

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

**BOARD MEETING AGENDA**

May 26, 2011

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 26, 2011, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
- D. Public Hearing: Public Hearing on Fiscal Year 2012 Budget.\* For information.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of April 14, 2011 (Regular), and May 12, 2011.\* Board requested to authorize.
- B. Fiscal Year 2012 Proposition 4 Appropriations Limit.\* Board requested to adopt.
- C. Award of Invitation for Bid No. 8888, Furnishing of Fiber Cable.\* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. Fiscal Year 2012 Budget. For information.
- B. Fiscal Year 2012 Budget: Capital Program Update.\* For information.
- C. Business Advancement Program: Phase II-Update.\* For information.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 15PP-110A, BART Earthquake Safety Program Station Structures – C Line.\* Board requested to authorize.
- B. Change Order to Contract No. 15IB-110, 480 Volt Switchgear Replacement Project, with Steiny and Company, Inc., to Add an Allowance for the Replacement of Secondary Distribution Panels (C.O. No. 29).\* Board requested to authorize.
- C. Change Order to Contract No. 15IB-120, 480 Volt Switchgear Replacement Project – Phase 2, with Blocka Construction, Inc., to Add Richmond and Concord Maintenance Shops (C.O. No. 12).\* Board requested to authorize.

- D. Proposed Hayward Maintenance Complex Project.\*  
a. Find on the basis of the whole record before the Board that there is no substantial evidence that the Hayward Maintenance Complex Project will have a significant effect on the environment;  
b. Find that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis;  
c. Adopt the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Plan for the Hayward Maintenance Complex Project; and  
d. Adopt the BART Hayward Maintenance Complex Project.  
Board requested to authorize.
- E. Sole Source Procurement with Pro Force Law Enforcement for the purchase of TASERs for the BART Police Department.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Murray, Chairperson  
NO REPORT.

6. GENERAL MANAGER'S REPORT

- A. Review of the Agenda for the Capitol Corridor Joint Powers Board Meeting of June 8, 2011.\* For information.

7. BOARD MATTERS

- A. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

9. PUBLIC COMMENT ON ITEMS 10-A AND 10-B ONLY

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

A. PUBLIC EMPLOYEE EMPLOYMENT

Title: General Manager  
Code Section: 54957(b)(1)

B. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Blalock, Franklin, Keller, and McPartland  
Title: General Manager  
Government Code Section: 54957.6

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: Property Located at the Millbrae BART Station  
District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and  
Jeffrey P. Ordway, Manager, Property Development  
Negotiating Parties: Justin Development, Republic Urban Properties/Green  
Valley Corporation, TMG Partners, and San Francisco Bay  
Area Rapid Transit District  
Under Negotiation: Price and Terms  
Government Code Section: 54956.8





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DelBue</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/17/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept:	General Counsel <i>Audrey Ray</i> 5/16/11	Controller/Treasurer <i>[Signature]</i> 5/17/11	District Secretary	BARC <i>Walt M</i> 5-16-11
Signature/Date: <i>Kimberly White</i> May 16, 2011	[ ]	[ ]	[ ]	[ ]
Status: Routed		Date Created: 05/10/2011		

TITLE:

### FY12 Proposition 4 Appropriations Limit

#### NARRATIVE:

**Purpose:** To approve the District's fiscal year 2012 appropriations limit, which is required by state law as a result of the Gann Initiative (Proposition 4, passed by the voters in 1979).

**Discussion:** The Gann Initiative (Proposition 4) provides for limitations on appropriations by state and local government entities. California Government Code Section 7910 requires local jurisdictions to annually adopt an appropriations limit by resolution and establishes a 45-day statute of limitations for commencement of any judicial action to challenge the appropriations limit.

Section 7910 requires the Board of Directors to establish by resolution BART's annual appropriations limit "at a regularly scheduled meeting or noticed special meeting." Further, it requires that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be made available to the public. On May 10, 2011, the documentation was made available to the public.

Documentation of the FY12 appropriations limit calculation is summarized in Attachment 1. The attached documentation of the FY12 appropriations limit is consistent with the Uniform Guidelines for Implementation of the Gann Initiative prepared by the League of California Cities and the information furnished by the State Department of Finance.

Attachment 2 is the calculation for the margin as it relates to the Proposition 4 limit. The margin is the difference between the appropriations limit and the expenditures subject to the limit. Based on the calculations, the District will be below the limit of \$470,524,949.

**Fiscal Impact:** There is no fiscal impact. The FY12 appropriations limit is \$470,524,949, while Operating and Capital expenditures subject to the limit are \$349,198,792. Therefore, the District is well below the limit with a margin of \$121,326,157.

**Alternatives:** None

**Recommendation:** Approval of the following motion.



**Motion:** That the Board adopt the attached resolution which sets the District's FY12 appropriations limit at \$470,524,949.

## Attachment 1

### Fiscal Year 2012 Appropriations Limit: Calculation

Based on the provisions in Article XIII B of the California Constitution as approved by the voters in November 1979, the appropriations limit for each succeeding year through 1987 is determined by the District's 1979 appropriations base times a cumulative composite factor. The base year was later revised to 1987. The cumulative composite factor consists of the product of:

- a.) The lesser of the relative year change in the all urban consumer price index (SF/Oakland/SJ CPI-U) or the California per capita personal income, and
- b.) At the District's discretion, the relative year-to-year change in District wide population, or the population for the District's county that has the highest assessed valuation. Election of the higher of the two growth factors results in a higher appropriations limit.

The District's appropriations limit for fiscal year 2012 is calculated on the basis of the urban consumer price index (CPI-U SF/Oakland/SJ) and BART District population gains. Steps in the calculations are as follows:

Relevant data, percent change:

CPI-U SF/Oakland/SJ, 1.6963% (applies this year per "a." above)

Population Change, BART District, 0.8287% (applies this year per "b." above)

#### District Population

	<u>As of 1/1/10</u>	<u>As of 1/1/11</u>	<u>% Change</u>
Alameda	1,509,240	1,521,157	0.7896%
Contra Costa	1,047,948	1,056,064	0.7745%
San Francisco	804,989	812,820	0.9728%
Total	3,362,177	3,390,041	0.8287%

#### 2) FY12 Cumulative Adjustment Factor:

(CPI-U SF/Oakland/SJ) x (Population Factor) = Current Adjustment Factor

(Current Adjustment Factor) x (Prior Year Adjustment) = Cumulative Adjustment Factor

$$(1 + 1.6963\%) \times (1 + 0.8287\%) = 1.0254$$

$$1.0254 \times 2.5273 = 2.5915$$

#### 3) FY12 Appropriations Limit:

(FY 87 Appropriations Base) x (FY 12 Cumulative Adjustment Factor)

$$\begin{array}{rclcl} \$181,568,000 & \times & 2.5915 & = & \$470,524,949 \end{array}$$

**ATTACHMENT 2**  
**FY12 PROPOSITION 4 APPROPRIATIONS LIMIT**  
Whole Dollars, as of 05/16/11

LIMIT		NOTES & COMMENTS
CPI-U	1.6963%	CPI-U for SF/OAK 2/11 vs 2/10
Per Capita Personal Income	2.5100%	State DOF data, John Malson (916-323-4086)
District Population Growth	0.8287%	Districtwide growth > The county(Ald) with the highest assessed valuation
Annual Adjustment Factor	1.0254	[1+(CPI-U for SF/OAK)]*[1+(District population growth)]
Cumulative Adjustment Factor	2.5915	(Current year factor)*(prior year cumulative factor)
Appropriations Limit	\$470,524,949	(FY 87 base appropriations) x (cumulative factor)
<b>APPROPRIATIONS</b>		
Operating Budget	\$506,783,289	Per FY12 Preliminary Operating Budget
Allocation to Reserves	\$0	Per FY12 Preliminary Operating Budget
Other Capital Allocations:		
Miscellaneous	\$2,788,557	Per FY12 Preliminary Operating Budget
Capital Allocations	\$40,552,841	Per FY12 Preliminary Operating Budget
Subtotal	\$43,341,398	
Capital Allocation To Operating		
Capital Expense:		
Funded	\$733,300,000	FY12 Proposed Capital Budget
Unfunded	\$0	FY12 Proposed Capital Budget
Subtotal	\$733,300,000	FY12 Proposed Capital Budget
Less Funded Pass Through	(\$322,221,133)	FY12 Proposed Capital Budget
Less Unfunded Pass Through	\$0	FY12 Proposed Capital Budget
Subtotal	(\$322,221,133)	FY12 Proposed Capital Budget
Net Capital Expense	\$411,078,867	FY12 Proposed Capital Budget
Debt Service:		
Bond Debt Service	\$53,688,263	Per FY12 Preliminary Operating Budget
Other Debt Service	\$0	
Loan from MTC	\$8,630,000	Per FY12 Preliminary Operating Budget
GO Seismic Bonds	\$21,435,358	Per Treasury, Roberta Collier, GO Debt schedule
Subtotal	\$83,753,621	
<b>Total Appropriations</b>	<b>\$1,044,957,175</b>	
<b>EXCLUSIONS</b>		
Allocation from Reserves	\$0	Per FY12 Preliminary Operating Budget
ADA Mandated Service Expense	\$13,046,314	Per FY12 Preliminary Operating Budget
Net Operating Revenue:		
Net Passenger Revenue	\$345,722,937	Per FY12 Preliminary Operating Budget
Other Operating Revenue	\$32,882,843	Per FY12 Preliminary Operating Budget
Subtotal	\$378,605,780	Per FY12 Preliminary Operating Budget
Federal Operating Funds (SMP/Hillcrest)	\$2,200,000	Per FY12 Preliminary Operating Budget
Federal Capital Funds:		
Funded	\$179,949,640	FY12 Proposed Capital Budget
Unfunded	\$0	FY12 Proposed Capital Budget
Subtotal	\$179,949,640	FY12 Proposed Capital Budget
Debt Service (GO Seismic Bonds)	\$21,435,358	Per retirement schedule
GO Bond Capital Funds	\$27,413,654	FY12 Proposed Capital Budget
BART Capital Funds	\$73,107,637	FY12 Proposed Capital Budget
<b>Total Exclusions</b>	<b>\$695,758,383</b>	
<b>MARGIN</b>		
Appropriations Limit	\$470,524,949	Per above
Expenditures Subject to Limit	\$349,198,792	Appropriations less exclusions, per above
<b>Margin</b>	<b>\$121,326,157</b>	<b>Appropriations less expenditures subject to limit</b>
<b>RESIDENT POPULATION**</b>		
Alameda	As of 1/1/11	Population is less exclusions for military and other non-residents
Population	1,521,157	
Percent Change	0.7896%	Data received from the Department of Finance 5/2/2011
Contra Costa		
Population	1,056,064	Data received from the Department of Finance 5/2/2011
Percent Change	0.7745%	
San Francisco		
Population	812,820	Data received from the Department of Finance 5/2/2011
Percent Change	0.9728%	
District Total		
Population	3,390,041	Sum of population for three counties
Percent Change	0.8287%	Percent increase
<b>REVISED PRIOR YEAR POPULATION</b>		
Alameda	As of 1/1/10	
Population	1,509,240	Data received from the Department of Finance 5/2/2011
Contra Costa		
Population	1,047,948	Data received from the Department of Finance 5/2/2011
San Francisco		
Population	804,989	Data received from the Department of Finance 5/2/2011
District Total		
Population	3,362,177	Sum of three counties



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

In the Matter of the Establishment  
Of the Fiscal Year 2012

Appropriations Limit \_\_\_\_\_ /

Resolution No. \_\_\_\_\_

WHEREAS, Article XIII B of the California Constitution limits the District's appropriations for Fiscal Year 1981, and subsequent years; and

WHEREAS, Government Code Section 7910 requires the District to establish, by resolution, its appropriations limit pursuant to Article XIII B; and

WHEREAS, documentation used in the determination of the Fiscal Year 2012 appropriations limit has been available to the public for at least fifteen days prior to the date of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the District's appropriations limit for Fiscal Year 2012 shall be \$470,524,949.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>[Signature]</i>		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Forward to the Board of Directors	
<b>DATE:</b> 5/18/11		<b>BOARD INITIATED ITEM:</b> No	
<b>Originator/Prepared by:</b> Chuck Rae Dept: M&E <i>[Signature]</i> <b>Signature/Date:</b> 5-17-11	<b>General Counsel</b> <i>[Signature]</i> 5-17-11 [ ]	<b>Controller/Treasurer</b> <i>[Signature]</i> 5/17/11 [ ]	<b>District Secretary</b> <i>[Signature]</i> 5/18/11 [ ]
<b>Status:</b> Routed		<b>Date Created:</b> 04/14/2011	

TITLE:

### Invitation for Bid No. 8888 - Procurement of Fiber Optic Cable

NARRATIVE:

**PURPOSE:** To obtain Board Authorization for the General Manager to award Invitation For Bid No.8888 to Procom Supply LLC, Denver, CO.

**DISCUSSION:** The District is currently adding security cameras and intrusion detection devices to each line as part of the Intrusion Detection System Project (the "Project".) The data from the alarms and cameras is transmitted to the Integrated Security Response Center via the Unified Optical Network, which is connected to the fiber optic cable. The work of this IFB provides for fiber optic cable to support the Project, on the Richmond and Concord lines.

A Notice Requesting Bids was published on March 30, 2011 and Bid Requests were mailed to twelve (12) prospective Bidders. Bids were opened on April 19, 2011 and the following three (3) bids were received:

<u>Bidders for 83,000 feet of Fiber Optic Cable</u>	<u>Unit Price Per Foot</u>	<u>Grand Total including 9.75% Sales Tax</u>
City Electric Supply	\$2047.87	\$186,545.60 (Non-Responsive Bid)
Procom Supply LLC	\$2.2929	\$208,865.99
Realm Communication Group	\$2.83	\$257,791.78

Independent cost estimate by BART staff: \$300,000.00

City Electric Supply ("City") submitted the apparent low Bid. In its Bid, City indicated it would not comply with the job specifications and included an earlier expiration date for the Bid than provided for in the IFB rendering its Bid non-responsive.

Staff has determined that the second apparent low bidder, Procom Supply LLC, submitted a responsive Bid and that the Bid pricing is fair and reasonable. BART's previous experience in the purchases of this type of equipment is a purchase in January, 2011 for a quantity of 26,000 feet, at a cost of \$2.76 per foot.

This Contract is funded in part by a grant from the U.S. Department of Homeland Security (DHS) which requires the Bidders to take all necessary affirmative steps to assure that small and minority firms, women business enterprises, and disadvantaged business concerns are used whenever possible. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals.

**FISCAL IMPACT:**

Funding of \$208,866 is included in the total project budget for the 79HS -Intrusion Detection System Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

**F/G 62R - Transit Security FY08 TSGP Grant 2008-RL-T8-K018 \$208,866**

As of month ending February 27, 2011, \$3,700,000 is available for commitment from this fund source for this project and BART to date has committed \$190,506. There is \$764,856 pending commitment in BART's financial management system. This action will commit \$208,866 leaving an uncommitted balance of \$2,535,772 in this fund.

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

**Alternative:** The alternative is to reject Bids and re-advertise the IFB.


**Recommendations:** Adopt the following motion:

**Motion:** The General Manager is authorized to award Invitation for Bid No. 8888 for the purchase of Fiber Optic Cable, to Procom Supply LLC for the Bid price of \$208,866, including sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures and DHS's requirements related to protest procedures.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 5/18/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept: TSD 	General Counsel 	Controller/Treasurer 	District Secretary 	BARC 
Signature/Date: 5/17/11	5-17-11 [ ]	5/17/11 [ ]	[ ]	5/18/11 [ ]
Status: Routed		Date Created: 05/06/2011		
TITLE:				

### Award of Contract No. 15PP-110A, Earthquake Safety Program, Station Structures - C Line

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15PP-110A, Earthquake Safety Program, Station Structures - C Line to Proven Management, Inc.

#### DISCUSSION:

The BART Earthquake Safety Program determined that the station structures on the C Line, specifically the Orinda, Walnut Creek and Pleasant Hill Stations, require seismic strengthening. The work consists of construction of structural improvements and related sitework, and architectural and mechanical/electrical modifications to improve the Stations' seismic safety.

Advance Notice to Bidders was mailed on March 30, 2011 to 332 firms and Bid Documents were sent to 23 plan rooms. The Contract was advertised on March 31, 2011. A total of 21 firms purchased copies of the Bid Documents. A pre-Bid meeting and site visit were held on April 13, 2011 with 8 potential Bidders attending. A pre-Bid Matchmaking Session was held on April 19, 2011. Four Bids were received and publicly opened on May 3, 2011.

The Bid submitted by Proven Management, Inc. (Proven Management) was determined to be the low responsive Bid. The Bids submitted by Proven Management, Roebbelen Contracting and Best Contracting were found to have arithmetical errors in the Bid Item totals and/or in the total Bid Price. The Instructions to Bidders, at Paragraph 13.B., Evaluation, provide that item totals are provided by the Bidder for the convenience of the District, and that the District will independently calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations shall govern. The District's calculations find that Proven Management is the apparent low Bidder. Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT</u>
1. Proven Management, Inc.	San Francisco, CA	\$13,773,800.00
2. West Bay Builders, Inc.	Novato, CA	\$14,073,535.00
3. Roebbelen Contracting, Inc.	El Dorado Hills, CA	\$14,312,176.00
4. Best Contracting Services, Inc.	Hayward, CA	\$14,718,075.00
<u>Engineer's Estimate</u>		\$13,800,000.00

The apparent low Bid submitted by Proven Management was determined to be fair and reasonable and was deemed to be responsive to the solicitation. Examination of the Bidder'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 MBEs and 12% for WBEs. Proven Management committed to 32.2% MBE and 16.4% WBE. The Office of Civil Rights has determined that the Bidder has exceeded both MBE and WBE availability percentages for this Contract.

Funding for this \$13,773,800 is estimated to support 328 job years as estimated using the Capital Spending job impact assessment outlined in the April 2009 report by Economic Development Research Group, Inc. for the American Public Transportation Association. The estimate includes the total of all direct, indirect, and induced job years resulting from this award.

#### **FISCAL IMPACT:**

Funding for \$13,773,800 for award of Contract No. 15PP-110 is included in the total project budget for the FMS #15PP, ESP - C Line Stations. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

<u>F/G 01F - Earthquake Safety G.O. Bond:</u>	<u>\$13,773,800</u>
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As of the month ending May 1, 2011, \$18,241,800 is available for commitment from this fund source for this project and BART has committed \$3,551,307 to date. There are no pending commitments in BART's financial management system. This action will commit an additional \$13,773,800 leaving an uncommitted balance of \$916,693 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

#### **ALTERNATIVES:**

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the C Line Stations at this time. The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the Contract and obtain new Bids. This would result in additional cost and time

to execute the required retrofits.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15PP-110A, Earthquake Safety Program, Station Structures - C Line to Proven Management, Inc. for the Bid amount of \$13,773,800.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



# FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 5/16/11	REMARKS
<b>ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT</b>			
GEC (Bechtel Team)	\$105,000,000	\$248,200,000	
Other GEC	\$81,478,000	\$0	
<b>Subtotal GEC</b>	<b>\$186,478,000</b>	<b>\$248,200,000</b>	
CM	\$61,498,000	\$91,000,000	
Environmental	\$1,042,796	\$2,198,237	
<b>TOTAL E, E &amp; CM</b>	<b>\$249,018,796</b>	<b>\$341,398,237</b>	
<b>CONSTRUCTION</b>			
<b>Transbay Tube</b>			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
<b>San Francisco Ferry Plaza</b>			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$70,230,000	
Stitching	\$82,962,000	\$0	
<b>Aerial Guideways</b>			
West Oakland/North Oakland	\$112,923,000	\$72,700,485	
Fremont	\$178,224,000	\$92,117,176	
Concord	\$36,500,000	\$11,606,641	
Richmond	\$80,155,000	\$29,704,000	
San Francisco/Daly City	\$36,590,000	\$9,991,645	
<b>Stations (18)</b>	<b>\$126,961,000</b>	<b>\$85,768,118</b>	
<b>Other Structures</b>			
LMA	\$5,529,000	\$5,267,440	
Yds & Shops	\$12,436,000	\$20,300,000	
Parking Structures	\$14,437,000	\$14,600,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$40,000,000	
<b>Systems</b>	<b>\$7,066,000</b>	<b>\$10,438,000</b>	
<b>TOTAL CONSTRUCTION</b>	<b>\$909,469,000</b>	<b>\$480,231,448</b>	
<b>PROGRAM COSTS</b>			
Program Costs ( Hazmat, ROW, Consult, Staff)	\$159,894,204	\$251,989,200	
Contingency	\$32,104,000	\$179,721,272	
<b>TOTAL PROGRAM COSTS</b>	<b>\$191,998,204</b>	<b>\$431,710,472</b>	
<b>BASELINE FUNDING</b>	<b>\$1,350,486,000</b>		
<b>REVISED FUNDING</b>		<b>\$1,253,340,157</b>	
			<b>\$1,221,275,376 Adopted Funding</b>
			<b>\$32,064,781 Outside Adopted Funding</b>



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia delBueno</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: c 5/20/11		BOARD INITIATED ITEM: No	
Originator/Prepared by: Keith Fullington Dept: Transit Systems Development <i>Keith Fullington</i> Signature/Date: 5/19/2011	General Counsel <i>[Signature]</i> 5-19-11 [ ]	Controller/Treasurer <i>[Signature]</i> 5/20/11 [ ]	District Secretary [ ]
TITLE: <i>Paul [Signature] 5/20/11</i>			

### AUTHORIZE EXECUTION OF CHANGE ORDER NO. 029 TO CONTRACT 15IB-110 - ADD AN ALLOWANCE FOR THE REPLACEMENT OF SECONDARY DISTRIBUTION PANELS AT 9 STATIONS

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 029 in the amount of \$1,200,000 to add an Allowance for the Replacement of Secondary Distribution Panels to Contract No. 15IB-110 For The 480 Volt Switchgear Replacement Project.

#### DISCUSSION:

On December 4, 2008, the Board of Directors authorized the General Manager to award Contract No. 15IB-110 For The 480 Volt Switchgear Replacement Project, to Steiny and Company, Inc., for the Base Bid amount of \$7,216,000. The original Contract is for the procurement and installation of new 480 Volt switchgear at 15 passenger stations using funds allocated from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B in November 2006. Change Order No. 029 will add an Allowance for the replacement of additional secondary distribution panels using additional funds from the same funding source.

In late 2007, following a comprehensive assessment of District needs, staff identified potential projects for rehabilitating the BART infrastructure that could be funded by Proposition 1B. Replacing all the aging 480 Volt electrical switchgear manufactured by Federal Pacific Electric was given highest priority. This equipment in passenger stations distributes electrical power from PG&E to operations-critical systems such as station lighting, ventilation, elevators, escalators, fare collection equipment, and, through uninterruptible power supplies, feeds safety-critical loads such as train control and communication equipment. The 480 Volt switchgear in passenger stations includes a main switchboard with multiple feeder circuit breakers as well as secondary distribution panels fed by the main switchboard.

The base Contract includes the replacement of all main switchboards at 15 Stations and the replacement of some secondary distribution panels. Project budgetary constraints at the time of Contract preparation limited the replacement of secondary distribution panels in all

stations. Now that 14 of the 15 Stations in the base Contract are complete, the Project has realized a comfortable Project reserve that can be applied to the replacement of additional secondary distribution panels. During the past 1-1/2 years, as this Contract proceeded, there have been two instances of equipment failures in the old Federal Pacific Electric secondary distribution panels that were not planned to be replaced under the original Contract. The failure of this old equipment has caused delays to BART train service and created potentially unsafe conditions in the underground infrastructure such as inoperable line ventilation fans.

Additional funding from the Proposition 1B funding source was recently made available to the 480 Volt Switchgear Replacement Project. With this funding, along with current Project reserves, additional obsolete and unreliable secondary distribution panels can be replaced in a more timely fashion with new reliable panels of the same manufacturer as the recently installed new main switchboards. Authorizing the execution of this Change Order will allow this work to proceed immediately.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines.

**FISCAL IMPACT:**

Funding of \$1,200,000 for execution of Change Order No. 29 is included in the total project budget for the FMS #15IB100, 480V Switchgear Replacement. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The total cost of \$1,200,000 will be funded from the following sources:

F/G 55S - FY07-08 PTMISEA – Prop 1B State Bond Funds

F/G 55X – FY08-09 PTMISEA – Prop 1B State Bond Funds

As of the month ending May 19, 2011, \$15,230,465 is available for commitment from the above funds for this project and BART has committed \$12,639,318 to date. There is no pending commitment in BART financial management system. This action will commit an additional \$1,200,000 leaving an uncommitted balance of \$1,391,147 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

Do not authorize the execution of Change Order No. 029. If the Change Order is not



executed the old unreliable secondary distribution panels at 9 Passenger Stations will remain in service increasing the risk of disruptions to passenger service.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to execute Change Order No. 29 - Add an Allowance for the Replacement of Secondary Distribution Panels in the amount of \$1,200,000 for Contract No. 15IB-110 For The 480 Volt Switchgear Replacement Project.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c 5/20/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Keith Fullington Dept: Transit Systems Development <i>Keith Fullington</i> Signature/Date: 5/19/2011	General Counsel <i>[Signature]</i> 5-19-11 [ ]	Controller/Treasurer <i>[Signature]</i> 5/20/11	District Secretary [ ]	BARC <i>[Signature]</i> 5/20/11

TITLE:

**AUTHORIZE EXECUTION OF CHANGE ORDER NO. 12 TO  
CONTRACT NO. 15IB-120 FOR THE 480 VOLT SWITCHGEAR REPLACEMENT -  
PHASE 2 -  
ADD RICHMOND AND CONCORD MAINTENANCE SHOPS**

NARRATIVE:

**PURPOSE:**

To obtain Board authorization for the General Manager to execute Change Order No. 12 in the amount of \$1,460,200 to Add Richmond and Concord Maintenance Shops to Contract No. 15IB-120 For The 480 Volt Switchgear Replacement Project - Phase 2.

**DISCUSSION:**

On September 24, 2009 the Board of Directors authorized the General Manager to award Contract No. 15IB-120 For The 480 Volt Switchgear Replacement Project - Phase 2, to Blocka Construction, Inc. for the Base Bid amount of \$6,050,000. The General Manager was further authorized to exercise Option A - Three Additional Stations in the amount of \$810,000 and exercise Option B - an Allowance for Two Maintenance Shop Upgrades in the amount of \$1,240,000. The District had 180 days to exercise both Options.

The 480 Volt Switchgear at the Maintenance Shops distributes electrical power from PG&E to critical systems such as lighting, ventilation, elevators, and, through uninterruptible power supplies, feeds safety-critical loads such as yard and mainline train control and communication equipment. The existing equipment was installed with the original BART construction in the early 1970s and has exceeded its life expectancy. In a 2007 study, the 480 Volt Switchgear Replacement Project was identified as the number one priority in the Station Modernization Program. Contract No. 15IB-120 is the second of two contracts that will replace the 480 Volt Switchgear in the original BART stations and shops.

On or about May 4, 2010, the Project Manager was preparing the Change Order to exercise Option A for the General Manager's signature when it was pointed out that the 180 days provided for exercising the Options started at Notice of Award on October 7, 2009, not at Notice to Proceed on November 30, 2009, as had been thought. The time for exercising both Options had elapsed.

In July 2010, the Board of Directors authorized the General Manager to execute Change Order No. 02 - Add Three Additional Stations to Contract No. 15IB-120 in the amount of \$810,000 to perform the work previously described in Option A.

The scope of work described in Option B in the original Contract was to replace the 480 volt switchgear at two maintenance shops: Hayward Shop and Concord Shop. Recent progress in the plans for the Valley Transit Authority (VTA) extension indicate that Hayward Shop will be modified under another Contract. The funds originally designated for the Hayward Shop are available for the 480 volt switchgear upgrades needed at the Richmond Shop. The revised plans for the Concord Shop 480 Volt Switchgear Replacement and the plans for the Richmond Shop were sent to the Contractor for pricing. Since the scope of work has changed and Option B has expired, new pricing needed to be negotiated.

The Contractor, Blocka Construction, Inc., submitted its price for the work at the Richmond and Concord Maintenance Shops and a final cost has been negotiated. Staff is now seeking Board authorization for the General Manager to execute Change Order No. 12 to add Two Maintenance Shop Upgrades to the Contract scope of work in the amount of \$1,460,200.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board Approval

The Office of General Counsel will review and approve the Change Order as to form prior to execution.

The Procurement Department will review the Change Order prior to execution for compliance with Procurement guidelines.

**Fiscal Impact:**

Funding of the entire Contract No. 15IB-120 including \$1,240,000 for what was previously identified as Option B was committed at Contract Award. Additional funding of \$220,200 is required to execute Change Order 12 to cover the final negotiated cost for this work. This amount is included in the total project budget for the FMS #15IB200, 480V Switchgear Replacement. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The additional \$220,200 required will be funded from the following source:

**53J - CA-56-0003 – ARRA of 2009 (Federal Economic Stimulus)**

As of the month ending May 19, 2011, \$13,500,000 is available for commitment from the above funds for this project and BART has committed \$11,723,838 to date. There are pending commitments of \$337,625 in BART financial management system. This action will commit an additional \$220,200 leaving an uncommitted balance of \$1,218,337 in this fund source.



There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

Do not authorize the General Manager to execute Change Order No. 12 - Add Richmond and Concord Maintenance Shops. If this Change Order is not executed the upgrades will not be performed and the Project will forfeit its portion of ARRA funding.

**RECOMMENDATION:**

Adoption of the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 12 - Add Richmond and Concord Maintenance Shops in the amount of \$1,460,200 for Contract No. 15IB-120 For The 480 Volt Switchgear Replacement Project - Phase 2.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wanda Delaney</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/20/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ellen Smith Dept: Planning	General Counsel <i>[Signature]</i> 5-20-11 [ ]	Controller/Treasurer <i>[Signature]</i> 5/20/11 [ ]	District Secretary [ ]	BART <i>[Signature]</i> 5/20/11 [ ]
Signature/Date: <i>[Signature]</i>				
Status: Routed		Date Created: 05/03/2011		
TITLE:				

### Adopt the Initial Study/Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Plan, and the Proposed Hayward Maintenance Complex Project

#### NARRATIVE:

##### Purpose

To obtain Board action on the proposed Hayward Maintenance Complex Project ("HMC Project") as follows: 1) Adopt the Initial Study/Mitigated Negative Declaration ("IS/MND"); 2) Adopt the Mitigation Monitoring and Reporting Plan ("MMRP"); and 3) Adopt the proposed Hayward Maintenance Complex Project.

##### Discussion

The proposed HMC Project would consist of acquisition and improvement to three parcels improved with four warehouse buildings on the west side of the existing Hayward Yard, and the construction of additional storage tracks for a maximum of 250 vehicles on undeveloped BART property on the east side of the Hayward Yard. (See Attachment A.) The HMC Project would transform the Hayward Yard into the Hayward Maintenance Complex, which would provide the expanded maintenance and storage facilities necessary to serve BART's future enlarged fleet. Over the next 30 years, BART will require additional revenue vehicles to meet demand associated with regional population growth, system expansions for the Warm Springs and Silicon Valley/San Jose Extension ("SVX") projects, and additional riders from the Oakland Airport Connector and eBART projects. The HMC Project does not include the Hayward Main Shop Modifications, which project was cleared separately.

BART's maintenance facilities need to be enhanced to ensure future capacity, reliability and performance. The proposed HMC Project will include shops that will provide for scheduled maintenance and overhauls for the vehicle fleet. Acquisition of three parcels (approximately 28 acres) adjacent to Hayward Yard would allow for development of an efficient complex for the necessary maintenance and consolidation of existing BART services.

As the 669-car BART fleet expands to meet future needs, additional storage will be necessary to accommodate the expected number of cars and to minimize non-revenue train movements at initiation and completion of daily service. Undeveloped land within the Hayward Yard provides an economical location for additional fleet storage.



The proposed HMC Project has two phases. The various project components in both Phase 1 and Phase 2 could be funded and constructed independently of each other.

Phase 1 HMC would involve acquisition and reconfiguring of the four westside industrial buildings and related access improvements, along with expansion of the New Car Acceptance Facility on the east side. The construction elements of Phase 1 HMC are: Vehicle-level Overhaul Shop, Component Repair Shop, Central Warehouse, Non-revenue Vehicle Shop and Storage Area, Trackwork and New Car Acceptance Facility. The cost of Phase 1 HMC is currently estimated at \$369 million (2010 dollars) (exclusive of the New Car Acceptance Facility, which cost is yet to be determined).

Phase 2 HMC would consist of development of a portion of the 20-acre northeast quadrant of the existing Hayward Yard for train storage, and related flyovers and connecting tracks. Elements to be constructed in Phase 2 HMC are: Eastside Train Storage Area and Flyovers. The cost of Phase 2 HMC is currently estimated at \$158 million (2010 dollars).

In order to meet the requirements of the California Environmental Quality Act ("CEQA"), a Draft Initial Study/Mitigated Negative Declaration ("IS/MND") for the proposed HMC Project was prepared and released to the public. The Draft IS/MND evaluated the environmental impacts associated with the proposed HMC Project and determined that the proposed Project would not have a significant effect on the environment. Potential Project impacts were identified for the following environmental areas: aesthetics, biological resources, greenhouse gas emissions, transportation/traffic, cultural resources, hazardous materials, air quality, hydrology/water quality, and noise/vibration. None of the environmental impacts would result in any significant effects that could not be mitigated to less-than-significant levels following implementation of project-specific mitigation measures identified in the IS/MND. The Mitigation Monitoring and Reporting Plan ("MMRP") consists of a program to ensure implementation of specific mitigation measures in the IS/MND as required by Public Resources Code Section 21080.6. (Documents and materials related to the record of proceedings are available by contacting District Secretary Ken Duron at 510.464.6080, or at BART's headquarters, 300 Lakeside Drive, Oakland CA, 94612.)

The Draft IS/MND was released to the public December 3, 2010. Public comment meetings were held December 15, 2010 and January 20, 2011. In addition to the public comment meetings, comments were accepted by mail, fax and email. The comment period ran for 70 days, closing on February 11, 2011. Public outreach was extensive, and is summarized in Attachment B. Responses were prepared for all comments received during the review period, and comments and corresponding responses are attached to the Final IS/MND.

Negotiations with the Santa Clara Valley Transportation Authority ("VTA") are underway to identify VTA's contribution to the cost of Phase 1 HMC. Because the proposed HMC Project would provide operational support to the SVX Project and because VTA has full financial responsibility for the SVX Project, it is expected that VTA's contribution to Phase 1 HMC will be equivalent to its share of the benefits derived from the proposed HMC Project.



Non-VTA funding would include a portion of BART's High Speed Rail Connectivity funds -- \$60 million of BART's total \$256.7 million -- as approved by the Board March 2010. Also, any of several federal funds, including Section 5307 Transit Capital Assistance funds via the New Rail Vehicle Program, Section 5309 Fixed Guideway Rehabilitation, Alameda County Regional Transportation Improvement Program (which the State allocates as 88.53% Surface Transportation Program funding and 11.47% State Highway Account funding), and federal funding via special grant programs such as TIGER or Rail State of Good Repair, could be applied to the Project, as could District Reserves. If the proposed Project is adopted, staff would return later this year to the Board for discussion and possible approval of a funding agreement with VTA and a funding plan for Phase 1 HMC.

The proposed HMC Project has been reviewed under CEQA in the referenced IS/MND. Since BART or VTA may seek federal funds for a portion of the cost of implementation of Phase 1 HMC if the Project is adopted, BART plans to request a Categorical Exclusion ("CE") under the National Environmental Policy Act ("NEPA") from the Federal Transit Administration ("FTA"). This is a necessary step in making the HMC Project eligible for federal funding. In contemplation of the possibility of future funding, and in order to facilitate action by the FTA on a CE, staff is bringing the proposed Project forward to the Board at this time.

If the Board adopts the IS/MND, MMRP and the Proposed HMC Project, the next steps staff would undertake are: 1) Complete design of Phase 1 HMC work; 2) Continue to pursue funding for Phase 1 HMC; 3) Discuss with the FTA a request for a CE; and 4) Return to the Board of Directors for a) authorization to acquire real estate and b) authorization to enter into a funding agreement with VTA; 5) Advance to contracting; and 6) Return to the Board for award of construction contracts.

#### **Fiscal Impact**

There is no fiscal impact at this time associated with Board action to adopt the IS/MND, the MMRP, and the proposed HMC Project. Staff expects to bring back to the Board a funding agreement related to Phase 1 HMC and a real estate purchase agreement for Board action.

#### **Alternatives**

The Board could choose not to adopt the IS/MND, MMRP and/or the proposed HMC Project. This would delay or prevent construction of the Project's shops, which are necessary for BART's scheduled maintenance and overhaul program.

#### **Recommendation**

Adoption of the following motion:

#### **Motion**

Adopts the attached Resolution in the matter of adopting the proposed Hayward Maintenance Complex Project.

**Attachments**

Attachment A: Hayward Maintenance Complex Project Site and Elements

Attachment B: Public Outreach related to Proposed Hayward Maintenance Complex Project

Attachment C: Resolution

# Hayward Maintenance Complex



- A. Main Shop Modifications (not part of IS/MND, environmentally cleared by VTA)
- B. Vehicle-level Overhaul Shop
- C. Component Repair Shop
- D. Central Warehouse
- E. Non-Revenue Vehicle Shop and Storage
- F. Trackwork
- G. New Car Acceptance Facility
- H. Eastside Train Storage Area and Flyovers



**Attachment B**  
**Summary of Outreach related to Proposed Hayward Maintenance Complex Project**  
**October 2010 through February 2011**

**October 2010**

Title VI public participation meeting held October 21 to describe the proposed project to the public and seek input.

- New Haven Adult School, Union City
- Court reporter and wall-graphic recording

Meeting made public via:

- Mailer to approximately 5,200 addresses within 1-mile radius of Hayward Yard street address
- Distribution of 250 flyers to 25 community-based and municipal organizations
- email blast from City of Hayward

**November 2010**

Responded to request from a homeowners' association and made presentation to Boardmembers

**December 2010**

Draft Initial Study/Mitigated Negative Declaration made available for review and comment Dec 3, 2010

Notice of availability made public via:

- BART website ([www.bart.gov/hmc](http://www.bart.gov/hmc)) – information in 6 languages
- Presentation at Hayward City Council meeting December 14
- Newspaper ads in San Francisco Chronicle, Tri City Voice, Sing Tao (in Chinese)
- Attempted mailer to 3000 addresses but mailhouse failed to map and mail correctly

Draft IS/MND availability:

- Draft IS/MND available via BART website
- Executive Summary in English, Spanish, Chinese, Korean, Vietnamese and Tagalog on BART website
- Related documents, including Noise and Vibration study, available via BART website
- Copies available at Hayward and Union City City Halls and main libraries
- CDs available at Hayward and Union City City Halls and main libraries
- Copies available at BART offices
- Executive Summary available at December 15 comment meeting
- CDs made available upon request

Presentation to Hayward City Council December 14

Comment meeting held Wednesday, December 15 at New Haven Adult School, Union City

- Participants included Hayward, Union City staff, reporter, individuals related to industrial property
- Court reporter recorded presentation

**January 2011**

Comment period for draft is.mnd extended to February 11, 2011 (70 days total) and additional comment meeting added

Notice of extension and second comment meeting made public via:

- Mailer sent to approximately 3000 addresses within ½ mile of Hayward Yard perimeter in 5 languages
- BART website ([www.bart.gov/hmc](http://www.bart.gov/hmc)) – information in 6 languages
- Newspaper ads in San Francisco Chronicle, Tri City Voice, El Mundo (in Spanish), Philippine News (in Tagalog), Sing Tao (in Chinese) -- various dates in mid-January
- Information provided to Hayward and Union City staff
- Article in Oakland Tribune and Bay Area News Group papers, January 5, 2011

Open house and public hearing January 20, 2011 Fairway Park Baptist Church, Hayward

- 30 participants including 2 Hayward City Councilmembers
- "Community meeting" approach
- Court reporter recorded presentation and comments

**Attachment C**

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

**In the matter of adopting the Hayward Maintenance Complex Project,  
and related Initial Study/Mitigated Negative Declaration and  
Mitigation Monitoring and Reporting Plan**

**Resolution No. \_\_\_\_\_**

WHEREAS, over the next 30 years BART will require additional vehicles to meet future demand associated with regional population growth, system expansions for the Warm Springs and Silicon Valley/San Jose Extension projects, and additional riders from the Oakland Airport Connector and eBART projects; and

WHEREAS, BART requires expanded maintenance and storage facilities to serve the enlarged fleet; and

WHEREAS, the Hayward Maintenance Complex Project has been proposed and studied as a way to meet the future maintenance and storage needs; and

WHEREAS, the Hayward Maintenance Complex Project would consist of acquisition and improvement to three properties on the west side of the existing Hayward Yard and the construction of additional storage tracks for a maximum of 250 vehicles on the undeveloped BART property on the east side of the Hayward Yard; and

WHEREAS, project impacts on aesthetics, biological resources, greenhouse gas emissions, transportation/traffic, cultural resources, hazards and hazardous materials, air quality, hydrology/water quality, noise and vibration have been evaluated and found to not result in any significant effects that cannot be mitigated to less-than-significant levels through project-specific mitigation measures identified in the Initial Study;

THEREFORE, BE IT RESOLVED that the BART Board of Directors, having reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration,

- 1) Finds that on the basis of the whole record before the Board that there is no substantial evidence that the proposed Hayward Maintenance Complex Project will have a significant effect on the environment; and
- 2) Finds that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis; and
- 3) Adopts the Mitigated Declaration; and
- 4) Adopts the Mitigation Monitoring and Reporting Plan; and
- 5) Adopts the Hayward Maintenance Complex Project as proposed.





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Marcia Delaney</i>		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and Forward to the Board		
<b>DATE:</b> c 5/19/11		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Justin Morgan Dept: Police <i>Justin Morgan</i> <b>Signature/Date:</b> 5/11/2011	<b>General Counsel:</b> <i>Justin Morgan</i> 5/11/11	<b>Controller/Treasurer:</b> <i>[Signature]</i> 5/11/11	<b>District Secretary:</b> [ ]	<b>BARC:</b> <i>Paul [Signature]</i> 5/16/11

TITLE:

### Sole Source Purchase of TASERS for the BART Police Department

NARRATIVE:

#### PURPOSE:

To authorize the General Manager, in accordance with Public Contract Code Section 20227, to enter into negotiations and execute a contract with Pro Force Law Enforcement ("Pro Force") for 130 TASER Electronic Controlled Weapons (ECWs) and 4-year warranties for each TASER, for a total price not to exceed \$140,755.43.

#### DISCUSSION:

Electronic Control devices known as TASERS are an important less lethal force option that officers can use when lethal force is not required. Because the TASER can be used from a distance, it provides an additional degree of safety for officers compared to other less lethal force options. This purchase is needed to equip all sworn members of the BART Police Department with this important piece of safety equipment.

Currently the BART Police Department has 60 TASERS available for field deployment; this does not allow all sworn members to be equipped with a TASER. Law enforcement best practices indicate that it is desirable and highly recommended that an officer be provided safety equipment that he/she "owns," thereby increasing the officer's level of familiarity with, care of, and confidence in the proper use and operation of the equipment. This will require the purchase of an additional 130 units so that each sworn member of the Department can be permanently assigned a TASER along with their duty firearm. Staff is now seeking to enter into direct negotiations with Pro Force in order to execute a sole source procurement contract with the vendor.

The purchase of the original 60 TASERS occurred in 2008 from Pro Force. Pro Force is the regional sales representative of TASER International. TASER International is the only known maker of an ECW that can be used from a distance through the deployment of electronic probes that cause neuromuscular incapacitation. Pro Force is the only vendor authorized to distribute the TASER and associated supplies within California. In addition to the purchase of the TASERS, 4-year warranties (for each TASER) will also be purchased.

#### FISCAL IMPACT:

The Police Department proposes to purchase 130 TASERS, which will cost a total of \$140,755.43 as detailed in the table below. The 130 TASERS would be funded from the Districts FY11 projected year end

Sole Source Purchase of TASERS for the BART Police Department

positive result.

130 TASERS with holsters (\$814.95/ea)	\$105,943.50
130 Four-year extended warranties (\$184.95/ea)	24,043.50
Shipping and handling	399.95
Taxes	10,368.48
<b>Total</b>	<b>\$140,755.43</b>

ALTERNATIVES:

Not to equip all officers with an individual TASER, resulting in some officers having fewer less lethal force options available for use when dealing with violent suspects.

RECOMMENDATION:

On the basis of analysis by Staff it is recommended that the Board adopt the following Motion:

MOTION:

"The Board finds in accordance with Public Contract Code Section 20227, that Pro Force Law Enforcement is the single source for procurement of TASERS and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District. The Board authorizes the General Manager to enter into direct negotiations with Pro Force Law Enforcement and to execute a contract with Pro Force Law Enforcement to provide 130 TASERS and a 4-year warranty for a total price not to exceed \$140,755.43."

Two-thirds vote required.



# CAPITOL CORRIDOR JOINT POWERS AUTHORITY MEETING OF THE BOARD OF DIRECTORS

Wednesday June 8, 2011

10:00 a.m.

City Council Chambers

Suisun City Hall

701 Civic Center Blvd., Suisun City, CA

(see attached map)

## DRAFT AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of the February 16, 2011 Meeting
- V. Consent Calendar
- VI. Action and Discussion Items
  1. Automated Ticketing Validation (ATV) Project: Budget Revision
  2. Wireless Internet Standards and Usage Policy
  3. Video Station Surveillance (VSS) Security Camera Project: Budget Revision
  4. Legislative Matters/Governor's Draft FY 11-12 Budget
  5. Update: Amtrak Pricing Policy for State-Funded Intercity Passenger Rail Operations
  6. Capitol Corridor Train Service to Downtown Santa Clara Station
  7. Overview of Draft FY 11-12 CCJPA Budget [Operations, Administration, Marketing]
  8. Managing Director's Report
  9. Work Completed
    - a. Business Plan Update (FY 2011-12 – FY 2012-13)
    - b. CCJPA/BART Administrative Services Agreement (through February 2015)
    - c. FY2011 CCJPA/Amtrak Operating Agreement
    - d. Marketing Activities (February – May 2011)
  10. Work in Progress
    - a. FRA High Speed/Intercity Passenger Rail Capital Grant Opportunities
    - b. Wireless Network
    - c. Yolo Causeway West Crossover Project
    - d. CCJPA Bike Advisory Working Group
    - e. Sacramento-Roseville 3<sup>rd</sup> Track Environmental Review/Preliminary Engineering
    - f. Track Improvement Program/Capitalized Maintenance
    - g. Proposition 1B Transit Safety/Security Improvement Projects
    - h. Proposed Extension of Capitol Corridor Trains to Salinas
    - i. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comments
- IX. Adjournment. Next Meeting Date: 10:00 a.m., September 21, 2011, at City Council Chambers, Sacramento City Hall, 915 "T" Street, Sacramento, CA

### Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.