

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

BOARD MEETING AGENDA

July 14, 2011

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, July 14, 2011. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344 – 20 th Street Oakland, CA 94612	Intercontinental Manila No. 1 Ayala Avenue Makati City, Philippines
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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; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of June 23, 2011 (Regular), and July 7, 2011 (Special).* Board requested to authorize.
- B. Grant of Easements for the Purple Lotus Temple in the Cities of Union City and Fremont.* Board requested to authorize.

3. GENERAL MANAGER'S REPORT

- A. Officer Involved Shooting at Civic Center/UN Plaza Station. For information.

4. ADMINISTRATION ITEMS

Director Blalock, Chairperson
NO REPORT.

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 15PU-110, Earthquake Safety Program 34.5KV Cable System Upgrade KMA, CRO, and RAS Substations Tie-In.* Board requested to authorize.
- B. Oakland Airport Connector Project: Quarterly Update.* For information.

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

Director Murray, Chairperson
NO REPORT.

7. BOARD MATTERS

- A. Agreement with Sandi Polka Consulting for Consulting Services for Assistance in Redistricting of Election Districts (Agreement No. 6M1043).* Board requested to authorize.
- B. Report of the BART Police Department Review Special Committee. For information.
- C. Board Member Reports. For information.

- D. 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.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

9. PUBLIC COMMENT ON ITEMS 10-A, 10-B, and 10-C ONLY

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

A. PUBLIC EMPLOYEE EMPLOYMENT

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

B. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Elaine Kurtz, Acting Assistant General Manager –
Administration; and Gregg A. Moser, Krauthamer &
Associates, Inc.

Title: General Manager
Government Code Section: 54957.6

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Property Located at the West Dublin/Pleasanton BART
Station

District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and
Jeffrey P. Ordway, Manager, Property Development

Negotiating Parties: Essex Properties, LLC, and San Francisco Bay Area Rapid
Transit District

Under Negotiation: Price and Terms
Government Code Section: 54956.8

11. OPEN SESSION

- A. Modification to Transit Benefit Fee Covenant Attached to Property Sold
at the West Dublin/Pleasanton BART Station for Residential
Development in 2005. Board requested to authorize.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 7/6/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Les Freigh Dept: Real Estate ext. 6161 <i>Les Freigh</i> Signature/Date: 6/30/2011	General Counsel <i>MB</i> 7/1/11	Controller/Treasurer <i>Robert Collins for</i> 7-5-11	District Secretary []	BARC <i>Carl M...</i> 7-5-11 []
Status: Routed		Date Created: 06/23/2011		

TITLE:

Grant of Easements for the Purple Lotus Temple in the Cities of Union City and Fremont

NARRATIVE:

PURPOSE: To request that the Board authorize the grant of easements across a portion of BART Parcels O-AB74, O-AB94 and O-AD28 (Fox Avenue) in the Cities of Union City and Fremont, to the Purple Lotus Temple, the City of Fremont, Pacific Gas and Electric, and the Alameda County Water District, respectively.

DISCUSSION: The District granted Mission Peaks Homes an easement for construction, maintenance, repair and replacement of a private road across a portion of Fox Avenue on March 7, 1991. The Purple Lotus Temple purchased the property served by the easement from Mission Peaks Homes on July 16, 1999, and now wishes to develop the property. Development is contingent, however, on the grant of additional easements from BART within the existing easement area to three agencies. An easement for emergency vehicle access is required by the City of Fremont (Sheet 1 of Exhibit A); Pacific Gas and Electric (Sheet 2 of Exhibit A) requires an easement for a gas line; and the Alameda County Water District (ACWD) (Sheet 3 of Exhibit A) requires an easement for fire hydrants and appurtenances, and to connect to an easement previously granted by BART to ACWD. Staff has determined that there should be no charge for the three easements because the original easement granted to Mission Peaks Homes in 1991 was intended to include utilities and emergency access. The agencies now require that the easements be granted directly to them.

In addition, the Purple Lotus Temple is requesting an underground storm drain easement connecting the existing private road easement to the public storm drain system. The original 1991 easement to Mission Peaks Homes did not anticipate underground storm drainage. The easement is approximately 5,236 square feet (Sheet 4 of Exhibit A) and within an area of Fox Avenue already encumbered by easements that BART granted jointly to ACWD and East Bay Regional Park District in 2002. Staff deems the requested easement to be of a nominal value (\$5,000.00).

All easements will require the issuance of a BART permit (except emergency vehicle access) prior to any construction to ensure that there are no conflicts with BART Operations.

BART staff has determined that there will be no significant effect on the environment from granting these easements and that the action is exempt from the provisions of the CEQA pursuant to CEQA

Guidelines Section 15061(b)(3).

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

FISCAL IMPACT: BART will incur no costs in granting the four easements. The Purple Lotus Temple will be paying \$5,000.00 for the storm drain easement , along with fees for the reimbursement of staff time, pursuant to the Board- adopted Fee Schedule and deposited in General Fund 030.

ALTERNATIVE: Not convey the requested easements, which would impact the ability of the Purple Lotus Temple to develop their parcel.

RECOMMENDATIONS: Adoption of the following motion.

MOTION:

Adoption of the attached resolutions.

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

In the matter of authorizing the grant of easement to the City of Fremont
BART Parcels: O-AB74E2 (O-AB94E2 and O-AD28E1)
(Portion of APN 087-0011-018-03 and APN 507-0030-014-02)/

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board determines that the grant of easement to the City of
Fremont substantially as shown on Sheet 1 of the attached Exhibit "A" is in the best interest of the
District, and hereby authorizes the execution of an easement grant deed by the President or Vice
President of the Board, and the District Secretary or Assistant Secretary, on behalf of the District.

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SECRETARY'S CERTIFICATE

I, KENNETH A. DURON, District Secretary of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the original
resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT at its meeting regularly called and held on _____ 2011, a majority
of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2011.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District


- SHEET INDEX:
1. EMERGENCY VEHICLE ACCESS EASEMENT
 2. GAS EASEMENT
 3. WATER EASEMENTS
 4. STORM DRAIN EASEMENT

ALVARADO - NILES ROAD
CITY OF UNION CITY
S.F.B.A.R.T.D.
STATE OF CALIFORNIA
72-117669
70-133157
FOX AVENUE (PRIVATE STREET)

NILES BOULEVARD
CITY OF FREMONT
OVERPASS
0.8± MILES TO UNION CITY BART STATION
2.4± MILES TO FREMONT BART STATION
U.P.R.R.

HATCHED AREA=
PROPOSED EMERGENCY
VEHICLE ACCESS EASEMENT
FROM S.F.B.A.R.T.D. TO THE
CITY OF FREMONT, 88,629± S.F.

LEGEND:

- = BOUNDARY LINE OF PURPLE LOTUS TEMPLE PROPERTY
- = PROPERTY LINE
-  = EXISTING 88,629± S.F. PRIVATE ROAD EASEMENT FROM S.F.B.A.R.T.D. FOR THE BENEFIT OF THE PURPLE LOTUS TEMPLE PROPERTY (91-077478)

LOT 1
TRACT 7420
299 MAPS 68
THE PURPLE LOTUS
TEMPLE
APN: 507-0030-023

FOX AVENUE (PRIVATE STREET)
EAST BAY REGIONAL
PARK DIST. 77-135298

EAST BAY
REGIONAL
PARK DIST.
77-135298

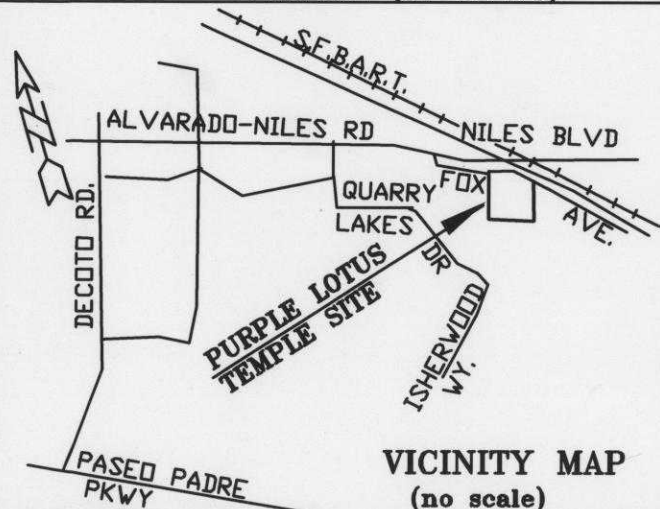
PLAT OF
EASEMENTS NEEDED
FROM S.F.B.A.R.T.D FOR DEVELOPMENT
OF
THE PURPLE LOTUS TEMPLE PROPERTY
APN 507-0030-023

CITIES OF UNION CITY AND FREMONT
ALAMEDA COUNTY, CALIFORNIA

JOB NO. 4718	DRAWN BY: OTF	DATE 5/31/11
200 F.B.186 PAGE 61	CHECKED BY: CAL	SCALE 1"=200'

FREMONT ENGINEERS, INC.
5255 MIDWAY AVE. SUITE G, FREMONT, CA 94538
510-792-1817

PLAT1_FMT.DWG Sheet 1 of 4



Scale 1' = 200 ft

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

In the matter of authorizing the grant of easement to Pacific Gas and Electric
BART Parcels: O-AB74E3 (O-AB94E3 and O-AD28E2);
(Portion of APN 087-0011-018-03 and APN 507-0030-014-02)/

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board determines that the grant of easement to Pacific Gas
and Electric substantially as shown on Sheet 2 of the attached Exhibit "A" is in the best interest of
the District, and hereby authorizes the execution of an easement grant deed by the President or Vice
President of the Board, and the District Secretary or Assistant Secretary, on behalf of the District.

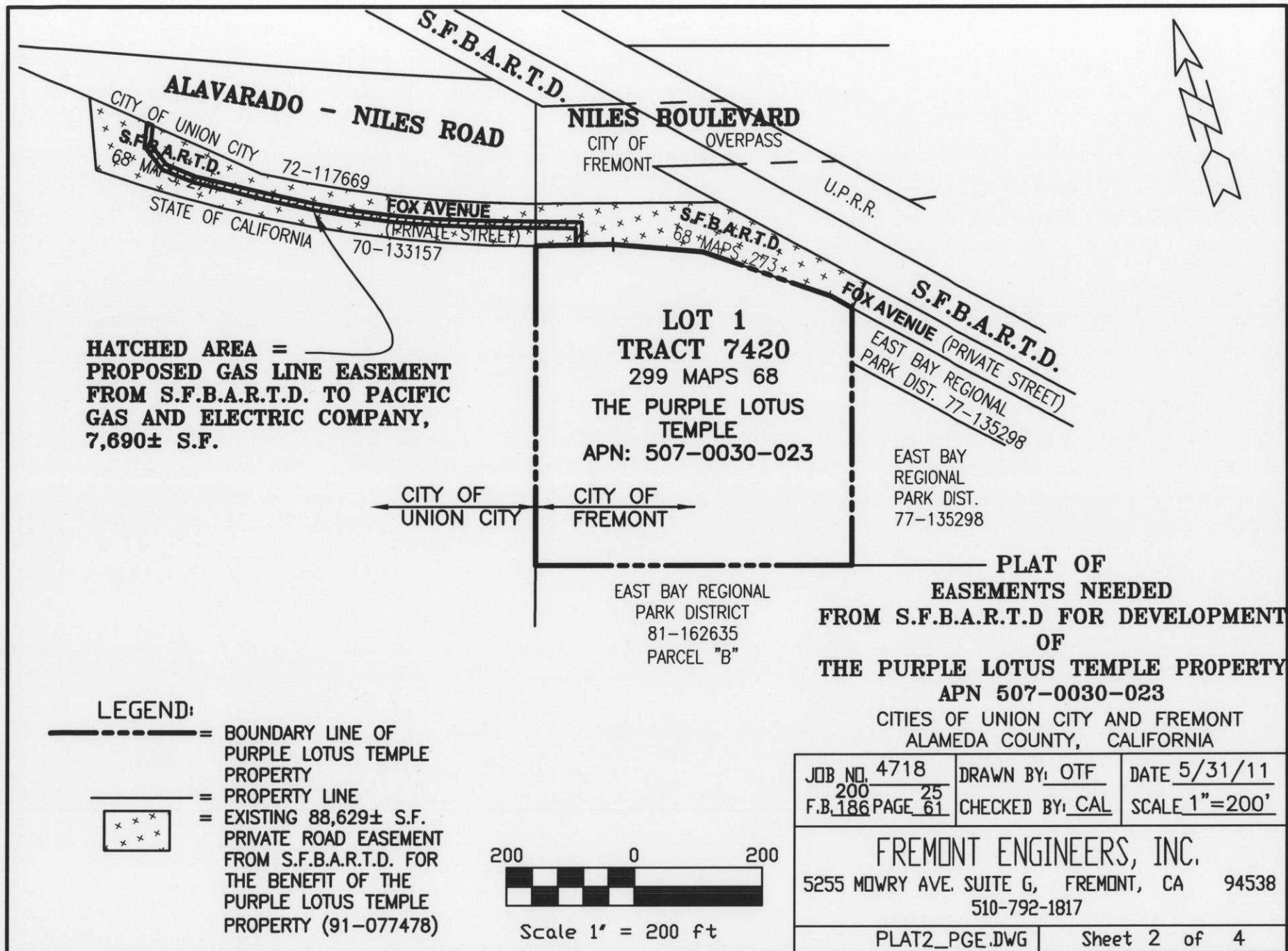
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TRANSIT DISTRICT at its meeting regularly called and held on _____ 2011, a majority
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Dated this ____ day of _____, 2011.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District



**HATCHED AREA =
PROPOSED GAS LINE EASEMENT
FROM S.F.B.A.R.T.D. TO PACIFIC
GAS AND ELECTRIC COMPANY,
7,690± S.F.**

CITY OF UNION CITY **CITY OF FREMONT**

**EAST BAY REGIONAL
PARK DISTRICT
81-162635
PARCEL "B"**

**EAST BAY
REGIONAL
PARK DIST.
77-135298**

JOB NO. 4718	DRAWN BY: OTF	DATE 5/31/11
200 F.B. 186 PAGE 61	CHECKED BY: CAL	SCALE 1"=200'
FREMONT ENGINEERS, INC. 5255 MOWRY AVE. SUITE G, FREMONT, CA 94538 510-792-1817		
PLAT2_PGE.DWG		Sheet 2 of 4

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

In the matter of authorizing the grant of easement to the Alameda County Water District
BART Parcels: O-AB74E4 (O-AAB94E4)
(Portion of APN 087-0011-018-03 and APN 507-0030-014-02)/

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board determines that the grant of easement to the Alameda
County Water District substantially as shown on Sheet 3 of the attached Exhibit "A" is in the best
interest of the District, and hereby authorizes the execution of an easement grant deed by the
President or Vice President of the Board, and the District Secretary or Assistant Secretary, on behalf
of the District.

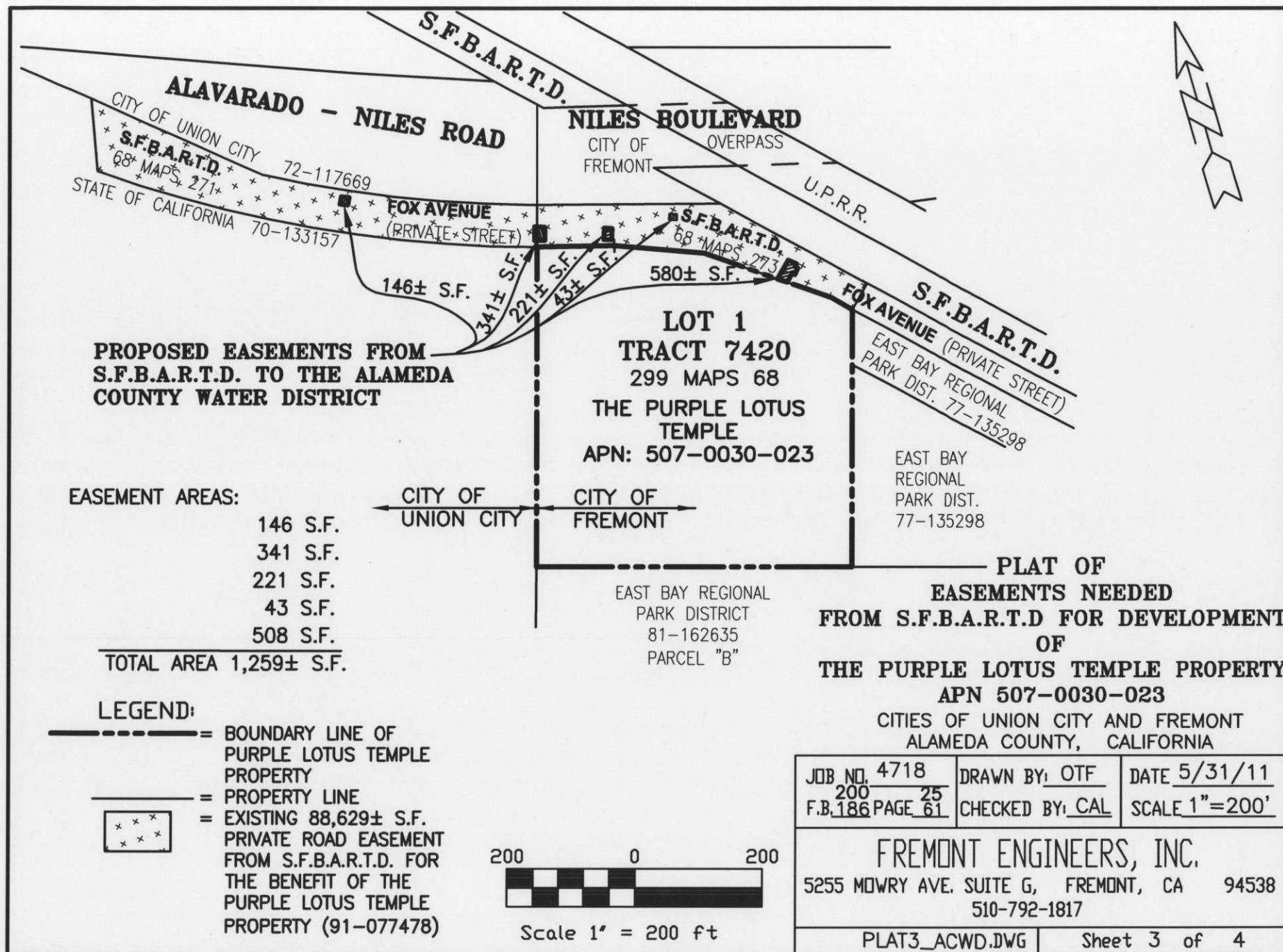
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TRANSIT DISTRICT at its meeting regularly called and held on _____ 2011, a majority
of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2011.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District



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

In the matter of authorizing the grant of easement to the Purple Lotus Temple
BART Parcels: O-AB74E5 (O-AB94E5)
(Portion of APN 507-0030-014-02)/

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board determines that the grant of easement to The Purple
Lotus Temple substantially as shown on Sheet 4 of the attached Exhibit "A" is in the best interest of
the District, and hereby authorizes the execution of an easement grant deed by the President or Vice
President of the Board, and the District Secretary or Assistant Secretary, on behalf of the District, in
consideration for the sum of \$5,000.00.

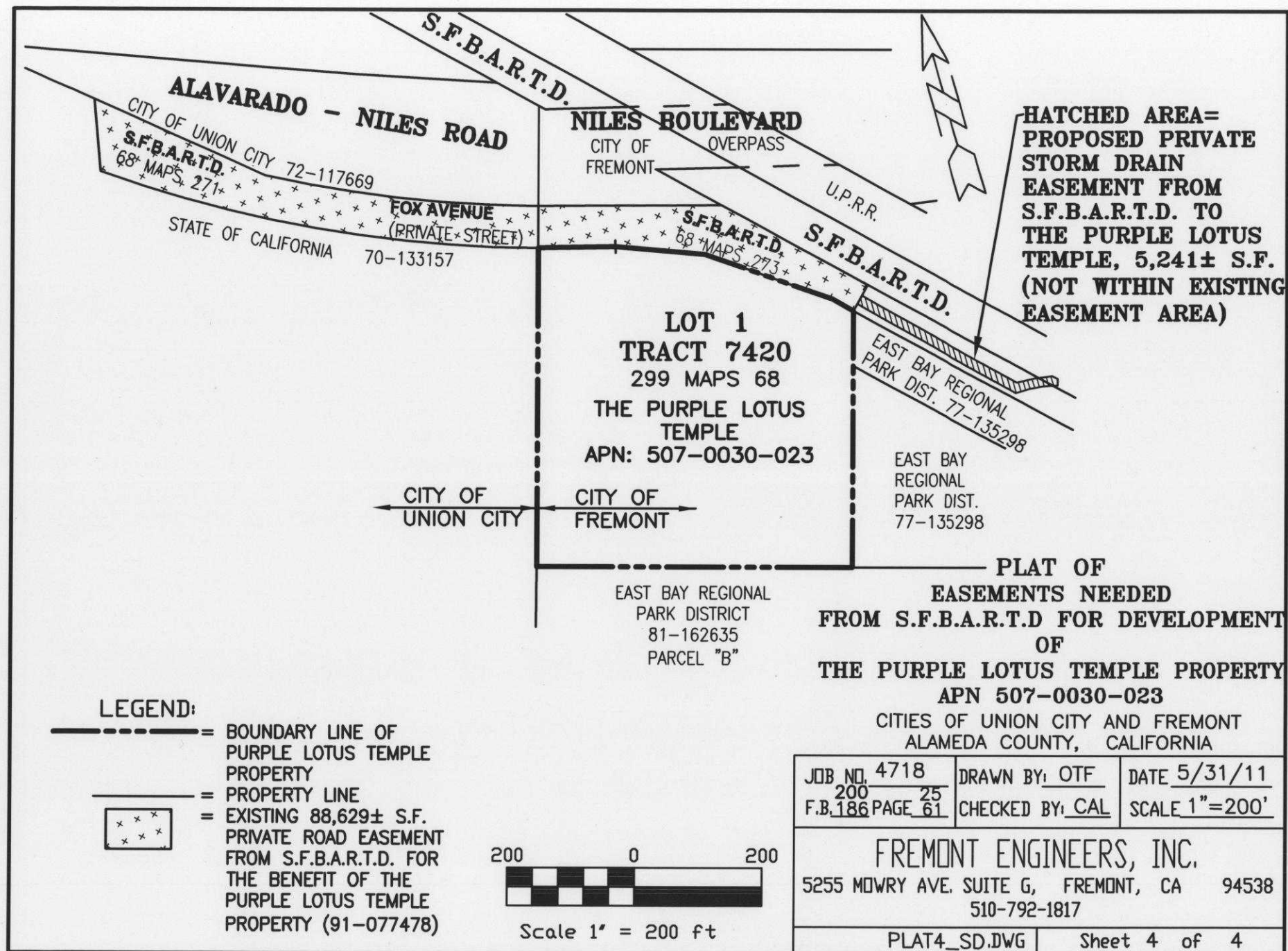
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TRANSIT DISTRICT at its meeting regularly called and held on _____ 2011, a majority
of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2011.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Marcia DeAngelo</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c 7/7/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Richard Pakulski Dept: TSD Systems <i>Robert Kelly</i>	General Counsel <i>MP</i>	Controller/Treasurer <i>John Collins</i> for 7/1/11 []	District Secretary []	BARC <i>Paul J. ...</i> 7/15/11 []
Signature/Date:				

TITLE: 07/01/11

Award Contract No. 15PU-110 for 34.5kV Cable System Upgrade KMA, CRO, and RAS Substations Tie-In

NARRATIVE:

Purpose:

To obtain Board authorization for the General Manager to award Contract No. 15PU-110, for 34.5kV Cable System Upgrade KMA, CRO and RAS Substations Tie-In, to Shimmick Construction Co., Inc.

Discussion:

This Contract is the first of three contracts funded under the BART Earthquake Safety Program to upgrade BART's 34.5kV subtransmission system which supplies power to the traction power system. Currently, the 34.5kV subtransmission system is divided into sections for the C-Line, R-Line, and a section that combines the K-Line and the A-Line. Currently, the three sections are not connected to each other. This could have a serious consequence in a catastrophic event, such as a large magnitude earthquake, that could, for example, cause power disruption to the southern section of the R-Line and the Rockridge Station on the C-Line. Upon completion of the work in Contract No. 15PU-110, the three sections will be connected and this would allow the District, upon a power fail on the R-Line or C-Line as in the above example, to supply power to these failed sections with power from the K/A-Line section, thus allowing revenue service to be restored on BART's Core (operability) system.

In addition, the cross-connection of the K/A, C, and R-Line sections will provide flexibility in the 34.5kV subtransmission system by allowing any single section to be supplied, at least partially, from any of the other two sections.

Advance Notice to Bidders was mailed on March 24, 2011, to 162 prospective bidders as well as to 22 Plan Rooms and Minority Assistance Organizations. The Contract was advertised on March 29, 2011.

A Pre-Bid Meeting was held on April 14, 2011 and attended by eleven (11) prospective bidders. A total of twelve (12) firms/plan holders purchased copies of the Contract Documents.

A matchmaking session was held on May 2, 2011 and attended by seven (7) prime prospective

bidders and seven (7) subcontractors that were interested in pursuing subcontracting opportunities with the prime contractors.

A total of eight (8) Bids were submitted and publicly opened on June 21, 2011.

The following Bids were received:

Bidder	Location	Total Bid Amount
Shimmick Construction Co., Inc.	Oakland, CA	\$6,645,000
Blocka Construction, Inc.	Fremont, CA	\$8,988,000
Steiny and Company, Inc.	Vallejo, CA	\$8,999,675
Rosendin Electric, Inc.	San Jose, CA	\$9,099,751
Balfour Beatty Rail	Walnut Creek, CA	\$9,423,000
Helix Electric, Inc.	San Diego, CA	\$10,340,000
Cupertino Electric, Inc.	San Jose, CA	\$10,929,807
Newtron, Inc.	Martinez, CA	\$13,146,109
Engineer's Estimate		\$9,500,000

After review by District staff, the apparent low Bid submitted by Shimmick Construction Co., Inc., has been deemed to be responsive to the solicitation. Furthermore, staff's review of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$6,645,000 submitted by Shimmick Construction Co., Inc. is fair and reasonable. It is 30% lower than the Engineer's Estimate of \$9,500,000.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Shimmick Construction Co., Inc. committed to 67.3% MBE and 32.7% WBE. The Office of Civil Rights has determined that the Bidder has exceeded both MBE and WBE availability percentages for this Contract.

FISCAL IMPACT:

Funding for \$6,645,000 for award of Contract No. 15PU-110 is included in the total project budget for 15PU000, ESP 34.5kV Retrofit Work. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of June 27, 2011, \$42,490,000 is available for commitment from the proceeds of the General Obligation Bond for this project, with \$32,490,000 tracked in Fund 801F and \$10,000,000 tracked in 801J. BART has expended \$2,435,481 and encumbered \$222,832 to date. There are

no pre-encumbrance in BART's financial management system. This action will encumber \$6,645,000 leaving an available fund balance of \$33,186,687.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of this Contract. If the Contract is not awarded, the upgrading of the 34.5kV subtransmission system will be delayed, retaining the vulnerability of losing traction power to certain sections of the system after a catastrophic event such as an earthquake. The ability to interconnect the 34.5kV subtransmission system is essential in providing normal revenue train operations without delay after a catastrophic event. The Board may also elect to reject all Bids and authorize staff to readvertise. This would result in additional cost and time and is unlikely to yield lower bids.

RECOMMENDATIONS:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15PU-110, for 34.5kV Cable System Upgrade KMA, CRO and RAS Substations Tie-In, to Shimmick Construction Co., Inc., for the Bid amount of \$6,645,000, pursuant to notification 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
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$248,200,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$248,200,000	
CM	\$61,498,000	\$91,000,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$341,398,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$70,230,000	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
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	
Stations (18)	\$126,961,000	\$85,768,118	
Other Structures			
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	
Systems	\$7,066,000	\$10,438,000	
TOTAL CONSTRUCTION	\$909,469,000	\$480,231,448	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$251,989,200	
Contingency	\$32,104,000	\$179,721,272	
TOTAL PROGRAM COSTS	\$191,998,204	\$431,710,472	
BASELINE FUNDING	\$1,350,486,000		
REVISED FUNDING		\$1,253,340,157	
			\$1,221,275,376 Adopted Funding
			\$32,064,781 Outside Adopted Funding

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: July 8, 2011

FROM: Interim General Manager

SUBJECT: Oakland Airport Connector Quarterly Update

The Oakland Airport Connector (OAC) Quarterly Update presentation included with the July 14, 2011 Board of Directors Meeting agenda has been updated from the report that I transmitted to you on June 17, 2011. The updated presentation reflects the most current Disadvantaged Business Enterprise (DBE) payment information available. You will find the DBE payment data, updated through June 2011, on Page 11 of the attached presentation.



Sherwood G. Wakeman

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: Chairperson, Redistricting Special Committee
SUBJECT: Assistance in Redistricting of Election Districts

DATE: July 8, 2011

The Redistricting Special Committee recommends that the Board of Directors engage the services of a qualified consultant to assist in the adjusting of the District's election district boundaries.

The purpose of this project is to redistrict the election districts of the San Francisco Bay Area Rapid Transit District in accordance with the requirements of the District Act and based upon the population data resulting from the 2010 United States Census. The Board of Directors must adjust the boundaries of the election districts by November 1, 2011. The consultant's responsibility will be to assist the Board of Directors to complete this task in an accurate, efficient, and timely manner.

A Request for Proposals (RFP No. 6M1043) was advertised on April 29, 2011. Notices of availability of the RFP were mailed to 94 potential proposers, including 53 Disadvantaged, Minority, and Woman-owned Business Enterprises. Two proposals were received on May 17, 2011, from the following proposers: Sandi Polka Consulting, Rescue, CA (a District certified Woman-owned Business Enterprise); and ARCBridge Consulting & Training, Inc., Herndon, VA (a U.S. Small Business Administration certified Small Disadvantaged Business).

District staff reviewed the proposals for compliance with the requirements of the RFP and found them to be satisfactory. The Sandi Polka Consulting proposal was determined to be the most advantageous for the District considering cost and other factors (prior redistricting and mapping experience, proposed project staff, familiarity with the Bay Area region).

Staff advises that pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. Sandi Polka Consulting did not meet the MBE percentage; however, it is a certified WBE and will be performing 46% of the work. Based on the review of the information submitted by the proposer, the Office of Civil Rights found no evidence of discrimination.

The funds required for the agreement are included in the Office of the District Secretary's Operating Budget for Fiscal Year 2011-2012.

The Redistricting Committee recommends that the Board authorize the General Manager to execute an agreement with Sandi Polka Consulting to provide consulting services for assistance in redistricting of election districts, in an amount not to exceed \$139,000.00.

Original signature on file
James Fang

cc: Board Appointed Officers
Deputy General Manager

Consulting Services for Assistance in Redistricting of Election Districts

MOTION:

The Interim General Manager is authorized to enter into Agreement No. 6M1043 with Sandi Polka Consulting for Consulting Services for Assistance in Redistricting of Election Districts, in an amount not to exceed \$139,000.00, subject to compliance with the District's protest procedures.