

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

**BOARD MEETING AGENDA**

May 28, 2020  
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 28, 2020.

**Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.**

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-877-853-5257 and entering access code 790-512-1598.

**If you wish to make a public comment:**

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto:board.meeting@bart.gov), using "public comment" as the subject line. Your comment will be read into the record and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.
- 2) Call 1-877-853-5257, enter access code 790-512-1598, and dial \*9 to raise your hand when you wish to speak.

**Public comment is limited to three (3) minutes per person.**

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.

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>).

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at [bart.legistar.com](http://bart.legistar.com); and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](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 and [bart.legistar.com](http://bart.legistar.com) no later than 48 hours in advance of the meeting.

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.

Patricia K. Williams  
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 Meetings of May 14, 2020.\*  
Board requested to authorize.
- B. Revision of the Selection of Underwriting Pool from which Senior Manager and Co-Managers Will Be Designated for the Issuance and Sale of the District's Bonds.\* Board requested to authorize.
- C. Approval of BART's Public Transportation Agency Safety Plan (PTASP).\* Board requested to authorize.
- D. Extension of Agreement No. 6M6122 with eLock Technologies, LLC to Provide On-Demand Bike Locker and Bike Station Kiosk Maintenance Services for BART's Program. \*  
Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. COVID-19 Update: Impact of and Responses to COVID-19.\*  
For information.
- B. Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Award of Contract No. 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track.\* Board requested to authorize.
- B. Quarterly Service Performance Review – Third Quarter Fiscal Year 2020.\* For information.

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

Director Saltzman, Chairperson

- A. BART Headquarters Office Building (2150 Webster St., Oakland, CA).
  - a. Project Update.\* For information.
  - b. Award of Contract No. 6M4706, Design-Build of BART Headquarters.\* Board requested to authorize.
- B. Update on BART and Valley Transportation Authority Phase I.\* For information.

7. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2020.\* For information.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

- A. 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.)
- B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

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

Board of Directors  
Minutes of the 1,863rd Meeting  
May 14, 2020

A regular meeting of the Board of Directors was held on May 14, 2020, convening at 9:02 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

Directors Present: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman and Simon.

Absent: None. Director Foley entered the Meeting later.

President Simon gave opening remarks and instructions on the virtual meeting, accessing presentation materials online, Public Comment, and Board Members' remarks.

Director Foley entered the Meeting via telephone.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of April 23, 2020.
2. Resolution Consolidating 2020 District Elections.
3. Extension of Agreement No. 6M2049 with Macias, Gini & O'Connell, LLP for External Audit Services.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2020 Third Quarter Financial Report.

Director Raburn made the following motions as a unit. Director Dufty seconded the motions.

1. That the Minutes of the Meeting of April 23, 2020 be approved.
2. That Resolution No. 5441, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of a District election, electing members of the Board of Directors, with the State of California general election, to be held on November 3, 2020, be adopted.
3. That the General Manager be authorized to extend Agreement No. 6M2049 to Macias, Gini & O'Connell LLP for another year to provide independent audit services for fiscal year 2020 to the District, Retiree Health Benefit Trust (RHBT) and Capitol Corridor Joint Powers Authority (CCJPA) for a total maximum compensation of \$244,544.00.

President Simon called for Public Comment on Consent Calendar. No comments were received.

The motions brought by Director Raburn and seconded by Director Dufty carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

President Simon called for general Public Comment.

Ms. Williams read a written comment submitted by Jack Evans into the record.

The following individuals addressed the Board via telephone:

Aleta Dupree  
John Arantes  
Buddy Roark

Director McPartland, Chairperson of the Administration Committee, brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board. He requested that PowerPoint presentation materials for the COVID-19 Update be labeled as such.

Ms. Tamar Allen, Assistant General Manager, Operations; Chief of Police Ed Alvarez; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Ms. Alicia Trost, Chief Communications Officer; Ms. Gia Ilole, Assistant General Manager, Administration; and Mr. Robert Powers, General Manager, presented the item. The presentation contained sections on Front Line and Public Safety Efforts, Ridership, Advocacy, and Employee and Labor Partner Engagement.

Aleta Dupree addressed the Board via telephone.

The item was discussed, with the following highlights:

Director Allen thanked BART employees.

Director Ames inquired about and/or commented on employees' health and safety, federal funding, capital projects, High Efficiency Particulate Air (HEPA) filters, security at Dublin/Pleasanton Station, ridership, rider confidence, social distancing, station cleanliness, and new faregates.

Director Dufty thanked BART employees and labor representatives, commented on federal funding, ridership, and BART Police coverage, and commended Mr. Powers.

Director Li recognized BART employees and inquired about and/or commented on continuing service, the face covering requirement, procuring face coverings, and federal funding.

Director McPartland inquired about and/or commented on masks, the face covering requirement, and HEPA filters, commended Mr. Powers, and requested information regarding providing childcare centers.

Director Raburn inquired about and/or commented on safety, ridership and social distancing, BART Police Department staffing, mask compliance issues, personal strap hangers, and leading by example.

Director Saltzman thanked BART employees and commented on federal funding, regulations associated with funding, social distancing, staggered start times, and ridership.

Director McPartland commented on staggered start times and social distancing.

Director Foley thanked BART employees and unions and commented on safety, rider confidence, and communication.

President Simon recognized BART employees' service and inquired about and/or commented on providing resources for childcare services, closure of educational institutions in the fall, and ridership.

Director Allen asked whether the faregate presentation would be provided before or after the vote regarding the FY21 budget and commented on the provisions attached to federal funding.

Director McPartland brought the matter of Fiscal Year 2020/2021 Budget Overview before the Board. Mr. Powers; Ms. Herhold; Mr. Michael Eiseman, Director of Financial Planning; Ms. Tamar Allen; and Mr. Christopher Simi, Director of Budgets, presented the item.

Ms. Williams read written comments submitted by Laura Tolkoff of the San Francisco Bay Area Planning and Urban Research Association (SPUR) and Kelli Fallon of the Bay Area Council into the record.

Aleta Dupree addressed the Board via telephone.

The item was discussed, with the following highlights:

Director Allen inquired about and/or commented on cost reductions, COVID-19 operating measures, ridership, budget scenarios, additional cost reductions, projects, arranging a Board Budget Workshop, the Fiscal Year 2021 (FY21) Budget and her support of Budget Option A, and operating costs associated with the Santa Clara Valley extension, and requested information regarding weekly ridership by station.

Director Ames inquired about and/or commented on economic recovery scenarios, ridership, social distancing, the COVID-19 virus vaccine, federal funding/funding assistance, cost and salary reductions, the FY21 Budget and support of Budget Option A, rider confidence, payment via mobile phone, the new faregates, HEPA filters, health and unemployment issues, and opening the Berryessa Station, and requested information regarding cleaning with ultra-violet lighting.

Director Dufty indicated that he would follow up with questions for staff at a later time.

Director Li inquired about and/or commented on the service scenarios, economic recovery, retaining employees, closing hours, contact-less payment, an account-based Clipper® system and system improvements, taxpayers, federal funding, and support for the FY21 Budget Option B, and requested information regarding elimination of the Clipper Card fee, distribution of free Clipper Cards, and open payment methods.

Director McPartland commented on the Clipper Card fee, cleanliness and decontamination, foggers, emergency management, world-wide findings/responses to COVID-19, and flexibility and responsiveness regarding service and ridership.

Director Raburn commented on information provided by consultants, information regarding the activities of agencies throughout the world and the United States, ridership, social distancing, train length and service, funding for public health measures, providing reliable service, retaining employees, the COVID-19 virus vaccine, and support for FY21 Budget Option B as it provided the best opportunity for quickly ramping up service when needed.

Director McPartland commented on human resources and support for FY21 Budget Option B.

Director Saltzman commented on support for FY21 Budget Option B, retaining employees, ridership, the importance of BART, social distancing, increasing service, service and fare revenue, quarterly budget reviews, and restoring service.

Director Foley commented on the FY 21 Budget Option B, funding public transit, Aleta Dupree's comment regarding contact-less payment, not supporting the Clipper Card fee, and coordinating service plans with transit partners and regaining riders' trust.

Director McPartland relayed Director Dufty's comment on the FY21 Budget Option B.

President Simon commented on the FY21 Budget Option B, BART's service to the region, retaining consultants, and maintaining the institution.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 20LZ-130, Train Control Room Battery Systems Replacement, Phase 3, before the Board. Ms. Tamar Allen; Mr. Myat San, Group Manager, Electrical and Mechanical Engineering; Mr. Powers; and Mr. Maceo Wiggins, Director of the Office of Civil Rights, presented the item.

The item was discussed. Director Dufty asked whether the bidders understood the tolling period for Board Members' requests for a review of the General Manager's protest decisions, and requested that Mr. Matthew Burrows, General Counsel, comment on the basis of the rescission of the Board's authorization to award Contract No. 20LZ-130 to Becker Electric, Inc. (Becker) and the Federal Transit Administration's (FTA) requirements.

Travis Becker and Vadim Vydrug of Becker addressed the Board via telephone.

Discussion continued. Director Dufty asked Mr. Becker whether he received a copy of the District's letter regarding the General Manager's protest decisions and the ten-day tolling period for Board Members' requests for a review of the General Manager's decisions and commented on the letter. Mr. Becker responded to Director Dufty's question and comment.

Director Allen asked whether the letter regarding the rescission of the authorization of the contract award included the legal authority for the rescission, whether Becker received a copy of the cover letter and draft protest decisions that were issued to the Board Members, and whether Becker was given an opportunity to respond to the cover letter and draft protest decisions. Director Allen commented on the flaws with the letter that was issued to the Board and the second low bid, inquired about the Board Rule regarding protests, and requested that the legal authority for the rescission of the authorization of the contract award be provided.

Director Allen made a motion to (1) suspend Board Rule 3-5.4(a); (2) allow Board Members to respond to the proposed protest decisions issued by the General Manager; (3) allow staff to conduct further investigation; and (4) continue the award of Contract No. 20LZ-130, Train Control Room Battery Systems Replacement, Phase 3, to the next Board Meeting. Director Raburn seconded the motion.

Discussion continued, with the following highlights:

President Simon asked for clarification of the substitute motion.

Director Allen commented on the letter she received regarding the draft protest decisions and her substitute motion and asked of clarification of options available to the Board.

Director Allen rescinded her initial motion and proposed a substitute motion to reject all bids and re-bid Contract No. 20LZ-130, Train Control Room Battery Systems Replacement, Phase 3. Director McPartland seconded the substitute motion.

Maria Icenogle of Icenogle Construction Management, Inc. (Icenogle) addressed the Board via telephone.

Discussion continued, with the following highlights:

Director McPartland commented on re-bidding contracts and due process.

Director Raburn commented on the Board Rules, removing the contract, following procedures, and Icenogle's capacity, and requested information regarding Icenogle's prior work with BART.

Director Saltzman commented on the Board Rules and the options presented by staff.

Director Dufty asked whether re-bidding the contract would be costly for the bidders.

Director Raburn asked for the cost that BART would incur if the contract were re-bid.

Director Allen commented on Ms. Icenogle's comment regarding the apparent low bid.

Director McPartland commented on the bid and protest processes and fairness.

Director Dufty asked whether the General Manager would be comfortable with re-bidding the contract.

President Simon commented on the firms' comments and the burden on bidders caused by re-bidding the contract.

Director Ames commented on staff's comments, case law, the firms' comments, and re-bidding the contract.

Director Dufty addressed Ms. Icenogle and Mr. Becker.

The substitute motion brought by Director Allen and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.



Director Dufty brought the matter of Award of Agreements for Design Support during Construction for BART's Train Control Modernization Program before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Mr. Javier Martinez, Group Manager, Capital Projects, Core Capacity Project Delivery; Mr. Scott Van Dussen, Senior Project Manager, Extensions; and Ms. Tamar Allen presented the item.

The item was discussed. Director Dufty asked staff to comment on SYSTRA Consulting Inc. (SYSTRA), asked whether SYSTRA has previously worked with BART, and commented on Parsons Transportation Group Inc.'s (Parsons) involvement in the train control project.

Director Raburn moved that the General Manager be authorized to award Agreement No. 6M8168 to Parsons Transportation Group Inc. and Agreement No. 6M8169 to SYSTRA Consulting Inc. to provide Design Support during Construction Services in support of BART's Communications Based Train Control Contract, in an amount not to exceed \$45,000,000.00 for each agreement, pursuant to notification to be issued by the General Manager, and subject to the District's Protest Procedures and FTA's requirements related to protests. Director Allen seconded the motion.

Discussion continued. Director Raburn commented on Disadvantaged Business Enterprise (DBE) figures, subcontractors, and future BART employees.

Ms. Williams read written comments submitted by the following individuals into the record:

David Turner of Turner Engineering Corporation  
Parkash Daryani of Auriga Corporation  
Cesar Montes de Oca of UNICO Engineering

The following individuals addressed the Board via telephone:

Aleta Dupree  
Lori Colangelo of Parsons  
Frederic Bana of SYSTRA  
Bradley Banks of Countervail Engineering  
Carlos Melendez of UNICO Engineering

Discussion continued, with the following highlights:

Director Ames inquired about and/or commented on the project, the scope of work, detailed information regarding the scope, schedule, and budget for large projects, driverless trains, and train service.

Director Dufty requested that a virtual workshop regarding scope issues be arranged.

Director Ames inquired about and/or commented on adding driverless train technology later, ridership, and train service.

Director McPartland commented on life safety, driverless trains, and evacuation of trains.

Director Dufty commented on funding for the project and the subcontractors.

Director Ames commented on the presence of a Community Service Officer on driverless trains.

The motion brought by Director Raburn and seconded by Director Allen carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Dufty brought the matter of Change Order to Contract No. 09AF-111A, TBT Cross Passage Doors Replacement, with DMZ Builders, for Door Replacement and Re-sequencing (C.O. No. 33) before the Board. Ms. Mitra Moheb, Manager of Engineering Programs, Strategic Engineering, and Ms. Tamar Allen presented the item.

Director McPartland moved that the General Manager be authorized to execute Change Order No. 33, Door Replacement Re-Sequencing, for Contract No. 09AF-111A, TBT Cross Passage Doors Replacement Project, in the amount of \$1,200,000.00. President Simon seconded the motion.

The item was discussed. Director Allen asked whether the Change Order consolidates delays, for clarification of the cost of conflicts, and for confirmation that the delays were caused by the District.

The motion brought by Director McPartland and seconded by President Simon carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of West Oakland BART Transit Oriented Development Update before the Board. Mr. Holmes; Mr. Sean Brooks, Director of Real Estate and Property Development; Mr. Paul Voix, Principal Property Development Officer; Systems Development; and Mr. Charlie Ream, Senior Planner, Systems Development, presented the item.

Ms. Williams read a written comment submitted by Cheryl Fabio into the record.

The following individuals addressed the Board via telephone:

Alan Dones  
Chun Wai Tse of China Harbour  
Dirk Hallemeier of MacFarlane Partners

The item was discussed, with the following highlights:

President Simon commented on the project, the financing partner, community involvement, and the amount of proposed affordable housing.

Director Ames commented on the project and asked how BART can be assured that commercial entities will be present in the development.

Mr. Dones addressed the Board via telephone.

Discussion continued, with the following highlights:

Director Ames commented on employment centers in the East Bay and BART's transit-oriented development (TOD) policy regarding employment centers in the East Bay.

Director Li commented on the West Oakland neighborhood, the transportation demand management (TDM) plan for West Oakland, the parcels within the development, affordable housing, and accessibility to West Oakland Station during construction.

Director Raburn commended Mr. Dones and BART staff.

Director McPartland commented on the development of housing in Oakland.

Director Saltzman commented on the West Oakland neighborhood and community outreach and support, and requested information regarding the office space parcel and that staff provide revised ridership estimates at the next Board Meeting.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Carl Holmes; Mr. Shane Edwards, Chief Maintenance and Engineering Officer; and Ms. Trost presented the item.

The item was discussed, with the following highlights:

Director Raburn commended BART staff and commented on the new BART system map.

Director Ames inquired about and/or commented on the expansion of the system, coating and waxing station platforms, and requested information regarding the Santa Clara Valley Transportation Authority's (SCVTA) feedback regarding expected revenue.

Aleta Dupree addressed the Board via telephone.

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

Director Dufty, Chairperson of the Personnel Review Special Committee, reported that the Committee had met on May 7, 2020, and that there was no announcement to be made.

President Simon called for the General Manager's Report. Mr. Powers reported that the Metropolitan Transportation Commission's (MTC) Programming and Allocations Committee ranked BART's Train Control Modernization Program application as number one in the region and recommended support, indicating that the awarded program would be funded by the California Department of Transportation's (Caltrans) Solutions for Congested Corridors Program; and that Mr. Jeffrey Lau, Chief Safety Officer, System Safety, and staff advised Mr. Powers that the California Public Utilities Commission (CPUC) announced preliminary approval of BART's Public Transportation Safety Action Plan (PTSAP).

President Simon called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Dufty gave remarks regarding Courtney Brousseau and expressed his condolences to Dir Li.

Director Raburn requested that the Meeting be adjourned in honor of Tim Schott, a long-time advocate and colleague of BART and the Capitol Corridor Joint Powers Authority.

Director Raburn reported that he had attended the Alameda County Home Together Workshop and a conference of the University of California Davis Institute of Transportation Studies.

President Simon thanked Director Raburn for his In Memoriam request for Tim Schott.

Director Saltzman thanked Board Members for their In Memoriam requests for Tim Schott and Courtney Brousseau.

President Simon reported that she would participate in the City and County of San Francisco's Economic Recovery Task Force on behalf of BART, commented on the transit community, and gave remarks regarding Courtney Brousseau.

Director Li offered her condolences to the family of Tim Schott, gave remarks regarding Courtney Brousseau, and requested that the Meeting be adjourned in honor of Courtney Brousseau, community activist and public transit enthusiast.

President Simon gave closing remarks addressed to the families of Tim Schott and Courtney Brousseau.

The Meeting was adjourned at 3:08 p.m.

Patricia K. Williams  
District Secretary



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 5/20/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/13/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Michaela Morales Dept: Finance Signature/Date: <i>[Signature]</i> 5/18/2020	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i> 5/18/2020	District Secretary [ ]	BARC <i>[Signature]</i> 5/18/20 [ ]

## BART UNDERWRITING POOL REVISION

### PURPOSE:

To revise the list of underwriting firms in the District's pool of potential underwriters ("Underwriting Pool") from which the Controller-Treasurer is authorized to select firms to underwrite the District's future debt issuances.

### DISCUSSION:

The District has \$2.8 billion in remaining authorization from the voters to issue General Obligation Bonds under Measure RR, which will require multiple issues of debt over several years. The District may also continue to issue Sales Tax Revenue Bonds, as necessary, to refund outstanding bonds or fund new projects. All such issuance will require underwriting services to best access the capital markets.

To be prepared to issue the District's Bonds at the most advantageous time for BART, staff determined that establishing an Underwriting Pool would enable BART to expeditiously enter the market and issue bonds in an efficient manner. The Underwriting Pool was approved by the Board on March 23, 2017 for a period of three years, with two one-year options for a total potential term of five years.

After the District's 2019 debt issuances, Fidelity Capital Markets indicated to the District that its business practices have changed and that it no longer is seeking participation in Underwriting Pools. Fidelity Capital Markets has entered into a retail distribution agreement with Citigroup Global Markets, Inc. who is a current member of our Pool. Therefore the District can still access Fidelity's retail customers through Citigroup Global Markets. This

EDD will remove Fidelity from the Co-Manager Pool and replace them with Wells Fargo, who was the next ranked bank.

Wells Fargo is a global financial institution headquartered in downtown San Francisco. They have consistently supported the District by providing a line of credit when the District experienced cashflow issues during our Peoplesoft conversion. Wells Fargo has also maintained an excellent depository banking relationship with the District for over 25 years.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this contract are 12% for MBEs and 15% for WBEs. The proposers will not be subcontracting any work and will do all work with their own forces. Therefore, the District's Non-Discrimination Program for Subcontracting does not apply.

**FISCAL IMPACT:**

There is no fiscal impact in revising the Underwriting Pool. Specific underwriting services will be provided upon issuance of bonds and the underwriters of each series will be designated by the Controller-Treasurer from among the members in the Underwriting Pool. Being designated a member of the Underwriting Pool does not guarantee that such member will underwrite any bonds or participate in any issuance. The cost of issuance for underwriting services will depend upon the size of the issues and other factors. Moreover, the number and members of the pool chosen for a specific issuance will depend on the size and needs of such issuance. All fees shall be paid out of the proceeds of the particular bond issue and therefore no direct costs will be paid by the District. If no bonds are issued, no expense will be incurred.

**ALTERNATIVES:**

The District may elect not to revise the Underwriting Pool which will effectively limit selection to a smaller pool.

**RECOMMENDATION:**

To authorize the revision of the District's Underwriting Pool.

**MOTION:**

That the Board approve the revised list of Underwriters as shown on Exhibit A.

## **Exhibit A**

### Proposed Revised Underwriting Pool

#### ***Senior Manager Pool***

Barclays Capital

Citigroup/Siebert Williams Shank Joint Venture (MBE/WBE)\*\*

Goldman Sachs

JP Morgan

Morgan Stanley

Stifel Financial Corp.

#### ***Co-Manager Pool***

Alamo Capital (WBE/SB)

Backstrom McCarley Berry & Co. LLC (MBE)

Bank of America

Blaylock Van, LLC (MBE/SB)

Raymond James

**Wells Fargo**

*\*\*Siebert Williams Shank is a MBE/WBE firm*

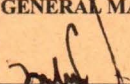
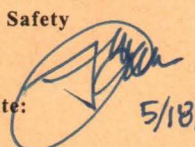
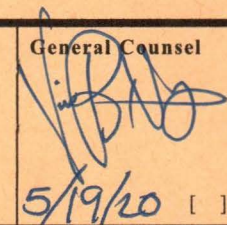
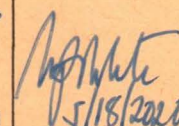
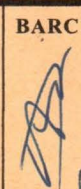
*MBE Minority-Owned Business Enterprise*

*SB Certified Small Business*

*WBE Women-Owned Business Enterprise*



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/20/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 5/17/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey Lau Dept: System Safety	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  5/18/2020	 5/19/20 [ ]	 5/18/2020 [ ]	[ ]	 5.20.2020 [ ]

## Approval of BART's Public Transportation Agency Safety Plan (PTASP)

### PURPOSE:

Approve the BART Public Transportation Agency Safety Plan (PTASP) which documents BART's processes and activities related to Safety Management System (SMS) implementation in compliance with Federal and State regulations.

### DISCUSSION:

BART's PTASP has been developed in accordance with Federal and State mandates that require BART to establish and implement such a plan. The regulations require the PTASP to be approved by the Board of Directors. The Federal Transit Administration (FTA) published the PTASP Regulation, 49 C.F.R. Part 673, on July 19, 2018. The regulation implements a risk-based SMS approach and requires BART to have a PTASP in place no later than July 20, 2020. The PTASP is one element of FTA's comprehensive Public Transportation Safety Program. Our State Safety Oversight Agency, the California Public Utilities Commission (CPUC), adopted the requirements of FTA's regulation in its General Order 164-E, and is charged under the regulations with the review and approval of agency PTASPs.

BART initiated the development of its PTASP in 2019. The PTASP, which is applicable to all of BART's three modes - BART, eBART, and OAC, essentially is a document that describes the various safety programs and processes that the agency has in place to manage hazards and safety risks. The PTASP has been developed to be a top-down, data driven plan that incorporates the following four critical elements of a SMS-based approach - Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. For each of the four key components, the plan describes or references BART's processes and



procedures that have been in place at the agency that comply with the particular requirements. The plan also includes authorities, accountabilities, and responsibilities of all staff who play a key role in managing safety, as well as performance measures and targets to support the data-driven approach. As required by the regulation, staff provided the draft PTASP to the Metropolitan Transportation Commission (MTC), the region's Metropolitan Planning Organization (MPO), to coordinate BART's performance measures and targets and will continue to work collaboratively with them in the future as they set their regional performance targets. Staff also distributed the PTASP to all internal stakeholders, including labor unions, for review and comment.

Staff worked with the Rail Transit Safety Branch Staff of the CPUC during the development of the PTASP and submitted the final draft PTASP for preliminary approval. Subsequent to making minor revisions and clarifications based on CPUC's feedback, BART received CPUC's preliminary approval of the plan on May 12, 2020. The only remaining step will be Board approval of the PTASP to comply with the regulations. Once the plan is in effect, staff will audit the plan to verify that processes and programs are being followed and based on trends, implement strategies for continuous safety improvement. In addition to internal audits, the PTASP will also be audited by the FTA and the CPUC at least triennially.

Upon Board approval, staff will conduct training to implement the PTASP for all affected stakeholders and institute the plan effective July 1, 2020 to coincide with the beginning of Fiscal Year FY21. BART will also certify to the FTA on an annual basis that it has established and implemented its PTASP as required by FTA regulations. Staff will provide the Board-approved plan to the CPUC, as required by the regulations, for its final written approval.

**FISCAL IMPACT:**

Since all the programs and processes described in the PTASP are currently in place, there is no financial impact as a result of Board approval of this plan. This action is not anticipated to have any Fiscal Impact on the annual operating budget.

**ALTERNATIVES:**

The Board may elect not to approve the PTASP. However, this action is not recommended because such action will subject BART to regulatory enforcement action by the FTA and/or CPUC which could include withholding of federal funds for non-compliance with the FTA's Public Transportation Safety Program.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The Board approves and adopts the BART Public Transportation Agency Safety Plan dated May 8, 2020.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 5/20/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/7/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Systems Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5.19.2020	<i>[Signature]</i> 5/19/20 [ ]	<i>[Signature]</i> 5/19/2020 [ ]	[ ]	<i>[Signature]</i> 5/19/2020 [ ]

## Extend eLock BikeLink Locker and Bike Station Kiosk Maintenance Agreement

### PURPOSE:

To request Board authorization for the General Manager or a designee to negotiate a one-year extension of Agreement 6M6122 with eLock Technologies of Berkeley, CA for a total amount not-to-exceed \$207,250 for a BikeLink locker and Bike Station kiosk maintenance agreement.

### DISCUSSION:

On-demand (BikeLink) bicycle lockers and Bike Station entry kiosks are currently used to provide secure bike parking at all BART stations except Montgomery, Powell St. and SFO. In 2019, there was an average of just over 1,200 users per day (approximately 322,000 annually) of these facilities. The lockers and kiosks are manufactured by and have been maintained to date by eLock Technologies. eLock provides a comprehensive package of interrelated services that support their maintenance and operations through (1) a user-funded customer service program, and (2) a District-funded maintenance agreement.

The current maintenance agreement (which expires June 30, 2020) includes:

- Two proactive maintenance visits per locker space/kiosk per year
- Unlimited service visits based on problem reports and automated alerts
- Replacement parts
- Travel time
- Software licenses

eLock's maintenance services and capabilities are focused specifically on the bike lockers

and kiosks which the District owns and operates. These are specialized products the maintenance of which requires knowledge of the software and hardware for each locker type. eLock has this knowledge and the ability to track problems, document service visits, collect/aggregate usage data, enforce cardholder agreements and the ability to update, as required, all software and hardware.

Partner agencies serving BART stations and adjacent areas—including Caltrain, City of Oakland, City of El Cerrito, City of Richmond, Contra Costa Center, Capital Corridor, City of San Leandro, City of Hercules, City of San Francisco and VTA, also own and operate BikeLink facilities as part of a regional program. These agencies all provide customer support and maintenance through eLock. eLock's role ensures consistent customer service and rules enforcement regionally. Other transit agencies around the country (e.g. TriMet, Sound Transit) also utilize eLock for maintenance and customer support.

eLock is a certified Small Business which provides these specialized services with a track record of excellent service. A coordinated approach, which addresses multiple tasks in a single visit including: customer support, maintenance and operation, provides a high level of service and a cost-effective option.

Prior to the contract execution, the Procurement Department will review the contract to confirm compliance with the District's procurement standards and the Office of the General Counsel will approve the Contract as to form. The extension will provide bike locker services while the District develops a contracting plan that will include the parameters for a longer-term (likely five year) solicitation of services for locker and kiosk maintenance starting in FY 22.

#### **FISCAL IMPACT:**

The fiscal impacts detailed below are based on BART operating at pre COVID-19 ridership levels. eLock's standard locker maintenance rate is \$120 per locker space per year. Because BART is a high-volume client, the rate is being discounted to \$100 per space per year. Relocation fees are based on actual time and materials up to \$750 and included as an option in this agreement. Kiosk software license fees are the standard rate and kiosk maintenance is based on historical costs. In the likely scenario that ridership remains lower in FY 21, locker maintenance may be strategically pared down to reduce maintenance costs.

Funding is included in the proposed FY 21 Customer Access Department 1102491 operating budget (account 681300) which is subject to Board approval. Total funding for this Contract in the amount not to exceed \$207,250 is based on the following:

Maintenance Component	FY 21
On-demand locker spaces	1720
<i>\$100 per space per year</i>	\$172,000
Kiosk software license	6
<i>\$3,500 per year</i>	\$21,000
Kiosk maintenance	6
<i>\$1,125 per year</i>	\$6,750
Optional relocation of locker quads	10
<i>\$750 per quad (four spaces)</i>	\$7,500
<b>Total</b>	<b>\$207,250</b>

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current fiscal year.

**ALTERNATIVES:**

The alternative is to not authorize the agreement and explore other options for secure bike parking maintenance and operation.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The Board authorizes the General Manager or a designee to negotiate a one-year extension of Agreement 6M6122 with eLock Technologies for a BikeLink locker and Bike Station kiosk maintenance agreement in an amount not-to-exceed \$207,250.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

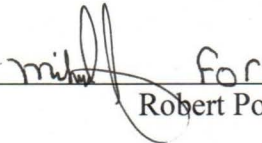
**DATE:** May 22, 2020

**FROM:** General Manager

**SUBJECT: COVID-19 Agenda Item: Update on BART's COVID-19 Efforts and Impacts**

At the Board of Directors meeting on May 28, 2020, BART's COVID-19 efforts and its impacts to the District will be presented for information.

If you have any questions, please contact Michael Jones at (510) 464-6126.

  
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for  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

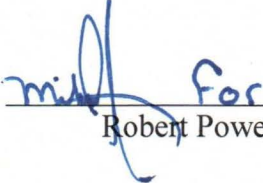
**DATE:** May 22, 2020

**FROM:** General Manager

**SUBJECT:** Administration Agenda: FY21 Budget presentation

At the May 28, 2020 BART Board of Director's meeting, the FY21 Budget: Service Plan, Operating Sources, Uses, and Capital will be presented for information.

If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at [Pherhol@bart.gov](mailto:Pherhol@bart.gov), or (510) 464-6168.

  
\_\_\_\_\_  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 5/20/2020		GENERAL MANAGER ACTION REQ'D: Transmit General Counsel Memo and Procurement Report to the Board		
DATE: 4/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Reeg Dept: Maintenance and Engineering <i>Kevin Reeg</i> Signature/Date: 4/14/2020	General Counsel <i>[Signature]</i> 5/15/20 [ ]	Controller/Treasurer <i>[Signature]</i> 4/14/2020 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 5.19.2020 [ ]

### To Request Board Authorization to Award Contract 15CQ-120 - Oakland Shops Geometry Vehicle Storage and Spur Track

#### PURPOSE:

To request Board authorization for the General Manager to award Contract No.15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, to DMZ Builders of Concord, CA for the total bid price of \$6,435,000.

#### DISCUSSION:

The District is currently in the process of securing a new specialty Geometry Vehicle rail car (Geo Car), under a separate contract. That car, when delivered, will be stored at the Oakland Shops (OKS) yard on 5th Avenue near East 8th Street in Oakland. This contract provides for the construction of a secure storage facility with an inspection pit to allow calibration of the Geo Car. A turnout installed on the Earthquake Safety Project (ESP) spur track allows for rail access to the OKS Yard and the rest of the system. The new G Spur will lead into the Geo Car storage facility in the parking lot of OKS. The scope of work for this project also consists of site improvements and utility construction.

On December 20, 2019, the District provided an Advance Notice to ninety-eight (98) prospective Bidders who received the electronic version of the Contract book, including forms to submit, from the District's Vendor Portal. Plans were sent to six (6) Plan Rooms.

On December 23, 2019, the Contract was advertised in local publications. A total of forty-one (41) firms downloaded the Contract Documents from the District's Portal. A Pre-Bid Meeting and site tour was conducted on January 16, 2020 with four prospective bidders. Two addendums were issued during the bid period.



A total of three bids were received and publicly opened on March 17, 2020. Tabulation of the bids, including the Engineer's Estimate is indicated as follows:

1. Thompson Builders, Novato, CA \$6,336,360 (nonresponsive)
2. DMZ Builders, Concord, CA \$6,435,000
3. ProVen Management, Oakland, CA \$8,627,958

Engineers Estimate: \$4,432,371

District staff has performed a review to determine why the low bid was 45% higher than the Engineer's Estimate. Two main issues were discovered. First, the cost data used was not escalated for the Bay Area's high construction inflation in the time between cost data and bid opening. This amounts to a 12% increase.

Secondly, median cost data from typical commercial construction was utilized to calculate the Engineer's Estimate. District staff believes the Engineer's Estimate should have used cost data from the upper range of historical values to account for the difficulties working within an active Oakland Shops facility. This amounts to an additional 30% increase.

Lastly, a small scope of work (3%) was added by addendum but not added to the Engineer's Estimate.

The proximity of the two low bidders (within 1.6%) indicates that the contract scope was clear.

District staff determined that Thompson Builders, the apparent low bidder, was nonresponsive due to material defects in its bid. As a result, DMZ Builders was determined to be the lowest responsive bidder. DMZ's total bid price of \$6,435,000 was found to be fair and reasonable based upon the independent cost estimate and a market survey of qualified contractors.

#### NON-DISCRIMINATION PROGRAM

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 20.3% for Minority Business Enterprises ("MBEs") and 14.1% for Women Business Enterprises ("WBEs"). The Bidder DMZ Builders committed to 45.3% MBE and 0.0% WBE participation. The Bidder DMZ Builders did not meet the WBE Availability Percentage; therefore, the Bidder DMZ Builders was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by the Bidder DMZ Builders, the Office of Civil Rights found no evidence of discrimination.

## SMALL BUSINESS PROGRAM

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services (DGS) and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. It was determined that there were no certified Local Small Businesses certified by the DGS among the responsive Bidders and, therefore, the Local Small Business Prime Preference is not applicable.

### **FISCAL IMPACT:**

Funding in the amount of \$6,435,000 for Contract No. for 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, is included in the total project budget for 15CQ007, Oakland Yard Track Projects.

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

### **Proposed Funding**

F/G 802A.— Measure RR GOB Issued #1:	219,721
F/G 802B – Measure RR GOB Issued #2:	9,764,331
TOTAL:	9,984,052

As of April 10, 2020, \$9,984,052 is the total budget for this project. BART has expended \$527,735, committed \$490,263, and reserved \$0 to date. This action will commit \$6,435,000, leaving an available fund balance of \$2,531,054 in these fund sources for this project.

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

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

### **ALTERNATIVES:**

Reject the Bids and re-advertise the Contract. This is not likely to result in increased competition or lower prices and would delay providing a protected shelter when the Geo Car arrives.

### **RECOMMENDATION:**

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

**MOTION:**

The General Manager is authorized to award Contract No. 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, to DMZ Builders of Concord, California for the Bid Price of \$6,435,000, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

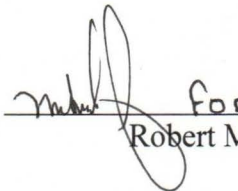
**DATE:** May 22, 2020

**FROM:** General Manager

**SUBJECT: Quarterly Service Performance Review – Third Quarter FY 2020**

Attached is the “Quarterly Service Performance Review – Third Quarter FY 2020” presentation that will be presented at the May 28, 2020 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.

 for  
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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Mike</i> 5/20/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Real Estate & Prop Development <i>Sean Brooks</i> Signature/Date: 5/20/20	General Counsel <i>WJ</i>	Controller/Treasurer <i>Mike</i> 5/20/2020 [ ]	District Secretary [ ]	BARC <i>Mike</i> 5/20/2020 [ ]

## Design-Build of BART Headquarters

### PURPOSE:

To authorize the General Manager to award Contract No. 6M4706 for Design-Build of the BART Headquarters (“Contract”) for \$58,467,851.37 to Turner Construction Company subject to the District’s protest procedures.

### DISCUSSION:

Contract No. 6M4706 is for the Design-Build of the new BART Headquarters at 2150 Webster Street, Oakland.

In September 2019, the BART Board authorized the General Manager to purchase a ten-story office building located at 2150 Webster Street, Oakland, CA 94612. BART purchased the building on December 10, 2019. The building’s core mechanical components were renovated by the previous owner but the tenant improvements were not designed or constructed.

As discussed with the Board on March 12, 2020, BART selected a Progressive Design-Build approach to procure and deliver this tenant improvement project within the District’s schedule and budget.

The Progressive Design-Build approach uses a process whereby the District “progresses” towards a design and price for the work to be performed with the Contractor. The District has provided information on the District’s requirements for the new headquarters. This information included things such as technology requirements, sustainability initiatives,

training needs, laboratory uses, ergonomic features and brand identity. As a condition of proposing, each Proposer has committed to completing the work within the schedule and budget provided. Liquidated damages are assessed if the schedule is not achieved and profit and fees are reduced by cost overruns. Liquidated damages are also assessed if the Small Business Participation Commitment is not met.

The District issued the Request for Qualifications ("RFQ") on February 12, 2020 (RFQ No. 6M4706Q), for Design-Build of BART Headquarters. The District provided advanced notice to seventy-two (72) firms on February 12, 2020. The RFQ was advertised in nine (9) publications, starting on February 12, 2020 and continued through February 26, 2020. The RFQ was also posted to the BART Procurement Portal on February 12, 2020. A Pre-Proposal Meeting was held on February 18, 2020. A total of fifty-seven (57) firms attended. A total of one hundred eighteen (118) firms downloaded copies of the Request for Qualifications. On March 3, 2020, the RFQ submittals were due and the District received a total of five (5) submittals of qualifications from the following firms:

1. BCCI Construction Company ("BCCI"), San Francisco, CA, proposed with Gensler, Oakland, CA
2. Quezada Architecture, San Francisco, CA (also proposed as designer for Dome)
3. DLR Group, San Francisco, CA (proposed without a builder)
4. Turner Construction Company ("Turner"), Oakland, CA, proposed with RIM Architecture, San Francisco, CA
5. Dome Construction ("Dome"), San Francisco, CA, accompanied by Quezada Architecture, Sn Francisco, CA

BCCI, Dome, and Turner were deemed to be responsive and were advanced to propose in the next step of the process, the Request for Proposal ("RFP"). The RFP was formally released on March 27, 2020 (RFP No. 6M4706). A Pre-Submittal Conference was held on March 31, 2020, via WebEx and there were approximately 75 attendees. On April 3, 2020, the 3 Prospective Proposers hosted independent teleconference based networking sessions for the RFP. Participation per Prospective Proposer was as follows:

1. Dome Construction networked with 22 firms (16 firms were Small Businesses)
2. BCCI Construction networked with 35 firms (21 firms were Small Businesses)
3. Turner Construction networked with 29 firms (20 firms were Small Businesses)

Two (2) Addenda to the RFP were issued on April 17, 2020 and April 24, 2020, respectively.

On May 5, 2020, two proposals were received from BCCI and Turner. Dome withdrew from the process citing timing issues related to COVID-19. BCCI's proposal was deemed non-responsive due to numerous exceptions made in its proposal.

Turner's proposal was deemed responsive and was provided to the Source Selection Committee for review. The Source Selection Committee was comprised of nine (9) senior managers within the District and was well-rounded for both experience on the subject matter and diversity. Since Turner was the only qualified Proposer, the Source Selection committee awarded Turner 100% of the points available for its price proposal and small business participation commitment (a commitment of 32%, which was 2% over the Contract's Small Business goal of 30%).

Turner's Total Price Proposal is \$58,467,851.37.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 30% Small Business (SB) Subcontractor Participation Goal for this Contract. Proposers who meet the SB Subcontractor Participation Goal are eligible for a Small Business Preference of 5% of the lowest responsible Proposer's bid or price, with a cap of \$150,000. Turner committed to subcontracting 32% to SBs, making it eligible for the Small Business Preference of 5% for this Contract for evaluation purposes.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are as follows:

- Architecture & Engineering: 21.9% Minority Business Enterprise (MBE) and 13.5% Women Business Enterprise (WBE)
- Construction: 18.2% MBE and 9.3% WBE

Turner committed to 0% MBE and 0% WBE participation. Turner did not meet either the MBE or WBE Availability Percentages; therefore, Turner was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by Turner, the Office of Civil Rights found no evidence of discrimination.

#### **FISCAL IMPACT:**

The \$58,467,851.37 is to be authorized for the design and construction of the tenant improvements to the District's new corporate headquarters and will be funded as described below.

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

expended from the following sources:

<b>Proposed Funding</b>	
8211 - 2019A Sales Tax Revenue Bonds	\$227,000,000
<b>TOTAL</b>	<b>\$227,000,000</b>

As of May 18, 2020, \$227,000,000 is the total budget for this project. BART has expended \$138,681,583, committed \$1,203,914, and reserved \$1,183,545 to date. This action will commit \$58,467,851, leaving an available fund balance of \$27,463,107 in these fund sources for this project.

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

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

**FUNDING ALLOCATION:**

<b>Proposed Funding by FY</b>	
FY 21	\$50,000,000.00
FY 22*	\$8,467,851.37
<b>Total</b>	<b>\$58,467,851.37</b>

**\*FY22 funding is not for a full Fiscal Year.**

**ALTERNATIVES:**

Do not authorize the General Manager to award the Contract. The District would have to rebid the Contract, and would not make its deadline to move to its new headquarters at 2150 Webster prior to the expiration of its lease at 300 Lakeside in July 2021.

**RECOMMENDATION:**

It is recommended that the Board adopt the following Motion.

**MOTION:**

The General Manager is authorized to award Contract No. 6M4706 for the Design-Build of BART Headquarters, in the total amount not to exceed \$58,467,851.37 to Turner Construction Company, subject to the District's protest procedures.



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

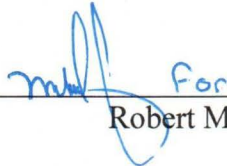
**DATE:** May 21, 2020

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda: BART-VTA Phase 1 Extension - For Information

At the Board of Directors meeting on May 28, 2020, the Silicon Valley BART Extension (SVBX) Phase I, will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.

  
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For  
Robert M. Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**INTER-OFFICE COMMUNICATION**

**TO:** Board of Directors **Date:** May 21, 2020  
**FROM:** Controller-Treasurer  
**SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER**

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending March 31, 2020 which will be presented to the Board on May 28, 2020.

Please feel free to call me at 510-464-6070 with any questions you may have.



Rosemarie V. Poblete