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

BOARD MEETING AGENDA
May 14, 2015
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 14, 2015, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (http://www.bart.gov/about/bod/meetings.aspx), and via email (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.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

   A. Approval of Minutes of the Meeting of April 23, 2015.* Board requested to authorize.

   B. Resolution Authorizing the Application for Funding from the Affordable Housing and Sustainable Communities Program for Affordable Housing and Related Access Improvements at or near BART Stations.* Board requested to adopt.

   C. Award of Contract No. 15QH-170, Site Improvement at San Leandro Station.* Board requested to authorize.

   D. Award of Invitation for Bid No. 8953, Procurement of Traction Power Cable.* Board requested to authorize.

   E. Resolution of Project Compliance and Initial Report for Regional Measure 2 Bridge Toll Funds for the BART West Oakland Bike Locker Plaza Project #20.65 – Phase I.* Board requested to adopt.

   F. Revision to Standing Committee and Special Appointment: Asset Management Ad Hoc Committee.* Board requested to authorize.

   G. Fiscal Year 2015 Third Quarter Financial Report.* For information.

3. ADMINISTRATION ITEMS
   Director Keller, Chairperson

   A. Employee Recruitment for the Position of Controller-Treasurer.* Board requested to authorize.

   B. Warm Springs Extension:

      i. Proposed Service Plan Options & Title VI Equity Analysis and Public Participation Report.* For information.

      ii. Title VI Equity Analysis and Public Participation Report.* Board requested to approve.

* Attachment available

C. Independent Auditor's Report on Audit of Federal Awards under the Single Audit Act and Office of Management and Budget Circular A-133 for the Fiscal Year Ended June 30, 2014.* For information.

D. Fiscal Year 2016 Preliminary Budget Sources, Uses and Service Plan.* For information.

4. ENGINEERING AND OPERATIONS ITEMS
Director McPartland, Chairperson

A. Award of Contract No. 15PE-120, Earthquake Safety Program R Line P-377 to P380 Structure Upgrade.* Board requested to authorize.

B. Award of Contract No. 15PJ-140, Earthquake Safety Program Bay Fair Station and Ashland Avenue Underpass.* Board requested to authorize.

C. Agreement with Parsons Transportation Group Inc., to Provide General Engineering Services for Train Control Modernization Program (Agreement No. 6M8092).* Board requested to authorize.

D. Quarterly Performance Report, Third Quarter Fiscal Year 2015 - Service Performance Review.* For information.

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson

A. Downtown Berkeley Bike Station One-Year Lease Extension with HSR Berkeley Investments, LLC.* Board requested to authorize.

6. GENERAL MANAGER'S REPORT

A. Report of Activities, including Update of Roll Call for Introductions Items.

7. BOARD MATTERS

A. Report on the Wayside Safety Ad Hoc Committee. For information.

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.)

8. 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.)

* Attachment available

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

A. PUBLIC EMPLOYMENT:
Title: Controller-Treasurer
Government Code Section: 54957

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Mooring et. al. v BART - Alameda County
Case Number RG13-707244
Government Code Section: 54956.9(a)

10. OPEN SESSION

* Attachment available

DRAFT

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

Board of Directors
Minutes of the 1,733rd Meeting
April 23, 2015

A regular meeting of the Board of Directors was held April 23, 2015, convening at 4:04 p.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: Director McPartland. Director Radulovich entered the Meeting later.

President Blalock announced that the Board would enter into closed session under Item 2-A (Public Employment) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 4:05 p.m.

The Board Meeting reconvened in closed session at 4:14 p.m.

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

Absent: Director McPartland.

The Board Meeting recessed at 5:03 p.m.

The Board Meeting reconvened in open session at 5:09 p.m.

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

Absent: Director McPartland.

President Blalock announced that the Board had concluded its closed session under Item 2-A of the Regular Meeting agenda, and that there were no further announcements to be made.

President Blalock introduced and welcomed Raven Rainey, attending as a participant in Take Our Daughters and Sons to Work Day.

Alan Smith addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 9, 2015.

2. Award of Contract No. 15EL-171, Fiber Optic Installation on the M-Line, K-Line, R10 and C10.

3. Award of Contract No. 15NL-120, Elevator Flooring Replacement.

4. Award of Invitation for Bid No. 8948, IFB: 8948 - Cable, Armored Marine.

Director Murray made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

1. That the Minutes of the Meeting of April 9, 2015, be approved.

2. That the General Manager be authorized to award Contract No. 15EL-171, for Fiber Optic Installation on the M-Line, K-Line, R10, and C10, to Rosendin Electric, for the Bid price of $996,239.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

3. That the General Manager be authorized to award Contract No. 15NL-120, for Elevator Flooring Replacement, to Rodan Builders, Inc., for the Bid price of $1,379,530.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

4. That the General Manager be authorized to award Invitation for Bid No. 8948, an estimated quantities contract, for the Procurement of Marine Armored Cable, to DRAKA Cableteq USA, Inc., for the Bid price of $362,335.50, including sales tax, pursuant to notification to be issued by the General Manager.

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

Director Keller, Chairperson of the Administration Committee, brought the matter of Complimentary Travel Pass for Attendees of 2015 American Public Transportation Association (APTA) Annual Meeting, before the Board. Ms. Julie Yim, Department Manager, Customer Service, presented the item. The item was discussed. Director Saltzman moved that the General Manager be authorized to participate in the Travel Pass Program with San Francisco Municipal Transportation Agency, Golden Gate Bridge Highway & Transportation District, San Mateo

County Transit District, Peninsula Corridor Joint Powers Authority, Santa Clara Valley Transportation Authority, and Alameda-Contra Costa Transit District, to provide complimentary rides for up to 4,000 attendees of the APTA 2015 Annual Conference in San Francisco, October 2 to October 8, 2015. Director Murray seconded the motion, which carried by the required two-thirds majority by unanimous roll call vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Keller brought the matter of Agreement with Claremont Behavioral Services, Inc., and Security Life Insurance Company of America, two companies acting jointly, to provide Comprehensive Employee Assistance Program Services to BART Employees and their Families, and Substance Abuse Services for BART Employees only (Agreement No. 6M4306), before the Board. Ms. Allison Picard, Assistant General Manager, Employee Relations, presented the item. Director Saltzman moved that the General Manager be authorized to award Agreement No. 6M4306 to Claremont Behavioral Services, Inc., and Security Life Insurance Company of America, two companies acting jointly, for comprehensive Employee Assistance Program (EAP) services for BART employees and their families as well as substance abuse services for BART employees only, for a base period of five years plus up to two one-year option periods, in an amount not to exceed $5,251,611.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Murray seconded the motion, which carried by electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, Murray, Radulovich, Saltzman, and Blalock. Noes – 1: Director Raburn. Absent – 1: Director McPartland.

Director Keller brought the matter of Fiscal Year 2016 Preliminary Budget before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Rob Umbreit, Department Manager, Operating Budget and Analysis; and Mr. Dennis Markham, Acting Manager, Operating Budgets, presented the Preliminary Budget Overview.

Joel Ramos addressed the Board.

President Blalock made the following motions as a unit. Director Saltzman seconded the motions.

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2016 to be available for distribution no later than April 30, 2015.

2. That a public hearing on the Fiscal Year 2016 Preliminary Budget be set for Thursday, May 28, 2015, in the Board Room.

3. That the Board approve the suspension of the requirement in Rule 5-1.2 that the Fiscal Year 2016 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

The item was discussed.

The following individuals addressed the Board.
Jerry Grace
Chris Finn

The motions carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

Director Murray, Vice Chairperson of the Engineering and Operations Committee, had no report.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of San Francisco Late Night Transportation Working Group Report: "The Other 9-to-5: Improving Late-Night and Early-Morning Transportation for San Francisco Workers, Residents, and Visitors" Presented by Liz Brisson, San Francisco County Transportation Authority, before the Board. Mr. Adam Taylor, Legislative Aide to San Francisco Supervisor Scott Wiener; Mr. Ben Van Houten, San Francisco Office of Economic and Workforce Development; and Ms. Liz Brisson, San Francisco County Transportation Authority, presented the item.

The following individuals addressed the Board.
Kevin Carroll
Jerry Grace
Karen Heisler

The item was discussed.

Director Raburn brought the matter of Resolution Supporting a Study to Examine Potential Investments and Procedural Changes to Increase Maintenance Efficiency within the BART System before the Board. Director Josefowitz presented the item.

The following individuals addressed the Board.
Joel Ramos
Jerry Grace

The item was discussed.

Director Josefowitz moved adoption of Resolution No. 5291, In the Matter of Supporting a Study to Examine Potential Investments and Procedural Changes to Increase Maintenance Efficiency within the BART System. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Josefowitz, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 1: Director McPartland.

President Blalock called for the General Manager's Report.

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

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

President Blalock brought the matter of Proposed "Get to Know Your Director" Advertising Campaign before the Board. Director Mallett presented the item. The item was discussed.

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

Director Murray reported that the California Passenger Rail Summit would be held April 28 and 29, 2015, in Sacramento.

Director Raburn reported he had attended the Coliseum City breakfast and the Blue Sky Festival at Justin Herman Plaza.

Director Saltzman requested an analysis on the feasibility of slowing trains as they enter stations to prevent suicides, with the analysis to include impact on BART services and schedules, and a review of other transit agency procedures. Director Mallett seconded the request.

Director Mallett requested Board discussion on methods to engage front-line personnel in station improvement studies/initiatives. Director Radulovich seconded the request.

President Blalock reported that the Regular Board Meetings of July 9 and August 27, 2015, were being considered for cancellation.

President Blalock reported he had attended an Alameda County Transportation Commission meeting, and a meeting with Transform regarding Build a Better BART.

Director Mallett requested the Board discuss the management (i.e.: location, programming/formatting, and design selection) of train real-time departure signs being installed near station entrances. Director Saltzman seconded the request.

President Blalock requested the Meeting be adjourned in honor of Wesley Burton, KPFA radio host and producer.

President Blalock called for Public Comment.

The following individuals addressed the Board.
Chris Finn
Jerry Grace

The Board Meeting was adjourned at 8:13 p.m.

Kenneth A. Duron
District Secretary

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: c 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Deidre Heitman Dept: Grant Development Signature/Date: 5-1-15	General Counsel MB 5/4/15 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5-4-15 [ ]

TITLE:

Adoption of a Resolution Authorizing Application for the Affordable Housing and Sustainable Communities (AHSC) Program Funding

NARRATIVE:

Purpose:

To obtain Board approval of a Resolution Authorizing the Application for Funding from the Affordable Housing and Sustainable Communities (AHSC) Program.

Discussion:

The AHSC Program was established in 2014 as part of the State's cap-and-trade program to reduce greenhouse gas (GHG) emissions through projects that support affordable housing and transportation investments near transit and in urbanized areas. Selected projects must also support the stated policy objectives including reducing air pollution, improving conditions in Disadvantaged Communities, supporting or improving public health, improving connectivity and accessibility to jobs, housing and services, increasing transit ridership, preserving and developing affordable housing for lower income households and protecting agricultural lands to support infill development.

On January 20, 2015, the State of California's Strategic Growth Council (SGC) adopted its Program Guidelines for the Affordable Housing and Sustainable Communities Program to allocate $120 million in cap-and-trade proceeds for FY 2015. Two project prototypes have been identified to implement the program: Transit Oriented Development (TOD) Project Areas and Integrated Connectivity Project (ICP) Project Areas. Areas near BART stations are eligible for the TOD component of the AHSC program which will receive between 40% and 70% of the allocated $120 million. Further, 50% of total funds must be spent in areas benefiting Disadvantaged Communities as identified by the Strategic Growth Council.

Over the past six months, BART staff has been working with a coalition of affordable housing organizations, the Metropolitan Transportation Commission, and others to collaborate on projects that would compete well for the AHSC funding. In spite of the short time frame given by the SGC in which to develop project proposals and the lack of precedent for this round of applications, BART was able to successfully partner with several affordable housing developers on five joint applications. Three of these applications will be moving into the second round of analysis by the SGC for funding. As a co-applicant, BART is required to adopt a Resolution authorizing BART to apply for the AHSC funding, and to authorize the General Manager to execute all required documentation required by the AHSC program. A list of the projects for

which BART is seeking these grant funds is attached as Attachment A. As total available funds increase and time allows for greater collaboration in the coming years, BART will work to create opportunities with our partners for larger infrastructure projects at stations which have, or are adjacent to, affordable housing projects and which meet the program criteria.

Fiscal Impact:

By adopting this Resolution Authorizing Application for the Affordable Housing and Sustainable Communities (AHSC) Program Funding, BART may apply for $933,000 for the selected projects.

This action will have no fiscal impact on unprogrammed District Reserves.

Alternative:
Do not approve the Resolution Authorizing Application for the Affordable Housing and Sustainable Communities (AHSC) Program Funding. BART would risk losing the opportunity to receive the $933,000 in FY15 AHSC funding.

Recommendation:
Adoption of the following motion.

Motion:
The BART Board approves adoption of the attached Resolution "In the Matter of Authorizing the Application for Funding from the Affordable Housing and Sustainable Communities Program (AHSC)."

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

In the Matter of Authorizing the Application For Funding from the Affordable Housing And Sustainable Communities Program (AHSC)/

Resolution No. _____

WHEREAS, the State of California, the Strategic Growth Council (SGC) and the Department of Housing and Community Development (Department) have issued a Notice of Funding Availability dated January 30, 2015 (NOFA), and amended as of March 19, 2015, under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) has partnered with the Meta Housing Corporation, L&M Development Partners, Inc., the East Bay Asian Local Development Corporation and Bridge Housing on the submittal of five applications for AHSC funding for affordable housing and related access improvements at or near BART stations; and

WHEREAS, BART desires to apply as a Joint Applicant for AHSC Program funds and submit three Application Packages with its affordable housing partners as Lead Applicants; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement. The Department is authorized to administer the approved funding allocations of the AHSC Program.

NOW THEREFORE BE IT RESOLVED, by the BART Board of Directors that the General Manager or her designee is hereby authorized to apply for and submit to the Department three AHSC Program Applications pursuant to the NOFA dated January 30, 2015, and amended as of March 19, 2015, for the 2014-15 Fiscal Year in an amount not to exceed $933,000, as shown on Attachment A. If the applications are approved, BART's General Manager or her designee is hereby authorized to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement), subject to approval as to form by BART's Office of the General Counsel, in an amount not to exceed $933,000, and any and all other documents required pursuant to the Standard Agreement to secure the AHSC Program funds from the Department, and all amendments thereto (collectively, the "AHSC Documents"); and

BE IT FURTHER RESOLVED, that BART shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures. The application(s) in full will be incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. If BART receives and accepts the funding, BART hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application(s) as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package; and

BE IT FURTHER RESOLVED that the BART Board authorizes the General Manager or her designee to execute the AHSC Program Application Package and the AHSC Program Documents as required by the Department for participation in the AHSC Program.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the State of California Department of Housing and Community Development, the grant provider.

PASSED AND ADOPTED this _____ Day of _____, 2015, by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

Certification

I, Kenneth A. Duron, District Secretary, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District on the _____ day of _____, 2015.

_____
Kenneth A. Duron, District Secretary

Date: _____

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Attachment A

Station	BART Funding Request	BART Proposed Improvement	Development Location	Lead Applicant
12th Street Oakland City Center	$250,000	Bicycle Channels on Two Station Entrances and Additional Bicycle Storage on Concourse Level	14th Street	Meta Housing Corporation
San Leandro	$500,000	Lighting, Bus Shelters, Pedestrian Improvements	San Leandro BART	Bridge Housing
Hayward	$183,000	16 Bike Lockers	A Street, Edge of Downtown	Meta Housing Corporation
Total BART Funds Requested	***$933,000***			

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:	GENERAL MANAGER ACTION REQ'D: Approve and forward to May 14, 2015 E&O Committee meeting
DATE: 5/6/15	BOARD INITIATED ITEM: No

Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance & Engineering	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: 4/9/15	4/10/15 [ ]	[ ]	[ ]	5/4/15 [ ]

Status: Routed	Date Created: 04/02/2015

TITLE:

Award Contract No. 15QH-170 Site Improvement at San Leandro Station

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QH-170, Site Improvement at San Leandro Station, to Golden Bay Construction Inc., Hayward, California.

DISCUSSION: The work of this contract consists of providing all labor, equipment, materials, and services required for replacing the concrete sidewalks and driveways on both sides of Parrott Street in San Leandro, abutting the San Leandro Station parking lots. The concrete sidewalks have been uplifted and damaged by tree roots. The sidewalks are uneven, unsafe and unsightly for patrons accessing the station on foot or by wheelchair. The work also includes replacing curbs and gutters, pavement markings, accessibility improvements, and tree root and canopy pruning.

Advance Notice to Bidders was e-mailed to 74 prospective Bidders. Contract Books were e-mailed to twenty four (24) plan rooms and minority assistance organizations. The Contract was advertised on February 5, 2015. A pre-bid meeting was held on February 23, 2015 with nine (9) prospective Bidders attending the meeting. One addendum was issued. Sixteen (16) entities purchased the Contract Book.

The following seven (7) Bids were received on March 17, 2015:

No.	BIDDER	LOCATION	TOTAL BID	SMALL BUSINESS
1	Guerra Construction Group	Santa Clara, CA	244,200.00	yes
2	Golden Bay Construction, Inc.	Hayward, CA	248,150.00	yes
3	Trident Contractors, Inc.	Daly City, CA	250,000.00	yes
4	T Amaral's Done Right Construction	Livermore, CA	274,000.00	yes

5	Sposeto Engineering, Inc.	Livermore, CA	293,900.00	yes
6	Bay Construction Co.	Oakland, CA	344,000.00	yes
7	West Bay Builders, Inc.	Novato, CA	393,416.00	no
	Engineer's Estimate		249,950.00	

After review by District staff, the Bid submitted by Guerra Construction Group (Guerra) has been deemed to be non-responsive to the solicitation. Guerra listed four subcontractors in its Bid but listed no dollar amount for any of them. The failure to list the amount of the subcontracts as required by the Invitation to Bid created uncertainty as to whether Guerra would perform at least 50% of the Work by its own forces as required, and made it impossible to ascertain whether the MBE and WBE availability percentages were met. Golden Bay Construction Inc. (Bidder) was deemed to be responsive. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of $248,150.00, which is very close to the Engineer's Estimate, is fair and reasonable.

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

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The Bidder committed to 100% MBE and 0% WBE. The Bidder did not meet the WBE percentage; therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

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

FISCAL IMPACT:

Funding of $248,150 for this Contract will come from project budget 15QH000, Site Improvement at Various Stations System Wide (the "Project"). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the Project since May 2010, and tracks funding

history against spending authority. Funds needed for the Contract will be expended from a combination of the sources listed.

Fund	Description	Threshold Amount
535A	FY2010-11 PROP 1B-PTMISEA	1,050,000.00
8524	FY 2012 Operating Allocation to Capital	3,212,000.00
8525	FY 2013 Operating Allocation to Capital	2,393,427.33
	Other BART and Local Funds Consumed	3,426,091.97
Grand Total		10,081,519.30

As of March 31, 2015, $10,081,519.00 is the total budget for the Project. BART has expended $6,745,330.23, has committed $112,131.57 and has reserved $264,428.60 to date for other actions. This action will commit $248,150.00, leaving an available balance of $2,711,478.91 remaining in fund resources for the Project.

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

ALTERNATIVES: The Board may elect to reject all Bids and authorize staff to rebid the Contract. There is no assurance that new Bids would be lower than the current Bids. Also, any rebid process would delay important safety related refurbishing work at the San Leandro Station.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QH-170, Site Improvement at San Leandro Station to Golden Bay Construction, Inc., for the Bid price of $248,150.00, 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:		GENERAL MANAGER ACTION REQ'D: Approve and Place on May 14, 2015 Board Agenda		
DATE: 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shahbaz Khan Dept: Signature/Date: 5/4/15	General Counsel 5/4/15	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5/6/15 [ ]

Status: Routed	Date Created: 04/28/2015

TITLE:

Invitation for Bid No. 8953, Traction Power Cable

NARRATIVE:

PURPOSE:

To obtain Board authorization to award Invitation for Bid (IFB) No. 8953 to Draka Cableteq USA in the amount of $682,267.52, including sales tax, for the purchase of Traction Power Cables.

DISCUSSION:

This procurement will acquire four types of traction power cables that will be provided as District Furnished Material to the District Contractor in Contract No. 15EK-120, Traction Power Substation Replacement, ASL/KTE Installation. It is anticipated that these cables will be installed new traction tower substations at the San Leandro and Oakland vent structure stations in the fall of 2015. The cables will be used to convey electricity from BART's 34.5kV subtransmission system to the contact rails. This will include 35kV ac circuits and 1kV dc circuits. Long procurement lead times made it impractical to include cable procurement in the 15EK-120 contract without negative impact to the overall project schedule.

This is a twenty-four (24) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the Supplier a minimum amount of fifty percent (50%) of the total dollar value of the contract. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the total dollar value of the contract, subject to the availability of funding.

A notice requesting Bids was published on March 20, 2015 and Bid requests were mailed to six (6) prospective Bidders. Bids were opened on April 14, 2015 and three (3) Bids were received as follows.

Bidder	Grand Total including 9.00% Sales Tax
The Okonite Company San Ramon, CA	$647,343.92

Draka Cableteq USA, North Dighton, MA.	$682,267.52
The Electrical Cable Specialist Walnut Creek, CA	$616,775,955.00*

Independent cost estimate by BART staff: $700,000.00

*Amount based on the District's calculation using Unit Prices bid.

The Bid received by The Electrical Cable Specialists (ECS) contains a discrepancy between the proposed Unit Prices and the Item Total Price. The IFB Bid Form provides that the District will "recalculate the Item Total and award the Contract on the basis of Unit Price Bid. Should there be a discrepancy between the Item Total and Unit Price, Unit Price will govern." Upon recalculation of ECS's Bid by the District using the Unit Prices bid, ECS had the highest Bid amount.

The apparent low Bid was submitted by The Okonite Company. This Bid, however, is non-responsive since it contains terms related to shipping details and firmness of price that conflict with the requirements in the IFB.

The second apparent low Bid was submitted by Draka Cableteq USA (Draka). Staff has determined that the Bid submitted by Draka is responsive and that the Bid pricing is fair and reasonable based on the Engineer's Estimate.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for IFBs. Therefore, no DBE goal was set for this Contract.

FISCAL IMPACT:

Funding of $682,268 for the award of Invitation to Bid No. 8953 is included in the total project budget for FMS #15EK350 – Traction Power Substation Replace/Installation. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of April 23, 2015, $9,800,000 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Funded Amount
3401	FG MOD - FY 12 Capital Improve	Federal	$5,600,000
347Z	FTA CA-05-0216-00 FY07 FG MOD	Federal	$704,000
3602	FY13 Cap Improve FG/SOGR 5337	Federal	$1,536,000
6018	FY11-12 Prj. Match MTC Res#4044	Regional	$1,400,000
6213	Regional Measure II # 08382301	Regional	$176,000
6302	FY12-13 MTC AB664 Res#4080	Regional	$200,000
851W	FY07-11 Capital Allocation	BART	$184,000
Total			$9,800,000

BART has expended $2,151,825, committed $5,168,890, and reserved $30,450 to-date for other action. This action will commit $682,268 leaving an available fund balance of $1,766,567 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject all Bids and re-advertise the Contract. This, however, is not likely to lead to better prices or increased competition and it will likely cause the District to incur project delay costs for storage and re-scheduling of substation equipment delivery.

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 Invitation for Bid No. 8953, an estimated quantity contract for Traction Power Cable to Draka Cableteq USA for the bid price of $682,267.52, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements related to protests.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the BART Board of Directors		
DATE: 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development & Advocacy Signature/Date: 5/1/15	General Counsel 5/11/15	Controller/Treasurer	District Secretary [ ]	BARC [ ]

Status: Approved	Date Created: 04/15/2015

TITLE:

Approval of a Resolution of Project Compliance and Inital Project Report for Regional Measure 2 Bridge Toll Funds for the BART West Oakland Bike Locker Plaza Project #20.65 - Phase I

NARRATIVE:

Purpose:

To obtain BART Board approval of an application for $294,245 in Regional Measure 2 ("RM2") Bridge Toll Funds to increase the supply of secure bike parking for the BART West Oakland Bike Locker Plaza Project #20.65 - Phase I ("Project"). The application includes a Resolution of Project Compliance ("Resolution") and an Initial Project Report ("IPR"), as described in the attached IPR Summary.

Discussion:

Metropolitan Transportation Commission ("MTC") Resolution No. 3636, as amended, Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2, requires a project sponsor to approve a Resolution and IPR when the project sponsor requests an allocation of RM2 Bridge Toll Funds. Staff has prepared the attached IPR Summary and Resolution for adoption by the BART Board of Directors to meet MTC's requirement for requesting an allocation of $294,245 of RM2 Bridge Toll Funds for the Project.

Current demand for secure bike parking exceeds supply at the West Oakland BART Station. There is parking for 108 bikes in racks, and 58 shared-use electronic BikeLink lockers. On a typical weekday, all bike lockers are occupied and more than 90% of bike rack spaces are in use. It is likely that the shortage of bike parking at this station, especially secure parking, is deterring some potential cyclists from riding to the station, and is encouraging others to take their bikes onto the trains.

The bike parking will be located on an underutilized landscaped strip, immediately adjacent to the station fare gates. The landscaped strip is approximately 10' wide by 200' long, and will accommodate 88 shared-use electronic BikeLink locker spaces. Site prep work will include a level concrete pad on which to place the lockers.

In addition to the improvements for the locker plaza and new lockers, bike racks located on the main plaza will be reconfigured, and racks will be added to accommodate 22 additional bikes. The complete project will add 110 bike parking spaces at the West Oakland BART Station for a total of 272 bike parking spaces.

Fiscal Impact:

Approval of the IPR and Resolution is a requirement for the District to receive $294,245 of RM2 Bridge Toll Funds for securing additional bike parking facilities at the West Oakland BART Station.

Alternative:

Do not approve the IPR and Resolution. Failure to approve the IPR and Resolution would preclude or delay BART from receiving the RM2 funds for additional bike facilities at the West Oakland BART Station.

Recommendation:

Adoption of the following motion.

Motion:

The Board of Directors approves the Resolution of Project Compliance and Initial Project Report for the Regional Measure 2 Bridge Toll Funds for the Project, as described in the attached Initial Project Report Summary.

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

In the Matter of Supporting a Resolution of Project Compliance for Regional Measure 2 Bridge Toll Funds for the BART West Oakland Bike Locker Plaza Project /

Resolution No. _____

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 et seq.; and

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, MTC is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the BART West Oakland Bike Locker Plaza Project (Project) is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BART is requesting that MTC allocate Regional Measure 2 funds; and

WHEREAS, BART, and its agents agree to comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636);

NOW, THEREFORE, BE IT RESOLVED that BART certifies that the Project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the Project; and be it further

RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that BART approves the updated Initial Project Report (IPR), attached to this resolution; and be it further

RESOLVED, that BART approves the cash flow plan, described in the attached IPR; and be it further

RESOLVED, that BART has reviewed the Project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that BART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code Section 30914(c); and be it further

RESOLVED, that BART is authorized to submit an application for Regional Measure 2 funds for BART West Oakland Bike Locker Plaza Project in accordance with California Streets and Highways Code Section 30914(c); and be it further

RESOLVED, that BART certifies that the Project and purposes for which RM2 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 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BART making allocation requests for Regional Measure 2 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 BART to deliver such project; and be it further

RESOLVED, that the Project agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs

and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BART agrees that, if any revenues or profits from any non-governmental use of property (or Project) are collected, those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the Projects(s); and be it further

RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

RESOLVED, that BART shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

RESOLVED, that BART authorizes its General Manager, or her designee to execute and submit an allocation request for the construction phase with MTC for Regional Measure 2 funds in the amount of $294,245, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the General Manager or her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the attached IPR as she deems appropriate.

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

# # #

Regional Measure 2
Initial Project Report (IPR)

Project Title: BART West Oakland Bike Locker Plaza

RM2 Project No. 20.65

Allocation History:

	MTC Approval Date	Amount	Phase
#1:			
#2			
#3			

Total: $

Current Allocation Request:

IPR Date	Amount Being Requested	Phase Requested
April 22 2015	$294,245	Construction and Locker Procurement

Regional Measure 2 – INITIAL PROJECT REPORT

I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

BART

B. Project Purpose

The purpose of this project is to increase the supply of secure bike parking at the West Oakland BART Station.

C. Project Description (please provide details)

☒ **Project Graphics to be sent electronically with This Application**

Current demand for secure bike parking exceeds supply at the West Oakland BART Station. There is parking for 108 bikes in racks and 58 shared use electronic BikeLink lockers. On a typical weekday all lockers are occupied and 90+% of bike racks spaces are occupied. It is likely that the shortage of bike parking (especially secure parking such as lockers) is deterring some potential cyclists from riding to the station or encouraging them to take their bikes on the train when they don't need to.

The project will transform an underutilized landscaping strip immediately adjacent to the station fare gates into a bike locker plaza. The landscaping strip is approximately 10' wide by 200' long and will accommodate 88 shared use electronic BikeLink locker spaces. Site prep work will include construction of a level concrete pad on which to place the lockers.

In addition to the locker plaza and new lockers, bike racks located on the main plaza will be reconfigured and racks will be added to accommodate 22 additional bikes. The complete project will add 110 bike parking spaces at West Oakland BART for a total of 272 bike parking spaces.

D. Impediments to Project Completion

None

E. Operability

BART currently operates bike parking facilities at 43 of 45 stations including over 1,200 eLockers at 36 stations. Maintaining these facilities is a priority for BART and the new facilities at West Oakland will become part of ongoing customer access operations. Funding to maintain the facilities comes from BART's operating budget which is comprised primarily of fare/parking revenue and dedicated sales taxes.

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: ☐ Yes ☒ No

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 is a minor alteration of an existing facility involving negligible expansion of use.

G. Design –

Project design is complete (see attached plans) and contract (91CW-226, Furnishing Bicycle Lockers with Electronic Controlled Locks) is in place for procurement of lockers with eLock Technologies.

H. Right-of-Way Activities / Acquisition –

None. Project is fully contained within existing BART right-of-way.

I. Construction / Vehicle Acquisition -

Construction for this project includes the installation of a level concrete pad to support the bike lockers. A minor portion of the construction will entail reconfiguration of existing bike racks (to better utilize existing plaza space) and the installation of three new bike racks.

III. PROJECT BUDGET

J. Project Budget (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	**NA**
Design - Plans, Specifications and Estimates (PS&E)	**$30**
Right-of-Way Activities /Acquisition (R/W)	**NA**
Construction / Rolling Stock Acquisition (CON)	**$352**
Total Project Budget (in thousands)	**$382**

K. Project Budget (De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	**NA**
Design - Plans, Specifications and Estimates (PS&E)	**$30**
Right-of-Way Activities /Acquisition (R/W)	**N/A**
Construction / Rolling Stock Acquisition (CON)	**$352**
Total Project Budget (in thousands)	**$382**

L. Project Budget – Deliverable Segment (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	**N/A**
Design - Plans, Specifications and Estimates (PS&E)	**N/A**
Right-of-Way Activities /Acquisition (R/W)	**N/A**
Construction / Rolling Stock Acquisition (CON)	**N/A**
Total Project Budget (in thousands)	**N/A**

M. Project Budget – Deliverable Segment(De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	**N/A**
Design - Plans, Specifications and Estimates (PS&E)	**N/A**
Right-of-Way Activities /Acquisition (R/W)	**N/A**
Construction / Rolling Stock Acquisition (CON)	**N/A**
Total Project Budget (in thousands)	**N/A**

IV. OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	**N/A**	**N/A**
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	**N/A**	**N/A**
Final Design - Plans, Specs. & Estimates (PS&E)	**Sept-2014**	**Feb-2015**
Right-of-Way Activities /Acquisition (R/W)	**NA**	**NA**
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	**July-2015**	**Dec-2015**

V. ALLOCATION REQUEST INFORMATION

N. Detailed Description of Allocation Request

Describe the scope of the allocation request. Provide background and other details as necessary.

Amount being requested (in escalated dollars)	**$294,245**
Project Phase being requested	**CON**
Are there other fund sources involved in this phase?	☒ Yes ☐ No
Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested	May-2015
Month/year being requested for MTC Commission approval of allocation	May-2015

O. Status of Previous Allocations (if any)

N/A

P. Workplan **Workplan in Alternate Format Enclosed** ☐

TASK NO	Description	Deliverables	Completion Date
1	Concept Development		Completed
2	Internal BART Review		Completed
3	Design/Engineering	Plan Set	Completed
4	Preparation of Bid Package	Bid Package/Advertise	Apr-2015
5	Construction	Contract Execution	Jul-2015
6	Locker Procurement	Notice to Proceed	Aug-2015
7	Locker Installation	Installation Inspection Report	Dec-2015

Q. Impediments to Allocation Implementation

None

VI. RM-2 FUNDING INFORMATION

R. RM-2 Funding Expenditures for funds being allocated

☒ **The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included**

S. Next Anticipated RM2 Allocation Request.

None

VII. GOVERNING BOARD ACTION

Check the box that applies:

☐ **Governing Board Resolution attached**

☒ **Governing Board Resolution to be provided on or before: May 30, 2015**

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant's Agency
Name: Steve Beroldo
Phone: 510 464-6158
Title: Manager, Access Programs
E-mail: sberold@bart.gov
Address: 300 Lakeside Drive, 16th floor, Oakland, CA 94612

Information on Person Preparing IPR
Name: Steve Beroldo
Phone: 510 464-6158
Title: Manager, Access Programs
E-mail: sberold@bart.gov
Address: 300 Lakeside Drive, 16th floor, Oakland, CA 94612

Applicant Agency's Accounting Contact
Name: Christopher Gan
Phone: 510 464-6960
Title: Assistant Controller
E-mail: cgan@bart.gov
Address: 300 Lakeside Drive, 22nd floor, Oakland, CA 94612

Revised IPR 120905.doc

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 8, 2015

FROM: District Secretary

SUBJECT: Appointments to Asset Management Ad Hoc Committee

As the Board of Directors focuses on addressing the District's capital reinvestment needs, President Blalock proposes the establishment of an ad hoc committee to ensure that the short and long term funding strategies are aligned with the Asset Management Policy that the Board adopted in 2014.

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

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

President Blalock proposes that Directors Josefowitz, Keller, Murray and Raburn be appointed to the Ad Hoc Committee and that it report back to the full Board in the fall of 2015.

MOTION:

That the Board of Directors ratifies the appointment of the following Directors to the Asset Management Ad Hoc Committee:

Nicholas Josefowitz
Joel Keller
Gail Murray
Robert Raburn

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

Kenneth A. Duron

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 8, 2015

FROM: General Manager

SUBJECT: **FY15 Third Quarter Financial Report**

The FY15 Third Quarter Financial Report (January - March 2015) is attached. The net operating result for the quarter was $2.0M unfavorable to budget, bringing year-to-date to $6.2M favorable.

Operating Sources

Ridership growth continued into the third quarter, with 418,681 average weekday exits and 6.2% over the same period in FY14. For the entire BART system, total trips for the quarter were 3.5% over budget and year-to-date fare revenue 5.2% greater than expected.

Sales Tax revenue in the third quarter grew 4.5% from one year earlier, just $0.3M over the budgeted growth of 4.0%. Year-to-date, sales tax is $4.4M over budget, with 6.6% growth over FY14.

State Transit Assistance (STA) is $5.3M under budget year-to-date. STA is an area of concern and is expected to be under budget by year-end.

Operating Uses

Labor and benefits were unfavorable by $7.0M (6.6%) for the quarter and $14.5M unfavorable year-to-date. This unfavorable variance was partially offset by non-labor expenses, and the total budget is $11.7M unfavorable YTD. Overtime continues to be high, and maintenance needs are increasing.

Despite continuing good revenue performance, the second and third quarters both ended with small negative net results. While the District is still favorable overall YTD, our outlook for year-end remains cautious.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Quarterly Financial Report
Third Quarter
Fiscal Year- 2015

Revenue

- Avg weekday trips for the quarter were 418,681, 3.9% over budget and 6.2% over the same quarter last year. Net passenger revenue was 4.4% over budget.
- Parking revenue was $0.9M over budget due to over budget Monthly and Single Day Reserve and Long Term Parking, and expected to be $0.5M over budget for the year.
- Other operating revenue over budget and positive YTD.

Expense

- Labor and benefits were unfavorable by $6.9M or (6.6%), with overtime spending due to maintenance needs a continuing issue.
- OPEB unfunded liability is shown as an expense and is offset; there is no bottom line impact.
- Electric Power was over budget for the quarter due to market power delivery issues with PG&E, which were resolved March 5.
- Purchased Transportation variance was timing of AC Transit payments.
- Other Non Labor was slightly favorable for the quarter and under budget YTD due to rent savings and timing of payments.

Operating Deficit

- The operating deficit (revenue minus expense) was $2.8M unfavorable for the quarter because the unfavorable operating expense variance exceeded the favorable revenue variance.

MTC Rail Car Swap

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

Financial Assistance and Allocations

- Sales Tax for the quarter grew 4.5% over 3QFY14, $0.3M favorable.
- Property Tax, Other Assistance was $0.2M favorable to budget due to timing of property tax payments and unbudgeted federal and local funds.
- STA $5.3M YTD under budget variance due to timing of payments, however, it will likely be $4.0M or more negative for the year, based upon estimates from MTC.

Net Operating Result

- The Net Operating Result for the quarter was unafavorable by $2.0M, due to unfavorable Operating Expense results. The YTD result is favorable by $6.2M.

Current Quarter Budget	Current Quarter Actual	Current Quarter Var	($ Millions)	Year to Date Budget	Year to Date Actual	Year to Date Var
			Revenue			
106.2	110.9	4.4%	Net Passenger Revenue	326.6	343.6	5.2%
6.5	7.4	12.6%	Parking Revenue	19.7	20.3	3.2%
5.0	5.8	15.6%	Other Operating Revenue	15.1	16.3	7.6%
117.7	**124.1**	**5.4%**	**Total Net Operating Revenue**	**361.4**	**380.1**	**5.2%**
			Expense			
104.9	111.9	-6.6%	Net Labor	311.6	326.1	-4.7%
0.6	0.6	-6.0%	OPEB Unfunded Liability	1.8	1.9	-2.7%
9.1	10.7	-17.8%	Electric Power	28.3	27.9	1.3%
7.3	7.9	-9.3%	Purchased Transportation	16.4	17.1	-4.0%
29.4	29.2	0.6%	Other Non Labor	85.2	82.1	3.7%
151.3	**160.3**	**-6.0%**	**Total Operating Expense**	**443.4**	**455.1**	**-2.6%**
(33.5)	**(36.3)**	**-8.3%**	**Operating Surplus (Deficit)**	**(82.0)**	**(75.0)**	**8.5%**
(19.3)	(27.1)	-40.6%	**MTC Rail Fund Car Swap**	(57.8)	(72.6)	-25.8%
			Taxes and Financial Assistance			
59.6	59.9	0.5%	Sales Tax	173.5	177.9	2.5%
2.8	3.0	9.5%	Property Tax, Other Assistance	22.2	22.2	-0.3%
19.3	27.1	-40.6%	MTC Rail Fund Car Swap	57.8	72.6	-25.8%
5.5	5.6	3.2%	State Transit Assistance	10.9	5.6	-48.4%
(14.0)	(14.0)	0.0%	Debt Service	(42.0)	(42.0)	0.0%
(14.3)	(14.2)	-0.3%	Capital and Other Allocations	(105.4)	(105.2)	-0.2%
0.6	0.6	4.0%	OPEB Unfunded Liability Offset	1.8	1.9	2.8%
59.4	**68.0**	**14.5%**	**Net Financial Assistance**	**118.9**	**133.0**	**11.9%**
6.7	**4.7**		**Net Operating Result**	**(20.8)**	**(14.6)**	
77.8%	77.4%	**-0.5%**	**System Operating Ratio**	81.5%	83.5%	**2.0%**
0.34 ¢	**0.32 ¢**	**4.3%**	**Rail Cost / Passenger Mile**	**0.33 ¢**	**0.33 ¢**	**1.5%**

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

No Problem

Caution: Potential Problem/Problem Being Addressed

Significant Problem

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: c 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Allison Picard Dept: Employee Relations Signature/Date: 5/5/15	General Counsel 5/5/15	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5-6-15 [ ]

TITLE:

EMPLOYEE RECRUITMENT FOR THE POSITION OF CONTROLLER-TREASURER

NARRATIVE:

PURPOSE:

The purpose of this item is to obtain Board authorization to conduct a nationwide recruitment for the position of Controller-Treasurer.

DISCUSSION:

This is an Executive Management position which is appointed by, reports to and serves at the discretion of the Board of Directors. This position functions as the Chief Financial Officer for the District and is responsible for the management and oversight of finance, disbursement, investment, debt administration, cash collection and revenue services, controllership, payroll and risk management. Due to the critical role of this position in the District, staff requests Board authorization for the use of a recruitment firm to conduct this search effort.

On March 11, 1993, the Board adopted Resolution 4487 which requires Board approval prior to certain recruiting activities to employ a person who is not a current District employee for an annual salary of $50,000 or more.

By adopting this motion, the Board will authorize staff to engage a recruitment search firm for this position. This will enhance the District's access to a strong candidate pool for this critical position. Staff will conduct an informal request for proposals from at least three (3) search firms. The services of the firm will be procured in accordance with the District's policies and procedures.

Interested firms will be required to provide a search plan summary document that outlines their search tasks, proposed fee structure and estimated time line to conduct this recruitment. Human Resources staff will manage the agreement with the recruitment firm and provide staff support to the Board of Directors who will make the final selection for this position. The Office of the General Counsel will approve the agreement as to form.

FISCAL IMPACT:

The estimated cost for search firm fees is approximately $75,000-$80,000 for this position (typically one third the annual salary of the position). The funding for the recruitment search will come from the FY15 operating budget of the Finance Department.

ALTERNATIVE:

Use Human Resources staff to conduct the recruitment.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager or her designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to assist the Board in identifying qualified candidates within and outside of California for the position of Controller-Treasurer.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 8, 2015

FROM: General Manager

SUBJECT: Administration Agenda Item #3.B: Warm Springs Extension: Service Plan Options & Title VI Equity Analysis and Public Participation Report – For Information

At the May 14, 2015 Board of Directors meeting, staff will provide an overview of the proposed Warm Springs Extension Service Plan Options and the Title VI Equity Analysis and Public Participation Report. Staff will also ask the Board to approve the Title VI Equity Analysis and Public Participation Report which is agendized for action.

If you have any questions, please contact Wayne Wong at (510) 464-6134.

Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Seema Parameswaran Dept: Signature/Date: 5/7/15	General Counsel 5/8/15	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5-8-15 [ ]

Status: Approved	Date Created: 04/24/2015

TITLE:

Warm Springs Extension Title VI Equity Analysis and Public Participation Report

NARRATIVE:

Purpose:

To request Board approval of the Warm Springs Extension Title VI Equity Analysis and Public Participation Report (Analysis).

Background:

In June 2011, staff completed a Title VI Analysis for the Warm Springs Extension Project (Project). Per the Federal Transit Administration (FTA) Title VI Circular (Circular) 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients* (October 1, 2012), the District is required to conduct a Title VI Service and Fare Equity Analysis (Title VI Equity Analysis) for the Project's proposed service and fare plan six months prior to revenue service. Accordingly, staff completed an updated Title VI Equity Analysis for the Project's service and fare plan, which evaluates whether the Project's proposed service and fare will have a disparate impact on minority populations or a disproportionate burden on low-income populations based on the District's Disparate Impact and Disproportionate Burden Policy (DI/DB Policy) adopted by the Board on July 11, 2013 and FTA approved Title VI service and fare methodologies.

Discussion:

The Warm Springs Extension will add 5.4-miles of new track from the existing Fremont Station south to a new station in the Warm Springs district of the City of Fremont, extending BART's service in southern Alameda County. Currently, areas south of the Fremont BART Station, including the Warm Springs district, are not served by the BART fixed guideway system.

Proposed Service and Fare Plan:

Staff developed four service plan options to provide service to the new Warm Springs/South Fremont Station (Warm Springs). Any of the four service plan options would request a temporary service plan as BART waits for its new rail cars. Among the four options, staff recommend Option 1, based on public input. The options are:

- Option 1: Extend Green line to Warm Springs with Daly City terminus station [weekdays]
- Option 2: Extend Orange Line to Warm Springs [weekdays]

- Option 3: Extend Green line to Warm Springs with 24th Street terminus station. [Same as Option 1 but different West Bay terminus]
- Option 4: Short BART shuttle train between Fremont and Warm Springs [weekdays]

For all the above options, on evenings (after 7 pm) and weekends, the Orange Line will service the Warm Springs/South Fremont Station with 20 minute headways. When the new cars are received, the station will be served by both the Green Line and Orange Line at the same frequencies and over the same daily time period as the existing Fremont Station.

Staff proposes to apply BART's existing distance-based fare structure to calculate fares for the new service, with a proposed fare increment of 40 or 45 cents. For example, the current fare between Fremont and MacArthur Station is $4.35; the fare between Warm Springs Station and MacArthur is proposed to be $0.45 more, or $4.80. As Warm Springs is an East Bay station, the East Bay Suburban Zone fare (equal to the current minimum fare of $1.85 and applied to certain other East Bay station fares) is proposed. This fare would be charged for trips between six and 13 miles from Warm Springs, i.e, Union City Station and South Hayward Station. No new surcharges are proposed for fares to, or from, the new Warm Springs/South Fremont Station, and all existing discounts will be applied to these fares as part of the extension of BART's distance-based fare structure.

Title VI Service Equity Analysis Findings:

The Title VI Service Equity Analysis includes a demographic and travel time assessment of the Warm Springs' projected ridership.

The demographic assessment evaluates whether the projected riders benefitting from the new Warm Springs service are predominately minority or low-income when compared to BART's four-county system-wide population, based on US Census 2010 data. The assessment also evaluates whether riders who may be adversely effected by a service option are disproportionately minority or low-income.

Per the DI/DB Policy, a disproportionate impact or disproportionate burden results when adverse effects disproportionately affect protected populations. All four service plan options provide a service benefit to the Warm Springs ridership. The demographic assessment found that the projected riders benefitting from the new service are 78.8% minority and 24.7% low-income. The study further found that only Service Option 3 would result in some adverse impacts, a decrease in service at three San Francisco stations. The demographic assessment found that these three station's riders were not disproportionately or predominately minority or low-income, as defined by BART's DI/DB Policy.

Accordingly, the study found that minority or low-income riders will not be disproportionately affected by adverse impacts resulting from Option 3, or any of the Options. Instead, the service will predominately benefit minority riders. Accordingly, no disparate impact or disproportionate burden was found on minority or low-income populations.

The travel assessment compares the estimated travel time for riders affected by the service change before and after the new service. The results of the travel time assessment found that the Project would benefit all populations, including minority and low-income, within the Project catchment area. With Project service, all populations are expected to experience the same time savings of 11.85 minutes between Warm Springs and the Fremont Station, a 55.8% reduction in travel time. With the exception of Option 3, staff also found that travel times are not expected to change for riders of existing stations, as a result of the proposed options. As proposed in the FY2016 Preliminary Budget, additional cars would be added to the Green and Blue lines, which will lessen peak period crowding. As a result, the study found that

minority populations will not experience a disparate impact and low-income populations will not experience a disproportionate burden on their travel times with the new service.

Fare Equity Analysis:

The proposed Warm Spring fares would not change BART's existing distance-based fare structure; BART's distance-based fares would not increase or decrease. As BART's distance-based fare structure is unchanged, there is no disproportionately adverse effect on minority riders because the same minority riders will enjoy the off setting benefit of new rail service and improved travel times. Public input confirmed this finding. During both 2011 and 2015 surveys, the majority of surveyed riders (approximately 70%) assessed the proposed fare as reasonable and not adverse. Since there is no adverse effect on riders, the study found that the proposed Warm Springs fares would not result in a disparate impact on minority riders or a disproportionate burden on low-income riders.

Public Participation:

Staff conducted extensive and inclusive multilingual public participation for the Title VI Analysis. From March 7 through March 12, 2015, five outreach events were held in the Warm Springs catchment area and in San Francisco. Project outreach consisted of two components:

- Informing the Warm Springs community of the new service and the proposed fare, application of BART's existing distance-based fare structure to this new service, and
- Performing outreach for the four system-wide service plan options, focusing on the three stations--Glen Park, Balboa Park and Daly City--where service might be adversely impacted by the opening of Warm Springs.

Additionally, input was sought from BART's Title VI & Environmental Justice (Title VI/EJ) Advisory Committee.

Survey respondents preferred Service Option 1. Support for this option included respondents from the Warm Springs area, as well as San Francisco riders, primarily riders using Glen Park, Balboa Park and Daly City.

Fiscal Impact:

Board approval of the Warm Springs Extension Title VI Equity Analysis and Public Participation Report is required before Project revenue operations can begin. Failure to comply with FTA regulations may affect BART's future FTA funds.

Alternatives:

Do not approve the Warm Springs Extension Title VI Equity Analysis and Public Participation Report. If the Board does not approve the Analysis, staff must revise and resubmit the report for approval by July 1, 2015, at least six months prior to revenue service, so the Project may remain in compliance.

Recommendation:

Approval of the following motion.

Motion:

The Board of Directors approves the Warm Springs Extension Title VI Equity Analysis and Public Participation Report.

bd

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:	GENERAL MANAGER ACTION REQ'D:
DATE: 5/6/15	BOARD INITIATED ITEM: No

Originator/Prepared by: Christopher Gan Dept: Assistant Controller Signature/Date: 5/6/15	General Counsel 5/6/15 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5-6-15 [ ]

Status: **Routed**	Date Created: **04/20/2015**

TITLE:

Independent Auditor's Report on Audit of Federal Awards under the Single Audit Act and OMB Circular A-133 for the Fiscal Year Ended June 30, 2014

NARRATIVE:

PURPOSE

This Executive Decision Document is for information only, to advise the Board of Directors of the results of the independent audits performed to comply with the Single Audit Act and OMB Circular A-133 for the fiscal year 2014 and of actions staff plans to undertake to address the deficiencies reported.

DISCUSSION

As a non-federal entity that expends $500,000 or more in federal awards in a year, the District is required to obtain an annual audit in accordance with the Single Audit Act(31 USC sections 7501, et seq.) and Office of Management and Budget (OMB) Circular A-133. A single audit is intended to provide a cost effective audit since only one audit is conducted in lieu of multiple audits of individual federal programs.

The Single Audit Act requires a report on the following areas: a) internal control over financial reporting based on the audit of financial statements performed in accordance with Government Audit Standards and b) compliance with each major federal program and internal control over compliance. Such audit is required in order to provide reasonable assurance that the awards received are being managed in compliance with laws, regulations, and the provisions of contracts or grant agreements.

The results of the auditor's report dated December 30, 2014 on internal control over financial reporting disclosed a significant deficiency with regards to review and accounting of significant transactions. The finding was related to the delay in recognizing the extinguishment of loans from San Mateo County Transportation District (Samtrans) and Metropolitan Transportation Commission (MTC). The extinguishment of the $88,500,000 loans from Samtrans and MTC was not recognized by the District at the time of the transactions due to the complexity of the language in the settlement agreements and key terms decided and agreed upon by all relevant parties were not conveyed to finance, or understood by finance. The District has instituted a process to address this finding by holding periodic meetings between members of finance, legal, and operations to discuss key terms of significant transactions. This matter was previously

reported to the Board at the meeting held on February 12, 2015.

The auditor's report dated March 30, 2015 is related to compliance with each major federal program and on internal control over compliance. It indicated a significant deficiency in the implementation of the Davis-Bacon Act (40 USC sections 3141, et seq.), which requires payment of prevailing wages to all laborers and mechanics employed by a contractor or subcontractor who work on construction contracts in excess of $2,000 financed by federal funds. Contractors or subcontractors are required to submit to the District weekly, for each week in which any contract work is performed, a copy of the payroll and a statement of compliance (certified payroll). In the event of non-compliance by a contractor, the District is required to initiate timely corrective actions to ensure compliance, such as sending timely follow-up requests to the contractor and withholding payment until the certified payrolls are received. The audit finding noted that the District failed to consistently verify timely receipt of certified payrolls since there were instances when certified payrolls were received only by the District after payments have already been made to the contractors.

To strengthen enforcement for the timely submission of certified payrolls by the contractors and subcontractors, the Office of Civil Rights (OCR) is developing a new process, which will include a provision to withhold payment to the contractor, if necessary. OCR will also develop and implement a training program to ensure that project staff understands the labor compliance regulations and compliance requirements. It is expected that additional staff will also be hired in Fiscal Year 2016 to assist in the implementation of the new process.

FISCAL IMPACT

If the deficiency associated with the implementation of the Davis-Bacon Act is not addressed, there is a risk that federal funds may be paid to contractors who do not comply with the provisions of the Davis-Bacon Act, which could result in unallowable costs.

ACTION

No action by the Board is required. As a recipient of federal awards, the District is required by the federal government to have its books and records audited annually in accordance with the Single Audit Act.

bart

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Emilia Sanchez Dept: Planning, Development & Construction Signature/Date: 5/5/15	General Counsel 5/5/15 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5/6/15 [ ]

Status: Approved	Date Created: 04/01/2015

TITLE:

Award of Contract No. 15PE-120, Earthquake Safety Program
R Line P-377 to P-380 Structure Upgrade

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15PE-120, for BART Earthquake Safety Program, R Line P-377 to P-380 Structure Upgrade, to Zovich & Sons, Inc.

DISCUSSION:

Contract No. 15PE-120 will provide for the seismic strengthening of four pier foundations along the Richmond line. This work will provide an operability retrofit for the R Line from Richmond to the North Berkeley Station.

An Advance Notice to Bidders was mailed on February 17, 2015 to 64 firms. The Contract was advertised on February 19, 2015 and Contract Books were sent to 22 plan rooms. A total of 20 firms purchased copies of the Bid Documents. A Pre-Bid Meeting was held on March 11, 2015 with a total of 12 potential Bidders in attendance. A site tour was held following the Pre-Bid meeting on March 11, 2014. Seven Bids were opened publicly on March 31, 2015.

Review of the Bids by District staff revealed that three Bids, those submitted by Bugler Construction, Proven Management, Inc. and Power Engineering Construction Co., had arithmetical errors in the Bid Item totals and/or in the total Bid Price. Article 14.B, Evaluation, of the Instructions to Bidders in the Contract Book states that item totals are provided by the Bidder for the convenience of the District, and that the District will calculate the total Bid Price based on the unit prices or lump sum prices bid, as applicable. In the event of a discrepancy, the District's calculations shall govern. The District's correction of the arithmetical errors did not impact the position of the apparent low Bid. Tabulation of the corrected Bids, including the Engineer's Estimate, and the Small Business Program adjustment is as follows:

	Base Bid	Small Business Program
1. Zovich & Sons, Inc. (Hayward, CA)	$ 1,554,739.00	$ 1,554,739.00
2. Bugler Construction (Pleasanton, CA)	$ 1,720,162.00	$ 1,642,425.05*

3. Power Engineering Construction Co. (Alameda, CA)	$ 1,666,505.15	$ 1,666,505.15
4. Granite Rock Company (San Jose, CA)	$ 1,739,656.00	$ 1,739,656.00
5. Hoseley Corporation (San Francisco, CA)	$ 1,851,937.00	$ 1,774,200.05*
6. Proven Management (Berkeley, CA)	$ 1,821,577.00	$ 1,821,577.00
7. Alta Engineering (San Francisco, CA)	$ 2,211,460.85	$ 2,133,723.90*
Engineer's Estimate	$ 1,368,000.00	

*Amount after arithmetical correction by the District

After the review by staff, the apparent low Bid submitted by Zovich & Sons, Inc. ("Zovich") was determined to be fair and reasonable and was deemed to be responsive to the solicitation. Examination of Zovich's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Woman Business Enterprises (WBEs). Zovich committed to 2.1% MBE and 6.7% WBE participation. Zovich did not meet the MBE and WBE percentages; therefore, Zovich was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by Zovich, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The apparent low Bidder, Zovich, is not a certified Small Business making it ineligible for the preference. Three (3) firms that bid on the Contract are eligible for the 5% Small Business prime preference; however, upon application of the Small Business Program, Zovich remained the low Bidder.

FISCAL IMPACT:

Funding of $1,554,739 for award of Contract No. 15PE-120 is included in the total project budget for 15PE000, ESP Aerial Structure - R Line. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since January 2011, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of F/G 801F & F/G 801J as listed:

F/G 801F – ESP GO Bond	$ 20,829,740
F/G 801J – ESP GO Bond	$ 5,094,905
F/G 3838 – FHWA	$ 4,565,338
F/G 5353 – State Match (Prop 1B)	$ 591,488
Total	**$ 31,081,471**

As of April 2, 2015, $31,081,471 is the total budget for this project. BART has expended

$27,271,924, committed $1,188,652 and a reserve credit ($717,133) to date. This action will commit $1,554,739 leaving an available fund balance of $1,783,289 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the contract. If the Contract is not awarded, BART will be unable to implement the seismic strengthening of the four piers providing an operability retrofit to the R Line. The Board may also reject all Bids and ask for the Contract to be rebid. It is unlikely, however, that re-advertising would result in lower pricing.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PE-120, R Line P-377 To P-380 Structure Upgrade, to Zovich & Sons, Inc. for the Bid amount of $ 1,554,739.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

ESP Financial Summary for 15PE-120 PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 3/31/15	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	$105,000,000	**$257,500,000**	
Other GEC	$81,478,000	**$0**	
Subtotal GEC	$186,478,000	**$257,500,000**	
CM	$61,498,000	**$95,400,000**	
Environmental	$1,042,796	**$2,198,237**	
TOTAL E, E & CM	**$249,018,796**	**$355,098,237**	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	$1,033,000	**$1,153,096**	
Oakland Landside	$17,970,000	**$10,699,433**	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	$73,037,000	**$5,655,414**	
Marine Vibro Demo	$101,285,000	**$11,000,000**	
Stitching	$82,962,000	**$0**	
Additional TBT Retrofits	$0	**$316,652,324**	
Aerial Guideways			
West Oakland/North Oakland	$112,923,000	**$72,300,000**	
Fremont	$178,224,000	**$45,700,000**	
Concord	$36,500,000	**$12,370,889**	
Richmond	$80,155,000	**$34,800,000**	
San Francisco/Daly City	$36,590,000	**$9,600,000**	
Stations (18)	$126,961,000	**$78,700,000**	
Other Structures			
LMA	$5,529,000	**$12,100,000**	
Yds & Shops	$12,436,000	**$19,500,000**	
Parking Structures	$14,437,000	**$14,600,000**	
Miscellaneous Cleanup		**$2,620,764**	
At Grade Trackway	$22,361,000	**$0**	
34.5kV Replacement		**$42,490,000**	
Systems	$7,066,000	**$17,500,000**	
TOTAL CONSTRUCTION	**$909,469,000**	**$707,441,920**	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	$159,894,204	**$230,800,000**	
Add Auth to Execute Agrnt w/Public & Private Entities		**$5,000,000**	
Contingency	$32,104,000	**$11,100,000**	
TOTAL PROGRAM COSTS	**$191,998,204**	**$246,900,000**	
BASELINE FUNDING	**$1,350,486,000**		
REVISED FUNDING		**$1,309,440,157**	
		$1,221,275,376	Adopted Funding
		$32,064,781	Outside Adopted Funding

Soft Cost/Hard Cost Ratio = 75%

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Marcia Hohenberger		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hong Mei Dept: Planning, Development and Construction - Earthquake Safety Program Signature/Date: 4/27/2015	General Counsel MB 5/4/15	Controller/Treasurer [ ]	District Secretary [ ]	BARC Paul Cremer 5/6/15 [ ]
Status: Approved		Date Created: 04/27/2015		

TITLE:

Contract No. 15PJ-140 BART Earthquake Safety Program Bay Fair Station and Ashland Avenue Underpass

NARRATIVE:

PURPOSE:

To obtain Board authorization to award Contract No. 15PJ-140, BART Earthquake Safety Program Bay Fair Station and Ashland Avenue Underpass.

DISCUSSION:

The Work included in this Contract is part of BART's Earthquake Safety Program (ESP). The ESP was established in anticipation of a future major earthquake in San Francisco Bay Area, and includes construction of structural modifications to the original BART system to provide adequate resistance to forces of a major seismic event. These modifications will reduce the risk to, and improve the safety of, patrons and personnel during an earthquake.

The Work includes construction of structural and related site work, and architectural and mechanical/electrical modifications, as specified in the Contract Documents, to improve the seismic safety of Bay Fair Station in the City of San Leandro and Ashland Avenue Underpass in the County of Alameda.

The District sent out 180 Advance Notices on February 10, 2015. The Contract was advertised on February 13, 2015 and Contract Books were sent to 24 plan rooms. A total of 15 firms purchased copies of the Bid Documents. Two Pre-Bid Meetings and Jobsite tours were conducted on February 20, 2015 and March 2, 2015 with a total of 10 potential Bidders in attendance. Two (2) Addenda were issued during the Bid period. Seven (7) Bids were received and publicly opened on Tuesday, March 17, 2015.

Tabulation of the Bids, including the Engineer's Estimate, is as follows:

BIDDER AMOUNT	LOCATION	TOTAL
1. Hoseley Corporation	San Francisco, CA	$4,349,837.00

2. ProVen Management, Inc.	Berkeley, CA	$5,323.777.00
3. West Bay Builders, Inc.	Novato, CA	$5,459,361.60
4. Disney Construction, Inc.	Burlingame, CA	$6,040,523.00
5. Power Engineering Construction Co.	Alameda, CA	$6,432,997.84
6. Zovich Construction, Inc. (Zovich and Sons, Inc.)	Hayward, CA	$6,475,083.00
7. Golden State Bridges, Inc.	Benicia, CA	$7,318,328.00
ENGINEER'S ESTIMATE:		$4,630,000.00

The apparent low Bid was submitted by Hoseley Corporation (Hoseley). However, on March 19, 2015, Hoseley requested that the District relieve Hoseley of its Bid due to an inadvertent clerical error. After requesting, receiving and reviewing additional documentation from Hoseley, the District granted Hoseley's request for relief.

Thereafter, the Bid by ProVen Management, Inc. (ProVen) became the apparent low Bid and was deemed responsive to the solicitation. The Bid Price was determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

The District corrected arithmetic errors found in two of the other Bids received, but the errors did not affect the ranking of the Bids.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). ProVen's Bid committed to 10.8% MBE and 3.4% WBE participation which does not meet the availability percentages of the subcontracted amount to MBEs or to WBEs. Therefore, ProVen was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by ProVen, the Office of Civil Rights (OCR) found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, OCR sets a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services (DGS). Hoseley is the only certified Small Business. After the relief of Hoseley the 5% Small Business preference does not apply since none of the responsive Bidders are Small Businesses.

FISCAL IMPACT:

Funding of $5,323,777 for award of Contract No. 15PJ-140 is included in the total project budget for the FMS #15PJ000, ESP-Aerial Stations A Line. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since January 2011, and is included in totality to track

funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

F/G 801F - ESP GO Bond	$10,224,117
F/G 801J - ESP GO Bond	$47,478,868
Total	**$57,702,985**

As of April 27, 2015, $57,702,985 is the total budget for this project. BART has expended $16,448,077 and committed $3,613,506 and reserved $22,788,988 to date for other actions. This action will commit $5,323,777 leaving an available fund balance of $9,528,637 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:
The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in lower bid prices and will result in the deferral of required seismic retrofit work at Bay Fair Station and Ashland Avenue Underpass.

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

MOTION:
The General Manager is authorized to award Contract No. 15PJ-140, Earthquake Safety Program Bay Fair Station and Ashland Avenue Underpass, to ProVen Management, Inc. for the Bid amount of $5,323.777.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

ESP Financial Summary for 15PJ-140 PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 3/31/15	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	$105,000,000	**$257,500,000**	
Other GEC	$81,478,000	**$0**	
Subtotal GEC	$186,478,000	**$257,500,000**	
CM	$61,498,000	**$95,400,000**	
Environmental	$1,042,796	**$2,198,237**	
TOTAL E, E & CM	**$249,018,796**	**$355,098,237**	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	$1,033,000	**$1,153,096**	
Oakland Landside	$17,970,000	**$10,699,433**	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	$73,037,000	**$5,655,414**	
Marine Vibro Demo	$101,285,000	**$11,000,000**	
Stitching	$82,962,000	**$0**	
Additional TBT Retrofits	$0	**$316,652,324**	
Aerial Guideways			
West Oakland/North Oakland	$112,923,000	**$72,300,000**	
Fremont	$178,224,000	**$45,700,000**	
Concord	$36,500,000	**$12,370,889**	
Richmond	$80,155,000	**$34,800,000**	
San Francisco/Daly City	$36,590,000	**$9,600,000**	
Stations (18)	$126,961,000	**$78,700,000**	
Other Structures			
LMA	$5,529,000	**$12,100,000**	
Yds & Shops	$12,436,000	**$19,500,000**	
Parking Structures	$14,437,000	**$14,600,000**	
Miscellaneous Cleanup		**$2,620,764**	
At Grade Trackway	$22,361,000	**$0**	
34.5kV Replacement		**$42,490,000**	
Systems	$7,066,000	**$17,500,000**	
TOTAL CONSTRUCTION	**$909,469,000**	**$707,441,920**	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	$159,894,204	**$230,800,000**	
Add Auth to Execute Agrnt w/Public & Private Entities		**$5,000,000**	
Contingency	$32,104,000	**$11,100,000**	
TOTAL PROGRAM COSTS	**$191,998,204**	**$246,900,000**	
BASELINE FUNDING	**$1,350,486,000**		
REVISED FUNDING		**$1,309,440,157**	
		$1,221,275,376	Adopted Funding
		$32,064,781	Outside Adopted Funding

Soft Cost/Hard Cost Ratio = 50%

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:				GENERAL MANAGER ACTION REQ'D: Approve and forward to the May14, 2015 E&O Committee meeting.
DATE: 5/6/15				BOARD INITIATED ITEM: No
Originator/Prepared by: John T Slama Dept: Planniung, Development & Construction - Systems Signature/Date: 4/30/2015	General Counsel MB 4/30/15 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 5/4/15 [ ]
Status: Approved				Date Created: 04/27/2015

TITLE:

Award of Professional Services Agreement No. 6M8092 for District's Train Control Modernization Program

NARRATIVE:

PURPOSE: Authorize the General Manager to award Agreement No. 6M8092 to Parsons Transportation Group Inc. to provide General Engineering Services for BART's Train Control Modernization Program.

DISCUSSION: General engineering consulting agreements are a critical tool utilized in delivery of the District's Capital Programs. The next step in the District's Train Control Modernization Program is to procure specialized engineering services. Very specific and dedicated technical support is needed for the procurement of a Communication Based Train Control (CBTC) system to replace the existing train control systems.

The District issued Request for Proposals (RFP) No. 6M8092 on November 17, 2014. The RFP indicated that one agreement would be awarded.

Advertisements soliciting interest in the RFP were placed in a number of publications including DBE/MBE/WBE publications. A Pre-Proposal meeting for this RFP was held on December 15, 2014, during which details were provided regarding the procurement process and submittal requirements. Immediately following the meeting, a subcontractor networking session was held to allow proposers to meet small firms, including DBE's. Sixty (60) firms were notified and representatives from 59 firms were in attendance.

On February 3rd, 2015, proposals were received from the following 4 firms:

1. AECOM/Lea+Elliott, a Joint Venture (AECOM/URS and Lea+Elliott), San Francisco, CA
2. HMM/LTK. a Joint Venture (Hatch Mott MacDonald, LLC and LTK Engineering Services), Pleasanton, CA
3. Parsons Transportation Group Inc. (Parsons), Oakland, CA
4. SYSTRA Consulting, Inc., Los Angeles, CA

The proposals were reviewed by a Selection Committee ("Committee") consisting of BART

staff from Planning Development and Construction, Maintenance and Engineering, Office of Civil Rights, and Contract Administration. Proposals were first reviewed to determine if the proposers were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the proposing firms, organization/depth of resources, qualifications of key personnel and past performance. As a result, all four firms were selected for oral presentations, which were conducted by the Committee on March 17, 2015. Based on the oral and written evaluations, the Committee determined that the most qualified firm was Parsons Transportation Group Inc (Parsons), and negotiations ensued.

BART Contract Administration, with support from Internal Audit and Planning Development and Construction, evaluated and discussed the rates and mark-ups (for a cost-plus-fixed-fee rate agreement) received from Parsons. Negotiations were concluded on terms favorable to BART and Parsons. Staff determined that the rate structures are fair and reasonable, and that Parsons is a responsible organization.

Pursuant to the District's DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set for the Agreement. Although no DBE goal was set, Parsons made a commitment for 13% DBE participation.

Accordingly, the Committee recommends award of the subject Agreement to Parsons. The award will be in an amount not to exceed $25,000,000.00 for Work Plans ("WPs") issued during the seven- year period of performance.

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

FISCAL IMPACT: The Agreement has a not-to-exceed limit of $25,000,000.00. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement and the execution of each WP.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Re-issuing the RFP would adversely impact the timely implementation of BART's Train Control Modernization Program. Also, there is no assurance that a re-solicitation would result in a proposal superior to that submitted by Parsons.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Agreement No. 6M8092, General Engineering Services for BART Train Control Modernization Program, to Parsons Transportation Group Inc., in an amount not to exceed $25,000,000.00, pursuant to

notification to be issued by the General Manager and subject to the District's protest procedures and the FTA's requirements related to protests.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/6/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access Signature/Date: 5-1-15	General Counsel [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC Powers 4 May 2015 [ ]

Status: Approved	Date Created: 03/31/2015

TITLE:

Downtown Berkeley Bike Station Second One-Year Lease Extension

NARRATIVE:

PURPOSE

To authorize the General Manager or her designee to execute an amendment for a second one-year extension to the lease with HSR Berkeley Investments, LLC for approximately 4,000 square feet of commercial space (the Premises) at 2208 Shattuck Avenue, Berkeley, for the Downtown Berkeley Bike Station commencing July 1, 2015.

DISCUSSION

In April 2009 the Board authorized the General Manager or her designee to enter into a five-year lease with NFLP Berkeley Center DE, LLC for the Premises commencing July 1, 2009 for the Downtown Berkeley Bike Station, which has been in operation since July 2010. The building and the Premises have since been sold to HSR Berkeley Investments, LLC. In May 2014, the Board authorized a one year extension of this lease.

The Berkeley Bike Station currently provides valet parking for 185 bicycles Monday through Saturday and a 24/7 BikeLink smart card accessed self-park facility for 113 bikes, for a total capacity of 298 bicycles. The Bike Station has included an annual financial contribution on the part of the City of Berkeley equal to 32% of the total expenses. BART manages the Bike Station through management services agreement No. 6M6063 ("Management Services to Operate BART's Bike Facilities") with Alameda Bicycle. In addition to the valet parking service, Alameda Bicycle provides retail sales of bike accessories, bicycle maintenance/repair services and bicycling education classes. Alameda Bicycle subleases a portion of the space for the above referenced retail activities.

The Berkeley Bike Station has become one of the premier bike parking facilities in the country, a symbol of BART's commitment to this environmentally friendly access mode and an important part of downtown Berkeley.

The current lease term for the Berkeley Bike Station expires June 30, 2015, the date by which the HSR Berkeley Investments, LLC anticipated that building renovation permitting would be confirmed and a new rental proposal to BART finalized. After one year of negotiations with the locality, the building in which the Bike Station is located remains in the permitting process for

major renovations. The proposed renovations include adding 300 apartment units, underground parking and a new multiplex cinema. Because these changes may offer new opportunities to more economically house the Bike Station in the building, staff recommends executing an amendment to extend the current lease for one additional year, allowing time for the building renovations and possible renewal terms to be fully defined. The amendment will also replace the District's option to renew in 5 year increments with an annual option to renew. All other terms remain the same, including the current $1.96 per square foot rental rate.

Rents in downtown Berkeley have also increased substantially over the last six years. The District is currently paying $1.96 per square foot per month for the Bike Station space while similar properties in downtown Berkeley are renting in the $3.00 or more per square foot per month range. A new multi-year lease at current market rates would likely be much higher than what the District is paying now. The property management company of the building has agreed to work with staff over the next year to fully explore the options available to continue the Bike Station in a cost efficient manner.

Staff are also working with City of Berkeley staff on a possible relocation of the facilities to the city owned Center Street garage complex at 2205 Center Street. The City will be rebuilding the facility over the next two years and is currently planning on including space for the Bike Station. The Center Street garage is close to BART and is a good long-term location alternative for the Berkeley Bike Station.

During the one-year lease extension, staff will continue to evaluate interim leasing options at the current space and long-term options at the new Center Street garage complex. The Office of General Counsel will approve the lease amendment as to form.

ALTERNATIVES

Do not enter into the one-year lease extension and cease operation of the Downtown Berkeley Bike Station at 2208 Shattuck Avenue by June 30, 2015 and seek other accommodations for a bicycle station.

FISCAL IMPACT

Lease costs for the second one-year extension will be $121,200. This is the same rate as the previous one year extension.

Lease costs to the District will be offset by a sublease with Alameda Bicycle, who will pay approximately $38,472 of the annual rent, and an anticipated contribution by the City of Berkeley of approximately $60,000, which staff is currently negotiating. The net expense to the District for the lease extension after these contributions is approximately $22,728, which is included in the Customer Access Department's operating budget for FY16.

RECOMMENDATION

Adopt the following motion.

MOTION

The General Manager or her designee is authorized to execute an amendment for a one year extension to the existing lease with HSR Berkeley Investments, LLC for approximately 4,000 square feet of commercial space at 2208 Shattuck Avenue, Berkeley, for the Downtown Berkeley Bike Station commencing July 1, 2015.