCD - ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

() - RECORD DATA PER 2797 IM 540

SFBARTD - SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

|| - COMMON OWNERSHIP

(A) - ACFC&WCD RE 2746 IM 45

0 60
1" = 60'



CITY OF HAYWARD
DOC #2017143760
APN 083-0460-006-03

SFBARTD
RE 1933 IM 673

O-A048-165X

SFBARTD
RE 2797 IM 540
PARCEL TWO
113,456 SQFT

APN 083-0460-010

SFBARTD
RE 1679 IM 850

UNION PACIFIC RAILROAD
APN 083-0460-008-008



4/13/18

CITY OF HAYWARD
ENGINEERING DIVISION

EXHIBIT "A"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

DWG. NO. 18013

SHT. 1 OF 2

LEGEND



ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT RE 2746 IM 45

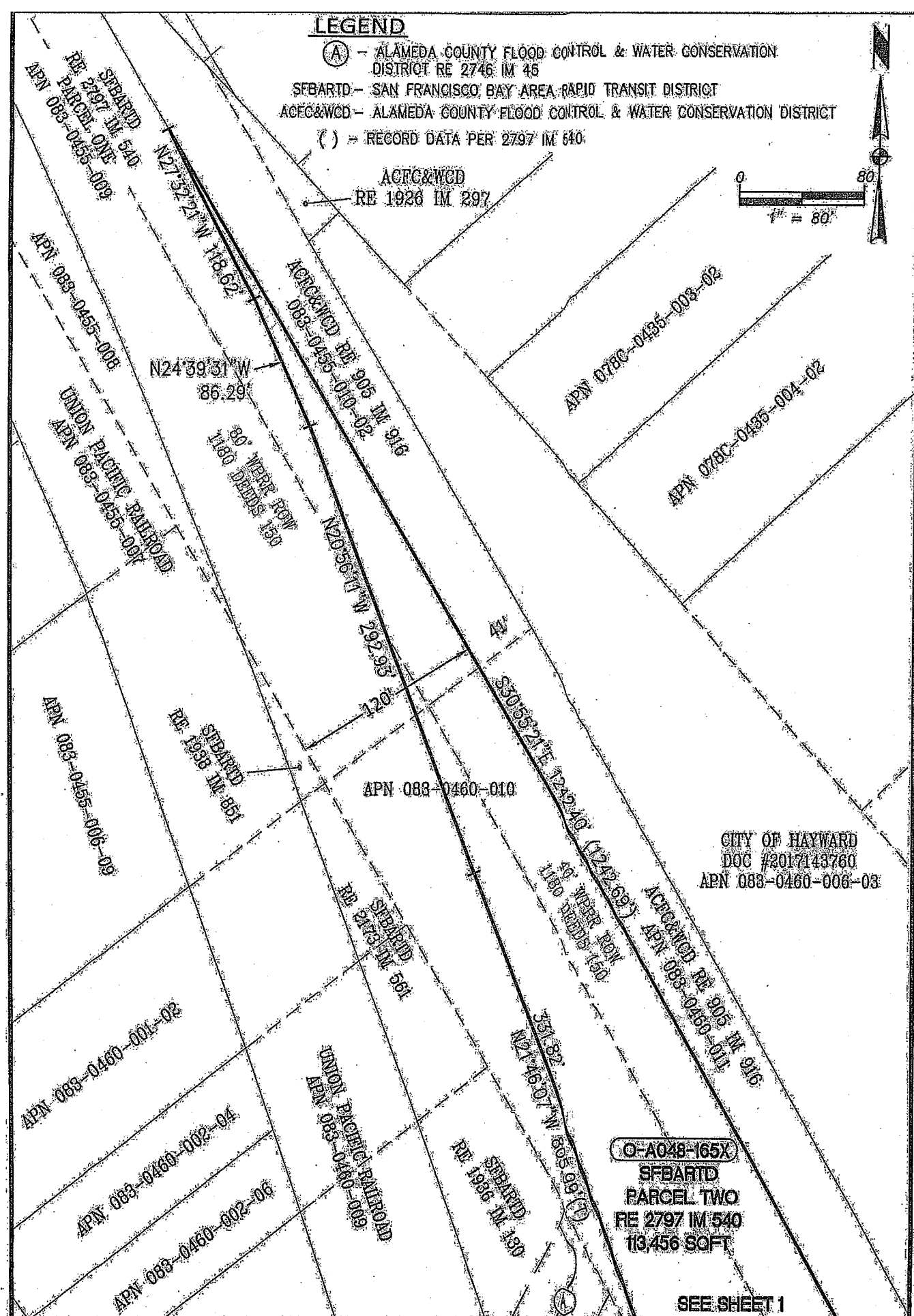
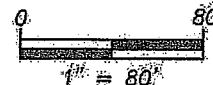
SFBARTD - SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

ACFC&WCD - ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

() = RECORD DATA PER 2797 IM 540

ACFC&WCD

RE 1926 IM 297



CITY OF HAYWARD ENGINEERING DIVISION			EXHIBIT "A" FLAT TO ACCOMPANY LEGAL DESCRIPTION			DWG NO: 18013
REV	DATE	BY	DRAWN BY: OSS	DATE: APRIL 2018		SHT: 2 OF 2



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Phil M. Pearce</i> 2 MAY 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/20/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development <i>Donna Lee</i> 4/30/18 Signature/Date:	General Counsel <i>[Signature]</i> 5/1/18 []	Controller/Treasurer <i>[Signature]</i> 5/1/18 []	District Secretary []	BARC <i>[Signature]</i> 5/1/2018 []

Adoption of a Resolution to Accept Lifeline Transportation Program Cycle 5 Funds

PURPOSE: To obtain Board approval of a Resolution to accept Lifeline Transportation Program (LTP) Cycle 5 funds from the Metropolitan Transportation Commission (MTC,) subject to all terms and conditions of receipt of said funds; to provide matching funds; and to meet project deadlines.

DISCUSSION: The Lifeline Transportation Program is intended to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties. To be eligible for funding under this program, a project must be developed through a collaborative and inclusive planning process, enhance the range of transportation choices for low-income and minority riders, and address transportation gaps or barriers identified in Community-Based Transportation Plans (CBTPs) or other substantive local planning efforts. All eligible projects must be located in "Communities of Concern," defined as those census tracts that have a high concentration of minority and low-income households earning less than 200% of the federal poverty level.

In January 2018, MTC released its Lifeline Transportation Program Cycle 5 Guidelines, and estimates for two years of funding (FY16/17- FY17/18). The funding sources for this program include a mix of state and federal funds to support both operating and capital activities, and for the region total roughly \$15 million in State Transit Assistance (STA) funds, and \$7 million in FTA Section 5307 funds.

LTP funding for STA and FTA Section 5307 were assigned to counties, based on the county's share of the regional, low-income population. LTP funds will be administered by county congestion management agencies (CMAs), or other designated county-wide agencies. Alameda County, which accounts for roughly 23% of the regional share of low-income population, has a STA Programming Target of \$3.4M for the two-year fund estimate.

Following a process of evaluation, Alameda CTC is proposing to award \$720,000 to the Coliseum BART Elevator Renovation Project, to renovate two elevators at the Coliseum Station. The \$720,000 award is 21% of the available STA funding for Alameda County. Due to limited Lifeline funding, and because the Project was evaluated and scored based on the renovation of two elevators, BART would be required to provide a match of \$1,080,000 from other fund sources, which is the balance of the cost the two-elevator renovation.

MTC requires each recipient of LTP funds adopt a Resolution agreeing to meet project delivery and obligation deadlines, and provide local match. Following the BART Board adoption of this Resolution, MTC will submit the projects to the State for funding.

FISCAL IMPACT:

By adopting this Resolution, BART will receive \$720,000 in Cycle 5 Lifeline Transportation Program funds to renovate two elevators at Coliseum Station. BART will provide \$1,080,000 from BART FY15 Operating to Capital Allocation Fund (Fund #8529).

FY15 Operating to Capital Allocation (Fund #8529) has total threshold of \$123,761,276, \$119,563,683 has been allocated. This action will allocate \$1,080,000 leaving a remaining balance of \$3,117,592.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES: MTC will not release the Lifeline Transportation Program funds without a duly adopted Resolution by the BART Board. If the Resolution is not adopted, BART would lose funds in the amount of \$720,000.

RECOMMENDATION: Adoption of the following Motion.

MOTION: The BART Board approves adoption of the attached Resolution in the Matter of Authorizing Action Necessary to Obtain Cycle 5 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**In the Matter of Authorizing
Action Necessary to Obtain Cycle 5
Lifeline Transportation Funds From the
Metropolitan Transportation Commission**

Resolution No. _____

WHEREAS, the Metropolitan Transportation Commission (MTC) has established a Lifeline Transportation Program to assist in funding projects that 1) are intended to result in improved mobility for low-income residents of the nine San Francisco Bay Area counties, 2) are developed through a collaborative and inclusive planning process and 3) are proposed to address transportation gaps and/or barriers identified through a substantive community-based transportation plan or are otherwise based on a documented assessment of needs; and

WHEREAS, MTC has adopted principles, pursuant to MTC Resolution No. 4309, to guide implementation of the Lifeline Transportation Program for the two-year period from Fiscal Year 2016-17 and Fiscal Year 2017-18, and has designated the County Congestion Management Agency in each of the nine bay area counties to help with recommending project selections and project administration; and

WHEREAS the Alameda County Transportation Commission (Alameda CTC) has been designated by MTC to assist with the Lifeline Transportation Program in Alameda County on behalf of MTC; and

WHEREAS, Alameda CTC conducted a competitive call for projects for the Lifeline Transportation Program in Alameda County; and

WHEREAS, San Francisco Bay Area Rapid Transit District (BART) submitted a project in response to the competitive call for projects; and

WHEREAS, Alameda CTC has confirmed that BART's proposed project, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, is consistent with the Lifeline Transportation Program goals as set out in MTC Resolution No. 4309; and

WHEREAS, Alameda CTC, after review, recommends BART's proposed project, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, be funded in part under the Lifeline Transportation Program; and

WHEREAS, BART agrees to meet project delivery and obligation deadlines, comply with funding conditions placed on the receipt of funds allocated to the Lifeline Transportation Program, provide for the required local matching funds, and satisfy all other conditions set forth in MTC Resolution No. 4309; and

WHEREAS, BART certifies that the project and purpose for which funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 1500 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and

WHEREAS, there is no legal impediment to BART making the funding request; and

WHEREAS, there is no pending or threatened litigation which might in any way adversely affect the ability of BART to deliver the proposed project for which funds are being requested, now therefore be it

RESOLVED, that BART requests that MTC program funds available under its Lifeline Transportation Program, in the amounts requested for which BART is eligible, for the project(s) described in Attachment A of this Resolution; and be it further

RESOLVED, that staff of BART shall forward a copy of this Resolution, and such other information as may be required to MTC, Alameda CTC, and such other agencies as may be appropriate.

ATTACHMENT A
Lifeline Transportation Program Cycle 5 Projects

Project Name	Project Description	Lifeline Transportation Program Funding Amounts			Local Match Amount	Total Project Cost
		STA	5307	Total Lifeline Funding		
Coliseum BART Elevator Renovation *	BART will renovate two elevators at the Coliseum BART Station with Lifeline Cycle 5 and other funding. Renovation of elevators at the Coliseum BART Station is part of Phase I of the Elevator Renovation Program.	\$720,000	\$	\$720,000	\$1,080,000	\$1,800,000
	Total	\$720,000	\$	\$720,000	\$1,080,000	\$1,800,000

*To be completed within three (3) years of funding allocation.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Rasmussen</i> 2 MAY 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the May 10, 2018 Board Meeting		
DATE: 4/13/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 4/20/18	General Counsel <i>[Signature]</i> 4/20/18 []	Controller/Treasurer <i>[Signature]</i> 4/20/18 []	District Secretary []	BARC <i>Paul Werner</i> 5/2/18 []

Award of Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalks Systemwide

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalks Systemwide, to Alaniz Construction, Inc. of Fremont, CA.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for repair of asphalt pavement in parking lots and concrete sidewalks at various stations in A-Line, C-Line and L-Line. This work is based on systemwide pavement assessment report recommendations. This preventive maintenance work will extend the useful life of stations pavements and sidewalks and will mitigate potential trip hazards resulting in a safer station environment. This work is aligned with the District's Strategic Plan of Fix, Maintain and Modernize.

On February 7, 2018, Advance Notice to Bidders was sent to two hundred sixty three (263) prospective bidders as well as to twenty three (23) plan rooms. The Contract was advertised on February 12, 2018, in local publications. The Contract Documents were posted to the District's Procurement Portal and available to Bidders electronically and in hardcopy form on February 12, 2018. A total of eighteen (18) firms downloaded the Contract Documents from the Procurement Portal. A pre-bid meeting was held on February 28, 2018, with eight (8) prospective Bidders in attendance. A total of three (3) Bids were received and publicly opened on March 20, 2018. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

No.	BIDDER	LOCATION	TOTAL BID
1	Alaniz Construction, Inc.	Fremont, CA	\$997,323.50
2	Golden Bay Construction, Inc.	Hayward, CA	\$997,642.00
3	LC General Engineering and Construction, Inc.	San Francisco, CA	\$1,135,457.00
	Engineer's Estimate		\$1,071,750.00

After review by District staff, Alaniz Construction's (Alaniz) Bid was deemed to be the lowest responsive Bid. Examination of Alaniz' license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$997,323.50 is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). The Bidder, Alaniz Construction Inc. committed to 100% MBE and 0% WBE participation. Alaniz Construction Inc. did not meet the WBE Availability Percentage; therefore, Alaniz Construction Inc. was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by Alaniz Construction Inc., the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Alaniz Construction Inc. is a certified Small Business, thus, making it eligible for the Prime Preference. Since Alaniz Construction Inc. is the lowest responsive Bidder, and is eligible for the 5% Small Business Prime Preference, the application of the Prime Preference will not alter the award to Alaniz Construction Inc.

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.

FISCAL IMPACT: Funding in the amount of \$997,324 for Contract No. 15QH-250 is

included in the total project budget for FMS# 15QH000 – Repair Sidewalks SWD.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Proposed Funding (\$)	
Various State Funds	1,792,415
Various Local Funds	2,203,992
Various BART Funds	16,400,439
TOTAL	20,396,846

As of April 13, 2018, \$20,396,846 is the total budget for this project. BART has expended \$15,174,306 and committed \$4,028,136 to date. This action will commit \$997,324, leaving an available fund balance of \$197,080 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize Staff to re-advertise the Contract. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay the pavement repair work.

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

MOTION: The General Manager is authorized to award Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalk Systemwide to Alaniz Construction, Inc. for the Bid Price of \$997,323.50, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. M. P.</i> 2 MAY 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/30/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patricia Nelson Dept: Administration and Budget <i>Patricia Nelson</i> 5/1/2018 Signature/Date:	General Counsel <i>[Signature]</i> 5/1/18 []	Controller/Treasurer <i>[Signature]</i> 5/1/18 []	District Secretary []	BARC <i>[Signature]</i> 5/1/2018 []

Third Amendment to Use, Operations and Maintenance ("UOM") Agreement with JPB and SamTrans

PURPOSE: To obtain Board authorization for the General Manager to execute the Third Amendment to the Use, Operating, and Maintenance Agreement for the Millbrae Station and BART/JPB/SamTrans Facilities Related to the BART SFO Extension Project, between the Peninsula Corridor Joint Powers Board, ("JPB"), the San Mateo County Transit District ("SamTrans"), and BART ("UOM Agreement"). The Third Amendment includes the payment schedule for JPB's reimbursement of Caltrain's share of the costs for operation and maintenance of the Millbrae Station from FY19 through FY23.

DISCUSSION: When BART commenced operations on the San Francisco Airport Extension, it entered into the UOM Agreement, pursuant to which BART provides maintenance for the Caltrain Use Area at the Millbrae Station, and JPB agrees to reimburse BART for Caltrain's share of the costs for operation and maintenance of the station. The original payment schedule had fixed payments in FY04 through FY08 that increased each year. The FY04 payment was \$400,000 and the payment in FY08 was for \$700,000.

Under the terms of the UOM Agreement, the amount of the JPB share for the years following FY08 was to be determined by the parties prior to the end of FY08. Accordingly, BART staff and JPB staff negotiated a payment schedule for FY09 through FY13 that called for Consumer Price Index ("CPI")-based annual increases, as described in the First Amendment to the UOM. Pursuant to that schedule the amount due for FY10 was the amount for FY09 adjusted by the change in the CPI for the preceding year, and continued for each successive year through FY13. The payment for FY09 was \$722,400 and the last payment under the First Amendment for FY13 was \$784,819.

Under the terms of the Second Amendment, the UOM continued to calculate the CPI-based

annual increase factor and applied that factor to determine the payments JPB owes BART for FY14 through FY18. The payment for FY14 was \$807,579 and the last payment under the Second Amendment for FY18 was \$888,239.

The Third Amendment to the UOM continues to calculate the CPI-based annual increase factor and applies that factor to determine the payments JPB owes BART for FY19 through FY23. The FY19 payment will be the FY18 payment increased by the change in inflation between 2017 and 2016. Under the Third Amendment, the method for calculating the JPB payment for years following FY23 shall be determined by JPB and BART no less than six months prior to the end of FY23. In addition, the parties may agree to extend this agreement annually after FY23, in one-year increments, for a period of up to five years.

FISCAL IMPACT: Staff believes that the proposed payment schedule will generate sufficient revenues to cover BART's estimated expenses in performing the services detailed in the UOM Agreement.

ALTERNATIVES: Without a new payment schedule, BART would continue to be obligated to provide maintenance without any associated revenue to offset the expenses incurred.

RECOMMENDATION: Staff recommends adoption of the following Motion.

MOTION: The BART Board authorize the General Manager to execute the Third Amendment to the UOM Agreement so that a payment schedule with CPI-based annual increases is continued for another five years, from FY19 through FY23.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

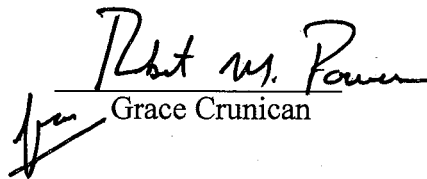
DATE: May 4, 2018

FROM: General Manager

RE: FY19 Sources, Uses, Service Plan and Capital Budget presentation

Attached is the "FY19 Sources, Uses, Service Plan and Capital Budget" presentation that will be presented to the Board at the May 10, 2018 meeting as an information item.

If you have any questions about the document, please contact Pamela Herhold, Acting Assistant General Manager, Performance and Budget, at 510-464-6168.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

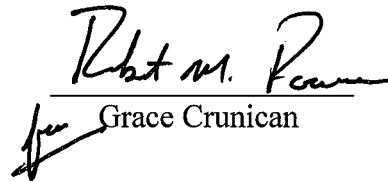
DATE: May 4, 2018

FROM: General Manager

SUBJECT: Comparison of CalPERS Assumption and BART Demographics

Mary Beth Redding, Vice President of Bartel Associates, Inc will be comparing the assumptions used by CalPERS to set pension rates against actual BART demographics. Attached is a copy of the presentation.

If you have any questions about the document, please contact Michael Jones, Assistant General Manager, Administration, at 510-464-6231.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

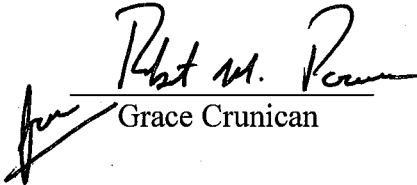
DATE: May 4, 2018

FROM: General Manager

SUBJECT: Continuation of Pension Funding Strategies Discussion

Mary Beth Redding, Vice President of Bartel Associates, Inc will be continuing the pension funding strategies discussion from the Board Workshop held on February 8, 2018. Attached is a copy of the presentation.

If you have any questions about the document, please contact Michael Jones, Assistant General Manager, Administration, at 510-464-6231.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Theresa M. P...</i> 2 MAY 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/26/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mark Letman Dept: Maintenance and Engineering <i>Mark Letman</i> Signature/Date: 5/2/18	General Counsel <i>[Signature]</i> 5/2/18 []	Controller/Treasurer <i>[Signature]</i> 5/3/18 []	District Secretary []	BARC <i>[Signature]</i> 5/2/18 []
Status: Routed		Date Created: 4/26/2018		

Award of Contract 15CQ-110 for C35 Interlocking Renewal

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15CQ-110 For C35 Interlocking Renewal to DMZ Builders, for the bid amount of \$13,271,300.00, for the renewal of critical C35 interlocking track infrastructure.

DISCUSSION:

Contract 15CQ-110 is a Measure RR Public Works Construction Contract for renewal of critical existing District infrastructure within the city limits of Lafayette, CA in Contra Costa County. Six (6) turnouts in the C35 interlocking, which have reached the end of their useful life will be replaced with new concrete tie turnouts. The interlocking also contains a pocket track which will be extended to store a ten (10) car train between the two main tracks to enhance efficiency and minimize operational delays. Contract work includes demolition of existing track, special trackwork, and reconstruction of drainage, raceways and ductwork. The Contractor will provide traffic control and coordination with Caltrans during the construction period, primarily for California State Route 24, which borders the interlocking. This project will utilize six (6) weekend track shutdowns, beginning in August of 2019, and will be supported by bus bridges from local transit partners.

Advance Notice to Bidders of this Contract was mailed on February 22, 2018 to forty-eight (48) prospective Bidders. The Contract was publicly advertised on February 27, 2018 and subsequently posted on the BART Vendor Portal where thirty-one (31) Plan Holders downloaded the Contract Book. A Pre-Bid meeting held on March 14, 2018 was attended

by four (4) prospective bidders and three (3) of the four (4) attended a site walk on March 24, 2018. Three (3) Bids were received on April 24, 2018 with the following results.

TOTAL BID AMOUNT

DMZ Builders, Concord, CA	\$13,271,300.00
ProVen Management Inc., Oakland, CA	\$14,377,700.00
Shimmick Construction, Oakland, CA	\$23,154,793.00

BART Engineers Estimate \$19,778,100.00

Staff found a multiplication error in the Unit Price extension for Item No. 4, Group 1-General, of the Bid Schedule in the Bid submitted by DMZ Builders. The error did not affect the Bid's ranking and in accordance with the "Instructions to Bidders," for Contract No. 15CQ-110, the Unit Price controls.

Staff has determined that DMZ Builders is a responsible Bidder and that the Bid submitted by them is responsive. Staff also determined that the DMZ Builders' Bid price is fair and reasonable based upon the independent cost estimate and a market survey of qualified contractors.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 20.3% for Minority Business Enterprises ("MBEs") and 14.4% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the apparent low Bidder, DMZ Builders has exceeded both the MBE and WBE Availability Percentages for this Contract at 24.0% for MBEs and 14.6% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 15% Local Small Business (LSB) Participation Goal for this Contract. Bidders who meet the LSB Participation Goal are eligible for a Local Small Business Preference of 5% of the lowest responsive Bidder's Bid. The Office of Civil Rights determined that the apparent low bidder, DMZ Builders, committed to subcontracting 15.2% to LSBs. DMZ Builders met the LSB Participation Goal and, therefore, is eligible for the Local Small Business Preference and remains the lowest responsive Bidder.

FISCAL IMPACT:

Funding in the amount of \$13,271,300 to award Contract No. 15CQ-110 C35 Interlocking Renewal is included in the total budget for FMS# 15CQ002 Replace Rails, Ties, Fasteners Ph3, Measure RR. The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Source	Fund Description	Total
BART	Measure RR General Obligation Bonds	\$616,949,279.00
BART	BART Operating to Capital Allocation	197,246.00
Total		\$617,146,525.00

As of 04/30/2018, \$617,146,525 is the total budget for this project. BART has expended \$30,476,125, committed \$28,451,806 and reserved \$73,053,269 to date for other actions. This action will commit \$13,271,300 leaving an available fund balance of \$471,894,025 in fund sources for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

ALTERNATIVES:

Reject the Bids and re-advertise the Contract. This is not likely to result in increased competition or lower prices and would delay the critical C35 interlocking renewal project, which could negatively impact revenue service.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Contract No. 15CQ-110 For C35 Interlocking Renewal, to DMZ Builders of Concord, California for the Bid Price of \$13,271,300.00, 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>Robert M. Pomeroy</i> 2 May 2018		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 3/19/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions <i>[Signature]</i> Signature/Date: 30 APR 18	General Counsel <i>[Signature]</i> 4/30/18 []	Controller/Treasurer <i>[Signature]</i> 5/3/18 []	District Secretary []	BARC <i>[Signature]</i> 4/30/18 []

Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, Change Order No. 275, Time Impacts from Change Order No. 67 and Change Notice No. 110.1

PURPOSE:

To authorize the General Manager to execute Change Order No. 275 for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities with Clark Construction, for time impacts from Change Order No. 67 and Change Notice No. 110.1, for an amount not to exceed \$3,600,000 and a 160 calendar day extension of the Contract duration.

DISCUSSION:

On July 23, 2015, the Board of Directors authorized the award of Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities in the amount of \$98,390,000, to Clark Construction. The Contract is for the construction of a new Component Repair Shop and the addition of vehicle lifts and associated utilities and trackwork at the existing Hayward Shop.

Change Order No. 67 and Change Notice No. 110.1 both involved additional construction, design, and material procurement associated with construction of the Hayward Shop north yard portion of the base contract Milestone No. 3 due to conditions that were different from those described in the Bid documents. The net impact of the changes resulted in a 160 calendar day delay on the critical path. Change Order No. 275 will provide the Contractor with an amount not to exceed \$3,600,000 and add 160 calendar days to the Contract completion date to compensate for the time impacts arising from Change Order No. 67 and No. 110.1. The \$3,600,000 is submitted as a not to exceed limit with the final amount contingent upon the results of the internal audit review of the Contractor's daily overhead

rate.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$3,600,000 for the award of Change Order No. 275 to Contract 01RQ-110 is included in the total budget for FMS# 01RQ003, HMC- Shops Mod & Component Repair.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Proposed Funding	
F/G 5602 - High Speed Passenger Rail Bond	\$61,389,000
F/G 656K - VTA	\$49,710,000
F/G 8526 - FY14 Operating Capital Alloc	\$2,477,367
F/G 8529 - FY15 Operating Capital Alloc	\$7,386,920
F/G 8530 - FY16 Operating Capital Alloc	\$1,881,418
TOTAL	\$122,844,705

As of April 23, 2018, \$122,844,705 is the total budget for this project. BART has expended \$98,181,146 committed \$15,232,183 and reserved \$3,362,523 to-date for other action. This action will commit \$3,600,000 leaving an available fund balance of \$2,468,853 in these fund sources for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any fiscal impact on unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 275, Time Impacts from Change Order No. 67 and Change Notice No. 110.1 in an amount not to exceed \$3,600,000, and extend the Contract completion date 160 calendar days for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.



EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-110

CO No: 275

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Clark Construction Group
Contract No./NTP: 01RQ-110 / October 21, 2015
Contract Description: Hayward Maintenance Complex Project – Maintenance Facilities

Percent Complete as of: 04/01/2018 – 82.30%

Dollars Percent Complete as of: 04/01/2018 – 87.23%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$98,390,000.00
Change Orders:			
Other than Board Authorized C.O.s:	4.85%	\$4,771,915.00	
Board Authorized Change Orders:	3.82%	\$3,758,498.00	
This Change Order No. 275:	3.66%	\$3,600,000.00	
Subtotal of all Change Order	12.33%	\$12,130,413.00	
<u>Revised Contract Amount:</u>			\$110,520,413.00

SCHEDULE

Original Contract Duration: 860 Days
Time Extension to Date: 62 Days
Time Extension Due to Approved COs: 62 Days
Revised Contract Duration: 922 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Milestone 3 Time Extension and Extended Overhead

1. Change Order No. 275 is for 160 calendar days time extension and the associated extended overhead costs due to delays occurring as the result of encountering differing site conditions (CO No. 67 – North Yard Constructability Issues and CN No. 110.1 – Re-grade and Ballast of North Yard (RFI 848)) in the Hayward Shop north yard area.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 2 MAY 2018		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 4/23/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions <i>[Signature]</i> Signature/Date: 30 APR 18	General Counsel <i>[Signature]</i> 4/30/18 []	Controller/Treasurer <i>[Signature]</i> 5/3/18 []	District Secretary []	BARC <i>[Signature]</i> 4/30/18 []

Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, Change Order No. 82.1, Time Impacts from Change Order No. 82

PURPOSE:

To authorize the General Manager to execute Change Order No. 82.1 to Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems with Proven Management, Inc. for time impacts from Change Order No. 82 for an amount not to exceed \$350,000 and a not to exceed extension of the Contract duration.

DISCUSSION:

The Board of Directors authorized award of Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, to Proven Management, Inc. on January 22, 2015, for the amount of \$18,769,845. The scope of Work of this Contract includes new special trackwork, systems, utility relocation, and site features such as retaining walls, soundwalls, and extensive earthwork in order to accommodate the new trackwork.

Change Order No. 82 involved \$76,925 worth of additional construction, design, and material procurement associated with the relocation of the existing MUX system required prior to the new T2 track installation due to conditions that were different than as described in the Bid documents.

Change Order No. 82.1 will provide the Contractor with an amount not to exceed \$350,000 to compensate for time impacts arising from Change Order No. 82 and a Contract duration extension not to exceed 128 calendar days. The Contract duration extension is a not to exceed figure since the net impact on the critical path due to the change is still being

determined and may include an offset of Contractor caused delays.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$350,000 for the award of Change Order No. 82.1 to Contract 01RQ-120 is included in the total budget for FMS# 01RQ002, HMC-Site, Trackwork and System.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Fund	Fund Description	Source	Amount
3007	FTA CA-95-X236	Federal	\$30,935,400
8524	FY12 Operating Capital Alloc	BART	3,381,691
Total			\$34,317,091

As of April 24, 2018, \$34,317,091 is the total budget for this project. BART has expended \$21,868,272 committed \$2,873,751 and reserved \$0 to-date for other action. This action will commit \$350,000 leaving an available fund balance of \$9,225,068 in these fund sources for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any fiscal impact on unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 82.1, Time Impacts from Change Order No. 82, for Contract No. 01RQ-120, Hayward Maintenance Complex Project

Site, Track and Systems, with Proven Management, Inc. in an amount not to exceed \$350,000 and extend the Contract completion date by an amount not to exceed 128 calendar days.



EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-120

CO No: 082.1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: ProVen Management Inc.
Contract No./NTP: 01RQ-120 / March 23, 2015
Contract Description: Hayward Maintenance Complex Project – Site, Track and Systems

Percent Complete as of: 03/31/2018 - 99%

Dollars Percent Complete as of: 03/31/2018 - 95%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$18,769,845.00
Change Orders:			
Other than Board Authorized C.O.s:	5.20%	\$975,415.70	
Board Authorized Change Orders:	6.04%	\$1,134,561.34	
This Change Order No. 82.1:	1.86%	\$ 350,000.00	
Subtotal of all Change Order	13.10%	\$2,459,977.04	
<u>Revised Contract Amount:</u>			\$21,229,822.04

SCHEDULE

Original Contract Duration: 660 Days
Time Extension to Date: 164 Days
Time Extension Due to Approved COs: 164 Days
Revised Contract Duration: 824 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Contract Time Extension due to MUX Delay and Extended Overhead

This change order is due to differing site condition delays associated with CO No. 82; Relocation of existing MUX system – Train Control Conduit Layout Modification at No. 15 Crossover. This results in Contract duration time extension of a not to exceed 128 calendar days and the associated Extended Overhead Cost not to exceed \$350,000.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 3, 2018

FROM: General Manager

SUBJECT: State Legislation for Consideration

At the May 10 Board of Directors meeting, staff will present new state legislation for your consideration.

Attached are bill analyses and language for five state bills and one legislative constitutional amendment. The legislation has a nexus to BART and aligns with the 2018 State and Federal Advocacy Program adopted by the Board.

SUPPORT POSITION (5)

AB 2161 (Chiu)

Housing: homeless integrated data warehouse

AB 2162 (Chiu)

Planning and zoning: housing development: supportive housing

SB 912 (Beall and Skinner)

Housing: homeless programs and affordable housing

SB 918 (Wiener)

Homeless Youth Act of 2018

AB 2450 (Quirk)

Electrically conductive balloons: manufacturers: warning

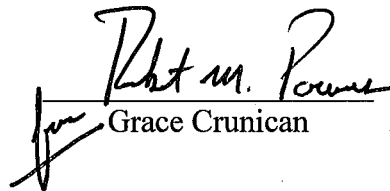
OPPOSE POSITION (1)

Proposition 70

Requires Legislative Supermajority Vote Approving Use of Cap-and-Trade Reserve Fund

Following the staff presentation, a request will be made of the Board to consider passing the draft motion shown below.

If you have any questions, please contact Rodd Lee, Department Manager, Government and Community Relations at 510-464-6235.


Grace Crunican

Attachments

cc: Deputy General Manager
Board Appointed Officers
Executive Staff

DRAFT MOTION:

That the Board of Directors supports AB 2161, AB 2162, SB 912, SB 918, and AB 2450; takes an oppose position on Proposition 70.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT


MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2018
FROM: BART General Manager
SUBJECT: BART Station Experience Design Guidelines – For Information

At the May 10 Board meeting, staff will present an overview of the Station Experience Design Guidelines. These Guidelines were developed to unify BART departments and consultants around clear goals for design and customer experience, articulating BART's vision for world class stations, and guiding the location and design of customer amenities at stations.

Staff will provide a summary of the Guidelines and proposed next steps for implementation.

Please contact Carl Holmes, AGM Planning, Development & Construction, at (510) 464-7592 should you have any questions.



Grace Crunican

cc: Board Appointed Officers
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

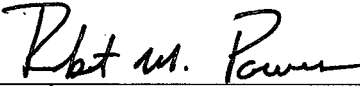
MEMORANDUM

TO: BART Board of Directors **DATE:** May 3, 2018
FROM: BART General Manager
SUBJECT: BART to Livermore Extension Project Update – For Information

Between March and June 2018, BART staff will bring the BART to Livermore project (LVX) to the BART Board for discussion several times, with the objective of completing the California Environmental Quality Act (CEQA) process, and Board consideration of actions on LVX before June 30, 2018.

At the May 10 Board meeting, staff will present responses to several BART Board requests for supplemental information.

Please contact Carl Holmes (510) 464-7592 if you have any questions.



Grace Crunican

cc: Board Appointed Officers
Executive Staff


SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT


MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2018
FROM: BART General Manager
SUBJECT: Irvington BART Station Project Update – For Information

At the May 10 Board meeting, staff will provide an update on the proposed Irvington Station Project in the City of Fremont. On June 26, 2003, the BART Board approved the Warm Springs Extension Project, with an optional station at Irvington. Irvington is located between the existing Fremont BART station and the Warm Springs BART Station, and substantial funding was provided by Alameda County voters with the passage of Measure BB in 2014. BART, in coordination with the City of Fremont, is currently refining the earlier station site design work, as well as updating the CEQA environmental analysis.

Please contact Carl Holmes, AGM Planning, Development & Construction, at (510) 464-7592 should you have any questions.



 Grace Crunican

cc: Board Appointed Officers
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT


MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2018
FROM: General Counsel
SUBJECT: Proposed Resolution Directing Specific Advertising Funds

At the request of Director Dufty, attached is a Resolution he will ask you to consider at the May 10th Board meeting. The proposed Resolution directs the profits derived from a recent advertising campaign to the Office of Civil Rights.

PROPOSED MOTION:

Adoption of the attached Resolution.



Matt Burrows

cc: Board Appointed Officers
Executive Staff

Attachment

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Directing Profits
Derived From Paid Advertising by
Progressives for Immigration Reform to
BART's Office of Civil Rights _____ /

Resolution No. _____

WHEREAS, The San Francisco Bay Area Rapid Transit District (the "District") is committed to providing safe and efficient transit to all members of the public and has passed a Safe Transit Policy¹ codifying that position; and

WHEREAS, The District's advertising guidelines permit point of view advertising without regard to the viewpoint expressed, consistent with First Amendment freedom of speech rulings; and

WHEREAS, the group Progressives for Immigration Reform recently purchased advertising within the BART system that resulted in numerous complaints from the public; and

WHEREAS, the Board of Directors wishes to direct the advertising revenues of the District from this paid advertising campaign to the budget of the District's Office of Civil Rights.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors directs that the General Manager dedicate the advertising revenues generated from the recent advertising by Progressives for Immigration Reform to BART's Office of the Civil Rights, to enhance Limited English Proficiency (LEP) services with input from BART's

¹ BART Resolution 5346 (6/22/17)

Environmental Justice Committee and that such funds should be considered additive,
over and above existing LEP funding and services; and

BE IT FURTHER RESOLVED, that it is requested that the Board of Directors be
advised as to the additional LEP services that are provided as a consequence of this
funding.

Adopted: _____

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