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

BOARD MEETING AGENDA
August 9, 2018
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, August 9, 2018. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20th Street Mall – Third Floor 2040 Webster Street Oakland, CA 94612	Provincetown Inn 1 Commercial Street Provincetown, MA 02657 Check at front desk for room location

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

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

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

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

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

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

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

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

Patricia K. Williams
Interim District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. PUBLIC HEARING

   A. Proposed Termination of the BART Teenage Student Discount (Orange Ticket) Trial Program for Students at Participating Middle and High Schools.

3. CONSENT CALENDAR

   A. Approval of Minutes of the Meeting of July 12, 2018.* Board requested to authorize.

   B. Side Letters of Agreement.
      a. Amalgamated Transit Union, Local 1555 (eBART) SL 17-02, Clarification of Special Pay Provisions.*
      b. Amalgamated Transit Union, Local 1555, SL 02-18, Warm Springs and Berryessa Stations.*

      Board requested to authorize.

   C. Fixed Property Tax Rates Fiscal Year 2018-2019 General Obligation Bonds.* Board requested to authorize.

   D. Lifeline Transportation Program Cycle 5 Funds.* Board requested to adopt.

   E. Revision of Equal Employment Opportunity (EEO) and Prevention of Sexual Harassment in the Workplace Policies.* Board requested to adopt.

4. PUBLIC COMMENT – 15 Minutes
   (An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

5. ADMINISTRATION ITEMS
   Director Allen, Chairperson

   A. Proposed Termination of the BART Teenage Student Discount (Orange Ticket) Trial Program for Students at Participating Middle and High Schools.* Board requested to authorize.

   B. BART Safety and Security Action Plan.* Board requested to authorize.

C. Responses to the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency."* Board requested to authorize.

D. Resolution for the Authorization of the Certifications and Assurances for the California State of Good Repair Program.* Board requested to adopt.

E. District's Workers' Compensation Program Contracts.*
   a. Award of Contract No. 6M4111, Workers' Compensation Third Party Administration Services.
   b. Award of Contract No. 6M4112, Workers' Compensation Medical Case Management Services.
   c. Award of Contract No. 6M4113, Workers' Compensation Utilization Review/Bill Review Services.

   Board requested to authorize.

6. ENGINEERING AND OPERATIONS ITEMS
   Director Simon, Chairperson

A. Award of Contract No. 15EJ-171, 34.5 kV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations.* Board requested to authorize.

B. Award of Contract No. 54RR-420, Coverboard Enhancement, L-Line.* Board requested to authorize.

C. Measure RR Project Support Leases and Rentals.* Board requested to authorize.

D. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group – California, LP, for Differing Site Condition Soil Plasticity at CRS NOPC No. 6 (C.O. No. 170).* Board requested to authorize.

E. Change Orders to Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, with Icenogle Construction Management, Inc., for the Procurement and Installation of the Public Address System Infrastructure.* Board requested to authorize.

F. Change Order to Agreement No. 6M5087, Disposal of Bulk Hazardous and Non-hazardous Liquid Wastes, with Environmental Resources Management, for General Environmental Services (C.O. No. 2).* Board requested to authorize.

G. Change Order to Invitation for Bid No. 8942, Provide Uniforms for Station Agents and Foreworkers, with Murphy and Hartelius Uniforms, for Extension of the Current Contract.* Board requested to authorize.

H. Change Order to Invitation for Bid No. 8947A, Provide Uniforms for Train Operators, with Banner Uniform Center, for Extension of the Current Contract.* Board requested to authorize.

I. Change Orders to Contract No. 40FA-110, Procurement of Transit Vehicles, with Bombardier Corporation.
   a. Update on New Transit Vehicles.* For information.
   b. Dual Coupler Adapter (C.O. No. 29).* Board requested to authorize.
   c. Side Door Header (C.O. No. 30).* Board requested to authorize.

J. Quarterly Performance Report, Fourth Quarter Fiscal Year 2018 – Service Performance Review.* For information.

7. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Blalock, Chairperson

A. State Legislation for Consideration.* Board requested to authorize.

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.)
   a. In memory of Wayne Wong, recently retired Department Manager of the Office of Civil Rights.

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

* Attachment available

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

A. CONFERENCE WITH LABOR NEGOTIATORS:
Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer
Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)
Government Code Section: 54957.6

B. PUBLIC EMPLOYEE EMPLOYMENT
Title: District Secretary
Government Code Section: 54957(b)(1)

C. CONFERENCE WITH NEGOTIATORS
Designated Representatives: Directors Keller, Raburn, and Simon
Title: District Secretary
Government Code Section: 54957.6

12. OPEN SESSION

* Attachment available

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE**: July 31, 2018

FROM: General Manager

SUBJECT: Public Hearing on Proposed Termination of the BART Discounted (Orange Ticket) Trial Program for Students at Participating Middle and High Schools

On August 9, 2018, at the Board meeting scheduled for 9:00 a.m., the Board of Directors is scheduled to conduct a Public Hearing on the proposed termination of the BART Teenage Student Discount Orange Ticket Trial Program for students at Middle and High Schools within the District.

In May 1998, the Board of Directors adopted the Teenage Student Discount (Orange Ticket) Trial Program for students at Middle and High Schools within the District to provide a student discount on school-related trips taken Monday through Friday only. The Orange ticket has been sold since 1998 to students at participating schools at a 50 percent discount; students could pay $16 and receive a ticket valued at $32. One hundred forty-eight (148) individual schools have participated in the Program since its inception. From January through June 2018, a total of thirty-seven (37) schools purchased tickets through the Program.

All one hundred forty-eight (148) schools and School Districts were sent letters in October 2017 and July 2018 about the proposed termination of the Teenage Student Discount (Orange Ticket) Trial Program for students at Middle and High Schools within the District. The letters informed the schools that students and all youth through age 18 now get a 50% discount on their own and that schools don't need to distribute specific orange tickets for the 50% discount any longer, and gave the below information about the fare changes that took effect in January 2018:

- All customers ages 5 years through 18 years old are recognized as "youth" and can access the youth discount of 50% on BART with a Youth Clipper card or a Red Youth ticket (the 50% fare discount that was provided via the Orange ticket).
- Discount is available all hours, seven days per week (unlike the Orange ticket which prohibited travel on Saturdays and Sundays).
- Value can be loaded onto the Clipper card through retail vendors and at BART station vending machines with cash or with ATM/credit card, or by phone, online or by autoload with ATM/credit card.

- Please note: All trips taken on a BART ticket now incur a fifty cent ($0.50) surcharge per trip (25 cents per trip on a 50% discount ticket, so 50 cents round trip for a Red Youth ticket). There is no surcharge when a Clipper card is used for BART travel.

The Board approved the Title VI analysis and report on June 14, 2018. The analysis concluded that the termination of the Orange Ticket Program will not result in a disparate impact or disproportionate burden on minority riders or low-income riders.

Staff recommends discontinuing the Orange Ticket Trial Program because the Board-approved fare change that took effect in January 2018 now provides for a 50 percent discount to all youth ages 5 through 18 years old for all trips taken during any day of the week. Children under the age of 5 continue to ride for free. Attached is a brief PowerPoint for display during the Board meeting.

If you have any questions, please contact Kerry Hamill, Assistant General Manager, Office of External Affairs at (510) 464-6153.

Robert M. Powers
for Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Managers

DRAFT

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

Board of Directors
Minutes of the 1,817th Meeting
July 12, 2018

A regular meeting of the Board of Directors was held July 12, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

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

Absent: None. Director Simon entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of June 28, 2018.

2. Amendment to BART Police Citizen Review Board Membership Requirements.

3. BART Accessibility Task Force Membership Appointments.

Randall Glock addressed the Board.

Director Simon entered the meeting.

Director Saltzman made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

1. That the Minutes of the Meeting of June 28, 2018, be approved.

2. That the BART Police Citizen Oversight Model Chapter 2-03 "BART Police Citizen Review Board (BPCRB) Member Qualifications and Restrictions" and Chapter 2-04 "BPCRB Member Meeting Attendance" be amended in two places as follows:

   1. Current language:
      Chapter 2-03 BPCRB Member Qualifications and Restrictions
      A. Members of the BART Police Citizen Review Board must reside in one of the three counties that make up the BART District.

      Proposed Amendment:
      Chapter 2-03 BPCRB Member Qualifications and Restrictions
      A. Members of the BART Police Citizen Review Board must reside within Alameda, San Francisco, Contra Costa, or San Mateo County.

2. Current language:
   Chapter 2-04 BPCRB Member Meeting Attendance
   A. BPCRB members may not miss more than three regularly scheduled meetings per year.

   Proposed amendment:
   Chapter 2-04 BPCRB Member Meeting Attendance
   A. BPCRB members may not miss three regularly scheduled meetings per year.

3. That the Board accepts the recommendations of the BART Accessibility Task Force (BATF) and appoints the nominated candidates, Christina Lasson and Mussie Gebre, for membership to the BATF for a term beginning July 26, 2018 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

President Raburn called for Public Comment.

The following individuals addressed the Board.

Alan Smith
Aleta Dupree
Thomas Blalock

President Raburn announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators), Item 10-B (Public Employee Employment), and Item 10-C (Conference with Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 9:10 a.m.

The Board Meeting reconvened in open session at 9:12 a.m.

Sam Kitajima-Kimbrel addressed the Board.

The Board Meeting recessed at 9:13 a.m.

The Board Meeting reconvened in closed session at 9:18 a.m.

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

Absent: None. Director Dufty entered the meeting later.

Director Dufty entered the meeting.

The Board Meeting recessed at 10:32 a.m.

The Board Meeting reconvened in open session at 10:34 a.m.

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

Absent: None.

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

Director Allen, Chairperson of the Administration Committee, brought the matter of Change Order to Agreement No. 6M5096, Parking Citation Processing Services, with Data Ticket Inc., for Proof of Payment Citations (C.O. No. 02) before the Board. Chief of Police Carlos Rojas, and Deputy Chief Lance Haight presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Director Keller exited the meeting.

Gena Alexander addressed the Board.

President Raburn moved that the General Manager be authorized to execute Change Order No. 2 to Professional Services Agreement No. 6M5096, Parking Citation Processing Services, to include the processing of Proof of Payment citations, for an amount not to exceed $482,000.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Keller.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-140, Traction Power Substation Replacement ASL Installation before the Board. Mr. Paul Oversier, Assistant General Manager, Operations; and Mr. Steve Sims, Project Manager, presented the item.

Aleta Dupree addressed the Board.

Director Saltzman moved that the General Manager be authorized to award Contract No. 15EK-140, for Traction Power Substation Replacement ASL Installation, to Aldridge Electric, Inc., for the Bid Price of $4,783,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration requirements related to protests. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Keller.

Director Keller re-entered the meeting.

Director Simon brought the matter of Agreement No. 6M3415, with On Site Medical Service, Inc., to Provide Standby Basic Life Support Service Level Prehospital Emergency Medical Services for BART's Embarcadero Station through Civic Center Station before the Board. Mr. Oversier; and Mr. Shawn Jackson, Principal Administrative Analyst, presented the item.

The item was discussed.

Director McPartland moved that the General Manager be authorized to enter into Agreement No. 6M3415, with Onsite Medical Service, Inc., to provide stand-by Basic Life Support Services at the four (4) downtown San Francisco stations, for a term of three years, for a three-year total cost of $447,780.00, from September 2018 through June 2021, with the option to renew the Agreement for up to two additional one-year terms for a total five-year cost not to exceed $763,640.00, subject to certification by the Controller/Treasurer that funds are available.

Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

Director Simon brought the matter of Transbay Tube Earthquake Safety Service Plan before the Board. Mr. Oversier; Ms. Rachel Russell, Senior Planner; and Mr. Joel Soden, Senior Transportation Engineer, presented the item. The item was discussed.

Director Allen exited the meeting.

The following individuals addressed the Board:

Victoria Fierce
Kelly Powers
Aleta Dupree
Jerry Grace
Gena Alexander

Discussion continued.

President Raburn exited the meeting.

Director Simon exited the meeting, and Vice-President Josefowitz assumed the gavel.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board.

Director Saltzman moved that the Board take an oppose position on Proposition 6. Director Dufty seconded the motion, which carried by unanimous acclamation. Ayes – 6: Directors Blalock, Dufty, Keller, McPartland, Saltzman, and Josefowitz. Noes – 0.
Absent – 3: Directors Allen, Raburn, and Simon.

Vice-President Josefowitz called for the General Manager's Report.

Mr. Oversier reported on the upcoming station closures.

President Raburn re-entered the meeting and assumed the gavel.

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

Director Blalock reported he had given a BART update to a retirement group, attended the 4th of July parade in the BART mobile, and had given a presentation on Re-Building BART to the Kiwanis Club.

Director Saltzman thanked Director Blalock for his years of service.

Director Josefowitz thanked Director Blalock for his years of service and expressed admiration for all the work he's done.

Director Keller thanked Director Blalock for his service to the BART Board. Director Keller mentioned parking concerns at the Antioch Station by the Eastern Contra Costa County residents.

Director McPartland reported he had attended the BART Police Citizen Review Board Meeting, the State of City presentation by the City of Livermore and expressed appreciation for Director Blalock, his mentorship and friendship.

President Raburn thanked Director Blalock and stated he would be missed. President Raburn reported he had attended the BART Police Citizen Review Board Meeting and the 45th Anniversary event of Amalgamated Transportation Union 1555.

President Raburn called for Public Comment. Jerry Grace and Aleta Dupree addressed the Board.

The Meeting was adjourned at 12:07 p.m.

Patricia K. Williams
Interim District Secretary

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 1 Aug 2018				GENERAL MANAGER ACTION REQ'D:
DATE: 7/26/2018				BOARD INITIATED ITEM: No
Originator/Prepared by: Shana Dines Dept: Labor Relations Signature/Date: 7/31/2018	General Counsel 7/31/18 [ ]	Controller/Treasurer 7/31/18 [ ]	District Secretary [ ]	BARC FOR P. HORTON 7/31/2018 [ ]

Side Letter of Agreement ATU (eBART)/SL 17-02 Re: Clarification of Special Pay Provisions

PURPOSE:
To ratify Side Letter of Agreement ATU (eBART)/SL 17-02 Re: Clarification of Special Pay Provisions between the District and the Amalgamated Transit Union Local 1555, eBART chapter.

DISCUSSION:

The California Public Employees' Retirement System (CalPERS) conducted a Public Agency Review of the District commencing in March 2012. Following that review, findings were issued to the District on June 5, 2017, identifying the compensation provisions in each labor contract that failed to comply with the California Public Employees' Retirement Law (PERL).

CalPERS identified certain pay items that had not been reported as required by statute as compensation earnable, and certain special pay items which had been reported but the provisions in the BART labor contracts that were not sufficiently described to comply with the PERL. For those special pay provisions, the District historically reported them as reportable compensation.

Following the June 2017 findings from CalPERS, the District bargained over the impacts of the findings with the BART labor unions. The result of that includes this Side Letter of Agreement which clarifies certain special pay provisions in the parties' Collective Bargaining Agreement (CBA) to bring them into compliance with the PERL and to allow the District to continue reporting them as reportable compensation.

The ATU-represented eBART employees will vote to ratify this Side Letter of Agreement by August 8, 2018.

FISCAL IMPACT:
There is no fiscal impact.

ALTERNATIVES:
Reject the Side Letter. If the Board does not approve the Side Letter of Agreement, the CBA will remain as written and CalPERS will issue its final determination that the certain special pay provisions do not comply with the PERL and, therefore, shall not be reported as compensation earnable. This would reduce the pensionable income for those employees who earn those special pay premiums.

RECOMMENDATION:

Adoption of the following motion:

MOTION:
The Board approves and authorizes the General Manager to execute the Side Letter of Agreement ATU (eBART)/SL 17-02 Re: Clarification of Special Pay Provisions between the District and the Amalgamated Transit Union Local 1555, eBART chapter.

SIDE LETTER OF AGREEMENT
ATU (eBART)/SL 17-02

RE: Clarification of Special Pay Provisions

Upon signing by the parties, this letter shall constitute a Side Letter of Agreement which has been reached by the San Francisco Bay Area Rapid Transit District ("District") and Amalgamated Transit Union Local 1555, eBART chapter ("ATU") (hereinafter jointly referred to as "Parties") regarding clarification of certain special pay provisions.

The Parties agree that certain provisions of the ATU/eBART contract require clarification and the following provisions of the ATU/eBART contract shall, effective following ratification of this side letter, be modified only as indicated below, with new text marked by underlining and text to be removed marked as stricken. Unless underlined or stricken, all pre-existing text is to remain unchanged.

1. Section 3.7 District Uniform Program/Regulation shall be modified as follows:

   eBART employees are required to be in uniform at all times while on-duty. Employees shall maintain an appropriate appearance.

   The District shall provide and replace uniforms and/or cover the cost of purchasing uniforms for employees working within eBART, and shall reimburse employees for the expense of laundering/maintaining uniforms or provide for laundering at the District at no cost to the employee.

   During the initial start-up, eBART management will meet with the Union regarding each classification to determine the style and the amount of items to be provided. Additionally, eBART management will meet to discuss how the uniforms will be provided (e.g., purchased, rented), how the uniforms will be maintained (e.g., cleaning, wear and tear) and if any allowance is required.

   After the initial start-up, eBART management will determine a replacement schedule. In addition, the District will replace individual uniform items as the items become worn or are otherwise in need of replacement. <u>The value of the uniform items to be provided is anticipated to be less than $1600 per employee per year with an anticipated increase of 5% per year of this Labor Agreement.</u>

2. Section 6.3 Shift Differential shall be modified as follows:

   A. **<u>Swing Shift:</u>** Where fifty percent (50%) or more of an employee's shift occurs between the hours of 4:00 p.m. and 12 midnight, a swing shift premium of seven percent (7%) will be paid for all hours worked during the shift, at the existing straight time rate of pay.

i. When an employee works on a holiday and receives one and one half times their regular rate of pay, in accordance with Section 4.4, this swing shift premium will be multiplied by one and one half times, as well (i.e., 10.5%).

ii. When an employee performs lead work and/or instruction and receives a lead pay premium of 10%, in accordance with Section 6.4, this swing shift premium shall additionally be increased by the lead pay premium (i.e., an additional 0.7% for a total of 7.7%).

B. **Graveyard Shift**: Where fifty percent (50%) or more of an employee's shift occurs between midnight and 8:00 a.m., a graveyard shift premium of nine and one-half percent (9-1/2%) will be paid for all hours worked during the shift at the existing straight time rate of pay.

i. When an employee works on a holiday and receives one and one half times their regular rate of pay, in accordance with Section 4.4, this graveyard shift premium will be multiplied by one and one half times, as well (i.e., 14.25%).

ii. When an employee performs lead work and/or instruction and receives a lead pay premium of 10%, in accordance with Section 6.4, this graveyard shift premium shall additionally be increased by the lead pay premium (i.e., an additional 0.95% for a total of 10.45%).

This Side Letter of Agreement shall be deemed part of the Collective Bargaining Agreement between the parties.

CONCUR FOR THE DISTRICT	CONCUR FOR THE UNION
Martin Gran, Chief Labor Relations Officer San Francisco Bay Area Rapid Transit District	Gena Alexander, President ATU, Local 1555
Date	Date

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 1 Aug 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/26/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shana Dines Dept: Labor Relations Signature/Date: 7/31/2018	General Counsel 7/31/18 [ ]	Controller/Treasurer 7/31/18 [ ]	District Secretary [ ]	BARC For P. Herrera 7/31/2018

Side Letter of Agreement ATU/SL 02-18 Re: Warm Springs and Berryessa Stations

PURPOSE:
To ratify Side Letter of Agreement ATU/SL 02-18 Re: Warm Springs and Berryessa Stations between the District and the Amalgamated Transit Union, Local 1555.

DISCUSSION:

As a result of the opening of the Warm Springs/South Fremont Station and anticipated opening of the Berryessa Station, the parties negotiated Side Letter of Agreement ATU/S 02-18 which recognizes Warm Springs/South Fremont and Berryessa Stations as contractual break locations for Train Operators (TOs). The parties also agreed that, within six (6) months of the opening of the Berryessa Station, the District will provide wireless internet access (Wi Fi) in the TO break rooms at the TO break locations.

The ATU-represented employees will vote to ratify this Side Letter of Agreement on August 8, 2018.

FISCAL IMPACT:
This side letter adds a one-time estimated cost of $60,000 to install Wi Fi in the TO break rooms at the TO break locations. This will be paid for by operating funds in Fiscal Year 2019, with an end date of June 30, 2019, not to exceed $60,000. The funding Department is Transportation (Cost Center 0805701), Account #681300. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Reject the Side Letter. If the Board does not approve the Side Letter of Agreement, Warm Springs/South Fremont and Berryessa Stations will not be recognized break locations, so the District will either be required to pay missed break penalties for TOs scheduled to take breaks at those locations, or alternatively, continue the current practice of scheduling additional break time for TOs to provide time to travel to a recognized break location during break periods.

RECOMMENDATION:
Adoption of the following motion:

MOTION:

The Board approves and authorizes the General Manager to execute Side Letter of Agreement ATU/SL 01-18 Re: Warm Springs and Berryessa Stations between the District and the Amalgamated Transit Union, Local 1555.

TENTATIVE AGREEMENT FOR
SIDE LETTER OF AGREEMENT
ATU/SL 02-18

RE: WARM SPRINGS AND BERRYESSA STATIONS

Upon signing by the parties, this letter shall constitute a Tentative Agreement for a Side Letter of Agreement between the San Francisco Bay Area Rapid Transit District ("District") and the Amalgamated Transit Union ("ATU") Local 1555 concerning the opening of new facilities at Warm Springs Station and Berryessa Station. The District and ATU mutually agree that:

1. Warm Springs is designated as a TM (Terminal) Zone. It is currently staffed with two Foreworker positions as follows:

   Job F2H060 – M-F 0500-1300 and Job F2H061 – M-F 1300-2100.

   The Foreworker staffing at Warm Springs will be temporary and may be moved depending on the operations plan for Berryessa Station, which is unknown at this time. As long as Fremont continues to be an end-of-the line station for train services, staffing at Fremont Station will not be reduced as a result of the Warm Springs opening. The end-of –the-line station will continue to have Foreworker staffing for all hours of two-line operations.

2. Effective upon opening, Berryessa will be designated as an extension Report Location with Hayward as the home yard. As long as Berryessa continues to be a Report Location, Berryessa will meet the staffing requirements for a Report Location, including Foreworkers and Transportation Administration Specialist(s) in accordance with the Labor Agreement and current practice at other extension Report Locations.

3. Foreworker staffing will be maintained at Warm Springs and Fremont stations as long as they continue to be the end of line for train operations.

4. The District shall adjust the Station Agent Extra Board segments on the A/L/S-Line to include three (3) segments as follows: 1) Lake Merritt Station through San Leandro Station; 2) Bay Fair Station through Dublin/Pleasanton Station; and 3) Hayward through Berryessa Station.

5. The District shall provide adequate rest and break facilities at Warm Springs that comply with the Labor Agreement requirements, including but not limited to, separate such facilities for Train Operators and for Station Agents.

6. The District shall provide adequate rest and break facilities at Berryessa that comply with the Labor Agreement requirements for a Report Location, including but not limited to, separate such facilities for Train Operators and for Station Agents.

7. Further, the District and ATU agree that Warm Springs and Berryessa shall be recognized lunch and/or break locations for Train Operators if the District provides and maintains a separate break facility for Train Operators equipped with the required amenities, as set forth in Section S14.1 O.

8. The parties agree that upon the opening of Berryessa Station as a report location, Train Operators will be allowed to select a location at any of their home yard report locations for the purpose of

signing up for regular day off (RDO) overtime, in the same manner as the AM/PM preference is allowed.

9. As a result of this Agreement, the Labor Agreement shall be amended as follows:

   (a) Section S14.1 H.l. shall be modified by adding to the list of break locations "Warm Springs, and Berryessa."

   (b) Section S14.1. H.2 shall be modified as follows "Train Operators enroute to their scheduled destinations who are turned back past the Oakland Wye or, who have not passed the Oakland Wye but are turned back prior to their scheduled destination and have been operating the train for more than seventy (70) minutes shall be entitled to compensation for a ten (10) minute break at the applicable overtime rate, in addition to hours worked."

   (c) Section S14.1 I.1. shall be modified by adding to the list of break locations "Warm Springs, and Berryessa."

   (d) Section S14.1 I.4. shall be modified by adding to the list of break locations "Warm Springs, and Berryessa."

   (e) Section S14.2. I. shall be modified by adding the S-Line to the Hayward Yard home yard list, and the second paragraph shall be modified as follows, "New extension report locations will be included with the appropriate home yard on the shift bids. Castro Valley, West Dublin, East Dublin, and Berryessa will be included with Hayward home yard. North Concord, West Pittsburg/Baypoint and East Pittsburg will be included with Concord home yard. Millbrae and SFIA report locations shall have Daly City as their home yard."

   (f) Section S14.3 E.l. shall be modified by adding to the list of break locations "Warm Springs, and Berryessa."

   (g) Section S14.3. E.2 shall be modified as follows "Train Operators enroute to their scheduled destinations who are turned back past the Oakland Wye or, who have not passed the Oakland Wye but are turned back prior to their scheduled destination and have been operating the train for more than seventy (70) minutes shall be entitled to compensation for a ten (10) minute break at the applicable overtime rate, in addition to hours worked."

   (h) Section S14.3 F.l. shall be modified by adding to the list of break locations "Warm Springs, and Berryessa."

   (i) Section S14.3 F.4. shall be modified by adding to the list of break locations "Warm Springs, and Berryessa."

   (j) Section S23.0 shall be modified by deleting the sentence "For Station Agents, the A/L-Line will include extra board report locations in two (2) segments: 1) Hayward Station through Fremont Station and the L-Line and 2) Lake Merritt Station through Bay Fair Station." and replacing it with the sentence "For Station Agents, the A/L/S- Line will include extra board report locations in three (3) segments: 1)" Lake Merritt Station through San Leandro Station; 2) Bay Fair Station through Dublin Pleasanton Station ;and 3) Hayward Station through Berryessa Station.

10. Within six (6) months of the opening of the Berryessa Station, the District agrees to provide wireless internet access (Wi Fi) in the Train Operator break rooms at the following Train

Operator break locations: Hayward Yard, Richmond Yard, Concord Yard, Daly City Yard, Daly City TM Zone, Millbrae TM Zone, SFIA TM Zone, Fremont TM Zone, Dublin/Pleasanton TM Zone, Pittsburg/Bay Point TM Zone, Warm Springs/South Fremont TM Zone, and Berryessa TM Zone (upon opening). The Parties agree that any disruption or alleged deficiency in this Wi Fi service is not grievable and may not constitute the basis for any penalty including, but not limited to, missed lunch or breaks.

Upon ratification, this Side Letter of Agreement shall be deemed part of the Labor Agreement between the District and ATU Local 1555:

FOR THE DISTRICT

Martin Gran — Date 6/19/18
Chief Labor Relations Officer

Roy Aguilera — Date 6/19/18
Chief Transportation Officer

FOR THE UNION

Gena Alexander — Date 6/20/18
President/Business Agent

APPROVED AS TO FORM:

Office of the General Counsel — Date 6/20/18
By Victoria R. Nuetzel

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Robert M. Powers 25 July 2018			GENERAL MANAGER ACTION REQ'D:	
DATE: 7/18/2018			BOARD INITIATED ITEM: Yes	
Originator/Prepared by: Michaela Morales Dept: Finance Signature/Date: Michaela Morales 7/23/18	General Counsel 7/24/18 [ ]	Controller/Treasurer 7/24/18 [ ]	District Secretary [ ]	BARC 7/25/18 [ ]

FIXED PROPERTY TAX RATES FY 2018-19 - GENERAL OBLIGATION BONDS

PURPOSE:
Fixing the rate of property taxes for BART in San Francisco, Alameda and Contra Costa Counties for Fiscal Year 2019 as required by Public Utilities Code Section 29126 to pay for the debt service on the District's General Obligation Bonds.

DISCUSSION:
The net debt service required on the District's General Obligation Bonds for levying the property tax rate during Fiscal Year 2019 is $46,850,385.67 as determined by BART's financial staff. The District's General Obligation Bonds are composed of two separate measures, Measure AA (Election of 2004) and Measure RR (Election of 2016). The net debt service required on the District's Measure AA (Election of 2004) General Obligation Bonds for Fiscal Year 2019 is $34,930,423.68 and the net debt service required on the Measure RR (Election of 2016) General Obligation Bonds for Fiscal Year 2019 is $11,919,961.99.

The net debt service tax rate required for both Measures by the District for Fiscal Year 2019 is .0070 percent which equates to $7.00 per one hundred thousand dollars of assessed valuation for the three counties within the District as determined by their Auditor-Controller's Offices. The net debt service tax rate required by the District for Fiscal Year 2019 for the Measure AA (Election of 2004) General Obligation Bonds is .0052 percent which equates to $5.20 per one hundred thousand dollars of assessed valuation for the three counties and the net debt service tax rate required by the District for Fiscal Year 2019 for the Measure RR (Election of 2016) General Obligation Bonds is .0018 percent which equates to $1.80 per one hundred thousand dollars of assessed valuation for the three counties within the District

as determined by their Auditor-Controller's Offices.

FISCAL IMPACT:
Revenues collected on the basis of the above tax rate will be sufficient for the debt service requirements for the General Obligation Bonds for Fiscal Year 2019.

ALTERNATIVES:
None.

RECOMMENDATION:
It is recommended that the tax rate fixed for Fiscal Year 2019 be approved.

MOTION:
Adopt attached Resolution.

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

In The Matter of Fixing The Rate of Taxes
For San Francisco Bay Area Rapid Transit
District for Fiscal Year 2018/19 Resolution No._____

WHEREAS, this Board desires to fix the rate of taxes for the District, for the fiscal year July 1, 2018 to June 30, 2019, and make valid assessments of property and valid levies of taxes in accordance with Public Utilities Code Section 29126; and

WHEREAS, Section 93(c) of the Revenue and Taxation Code authorizes the District to levy an ad valorem property tax in order to produce revenues in an amount equal to the amount needed to make annual payments of principal and interest on the General Obligation Bonds which were approved by over two-thirds vote of the District's voters on November 2, 2004 and November 8, 2016; and

WHEREAS, this Board has determined the tax rate for the District taxes for the counties in the District for the fiscal year 2018/19 from the budget of the District for the fiscal year 2018/19 and from the values of property transmitted to this Board by County Auditors;

NOW, THEREFORE, BE IT RESOLVED that the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2018 to June 30, 2019, is hereby fixed at .0070 percent, which equates to $7.00 per one hundred thousand dollars of assessed value of property. Per Measure AA, the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2018 to June 30, 2019, is hereby fixed at .0052 percent, which equates to $5.20 per one hundred thousand dollars of assessed value of property. Per Measure RR, the rate of taxes of the San Francisco Bay Area Rapid Transit District, for the fiscal year July 1, 2018 to June 30, 2019, is hereby fixed at .0018 percent, which equates to $1.80 per one hundred thousand dollars of assessed value of property. AND BE IT FURTHER RESOLVED that the Secretary shall immediately after the effective date of this resolution transmit to the County Auditor of the Counties in which the District is situated a statement of such tax rate. The effective date of this resolution is August 9, 2018.

Adopted: _____

_____
Patricia K. Williams, Interim District Secretary

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 1 Aug 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/17/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Aileen Hernandez Dept: Grant Development Signature/Date: 7/26/18	General Counsel 7/26/18 [ ]	Controller/Treasurer 7/20/18 [ ]	District Secretary [ ]	BARC FOR P. HORTON 7/31/2018

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

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

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

In January 2018, MTC released its Lifeline Transportation Program Cycle 5 Guidelines and estimates for two years of funding (FY 16/17 - FY 17/18). The funding sources for this program include a mix of state and federal funds to support both operating and capital activities for the region, in total roughly $15 million of State Transit Assistance (STA) funds and $7 million in FTA Section 5307 funds (Urbanized Area Formula Funding).

LTP funding for STA and FTA Section 5307 was assigned to counties based on their share of regional, low-income population. LTP funds will be administered by county congestion management agencies (CMAs) or other designated county-wide agencies. Contra Costa County has an STA Programming Target of approximately $3.1 million for the two-year fund

estimate.

Following a process of evaluation, Contra Costa Transportation Authority (CCTA) is proposing to award $954,259 to the District's Pittsburg/Bay Point Elevator Renovation Project, for work to renovate two elevators at the station. The award is 31% of the available STA funding for Contra Costa County. Due to limited Lifeline funding, and because the Project was evaluated and scored based on the renovation of two elevators, BART would be required to provide a funding match of $952,384 from other fund sources, which is the balance of the cost to renovate the two elevators.

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

FISCAL IMPACT: By adopting this Resolution, BART will receive $954,259 in Cycle 5 Lifeline Transportation Program funds to renovate two elevators at the Pittsburg/Bay Point Station. BART will provide $952,384 from BART FY19 Operating to Capital Allocation Fund (Fund # 8533).

As of July 25, 2018, FY19 Operating to Capital Allocation (Fund #8533) has a total threshold of $22,263,380, with $12,263,380 in reserve for other projects. This action will allocate $952,384 of the set aside for award match, leaving a remaining balance of $9,047,616.

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

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

ALTERNATIVES: MTC will not release the Lifeline Transportation Program funds without a duly adopted Resolution by the BART Board. If the Resolution is not adopted, BART would lose funds in the amount of $954,259.

RECOMMENDATION: Adoption of the following Motion.

MOTION: The BART Board approves adoption of the attached resolution "In the Matter of Authorizing Action Necessary to obtain Cycle 5 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission".

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

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

Resolution No. _____

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

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

WHEREAS the Contra Costa Transportation Authority (CCTA) has been designated by MTC to assist with the Lifeline Transportation Program in Contra Costa County on behalf of MTC; and

WHEREAS, CCTA conducted a competitive call for projects for the Lifeline Transportation Program in Contra Costa County; and

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

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

WHEREAS, CCTA, after review, adopted CCTA Resolution 18-35-G, recommending BART's proposed project, described more fully on Attachment A to this Resolution, attached to and incorporated herein as though set forth at length, be funded in part under the Lifeline Transportation Program; and

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

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

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

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

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

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

ATTACHMENT A
Lifeline Transportation Program Cycle 5 Projects

Project Name	Project Description	Lifeline Transportation Program Funding Amounts			Local Match Amount	Total Project Cost
		STA	5307	Total Lifeline Funding		
Pittsburg/Bay Point BART Elevator Renovation *	BART will renovate two elevators at the Pittsburg/Bay Point BART Station with Lifeline Cycle 5 and other funding. Renovation of elevators at the Pittsburg/Bay Point BART Station is part of Phase I of the Elevator Renovation Program.		$954,259	$954,259	$952,384	$1,906,643
Total			$954,259	$954,259	$952,384	$1,906,643

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

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Robert M. Powers 1 Aug 2018				GENERAL MANAGER ACTION REQ'D:
DATE: 7/3/2018				BOARD INITIATED ITEM: No
Originator/Prepared by: Sharon Moore Dept: Office of Civil Rights Signature/Date: Sharon C. Moore 7/23/18	General Counsel 7/26/18 [ ]	Controller/Treasurer 7/26/18]	District Secretary [ ]	BARC 7/26/18 [ ]

Adoption of the Revised Equal Employment Opportunity (EEO) and Prevention of Sexual Harassment in the Workplace Policies

PURPOSE:

To request that the Board of Directors adopt the following revised Policies for the District:

- **Equal Employment Opportunity (EEO) Policy**
- **Prevention of Sexual Harassment in the Workplace Policy**

DISCUSSION:

Equal Employment Opportunity (EEO)

Recipients and sub-recipients of Federal Transit Administration (FTA) financial assistance that employ 50 or more transit-related employees are required to adopt a formal EEO Policy.

The Board of Directors initially adopted an Affirmative Action Program and District-wide goals for minorities and women in September 1974. The most recent adoption of District's EEO Policy was on January 14, 2016.

The proposed revised EEO Policy incorporates revisions to the following protected categories for consistency with the categories protected from harassment and discrimination in employment under the Federal Transit Administration (FTA) and the State of California Department of Fair Employment and Housing (DFEH):

- Personnel Transactions;
  - (Expanded to include "recruitment," "selection for training" and "demotion")

- Religion;
  - (Expanded to include "religious dress and grooming practices")
- Sex/gender;
  - (Expanded to include "pregnancy, childbirth, breastfeeding, and/or related medical condition")
- Medical condition;
  - (Expanded to include "record or history of cancer")

The proposed EEO Policy also adds new language regarding protections and rights under the Americans with Disabilities Act, as amended, for consistency with the protections for California workers under the DFEH providing that the District employees are entitled to:

- Protection from prohibited harassment by coworkers, third parties, as well as supervisors and managers with whom the employee comes into contact.
- Protection from retaliation for individuals who file charges or complain about EEO discrimination, participate in an employment discrimination proceeding (such as an investigation or lawsuit), or who otherwise engage in protected activity including participation as a witness in an EEO investigation.
- Provide reasonable accommodation to applicants and employees because of a disability or to practice or observe their religion, absent undue hardship.

Additional policy revisions include:

- Added Maceo Wiggins as the District EEO Officer.
- Added language that all District executives, management and supervisory personnel share in the responsibility for implementing and monitoring the EEO Policy Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved.
- Added language that the District complaint procedure does not require an employee to complain directly to their immediate supervisor.

Prevention of Sexual Harassment in the Workplace

The District is also committed to maintaining a workplace that is free of sexual harassment, in keeping with our long-standing EEO Policy. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA).

The Board adopted the District's Prevention of Sexual Harassment in the Workplace Policy in December 1980. The most recent adoption of the District's Prevention of Sexual Harassment in the Workplace Policy was on January 14, 2016.

The proposed Prevention of Sexual Harassment in the Workplace Policy incorporates the following revisions:

- Added "lead personnel" to list of personnel responsible for enforcing, responding to and ensuring compliance with Policy.

FISCAL IMPACT: There is no fiscal impact.

ALTERNATIVES: Adopt amended or modified policy statement(s).

RECOMMENDATION: Adopt the following motion.

MOTION: The Board adopts the revised Equal Employment Opportunity and Prevention of Sexual Harassment in the Workplace Policies.

BART

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Statement of Policy:

The San Francisco Bay Area Rapid Transit District (District) has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve and to provide a work place free of discrimination, harassment and retaliation for filing a complaint. No person is unlawfully excluded from employment opportunities in any personnel transaction including recruitment, hiring, promotion, selection for training, termination, transfer, layoff, demotion, rates of pay or other forms of compensation, benefits and other terms and conditions of employment based on race, color, marital status, sexual orientation, religion (includes religious dress and grooming practices), national origin (including language use restrictions), ancestry, age (40 and above), sex/gender (includes pregnancy, childbirth, breastfeeding, and/or related medical condition), gender identity/ gender expression, disability (mental and physical, including HIV and AIDS), medical condition (cancer or a record or history of cancer/genetic characteristics and information), request for family care leave, request for pregnancy disability leave, request for leave for an employee's own serious health condition, or military or veteran status.

District employees who meet state and federal eligibility requirements are:

- Guaranteed leave if disabled because of pregnancy;
- Guaranteed reasonable accommodation for pregnancy;
- Guaranteed leaves for the birth or adoption of a child, for the employee's own serious health condition, or to care for a "family member" (as defined by law) with a serious health condition;
- Protected from harassment because of their sex, race, or any other category covered under the law;
- Protected from retaliation for filing a complaint, for participating in the investigation of a complaint, or for protesting possible violation of the law; and/or
- Protected from prohibited harassment by coworkers, third parties, as well as supervisors and managers with whom the employee comes into contact.

The District is committed to providing reasonable accommodation to applicants and employees because of a disability or to practice or observe their religion, absent undue hardship. Employees with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job.

The District recognizes and values the diversity of its workforce and the benefits to the District programs and services that are promoted by diverse viewpoints, life experiences, and cultural perspectives. The District supports and encourages diversity and provides education and training related to the benefits and challenges of working productively in a culturally diverse environment.

Implementation

As General Manager, I maintain overall responsibility and accountability for District compliance with the EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed **Maceo Wiggins, Department Manager, Office of Civil Rights** as the EEO Officer (510) 464-7194. The EEO Officer reports directly to me and acts with my authority with all levels of management, labor unions, and employees.

All District executives, management and supervisory personnel, however, share in the responsibility for implementing and monitoring the EEO Policy and Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved. Managers and supervisors will be evaluated based on their successful implementation of the District's EEO Policies and Procedures as they are regarding other District goals.

Consistent with applicable federal and state laws, the District is committed to developing a written nondiscrimination program setting forth the policies, practices and procedures, with stated goals and timetables. Upon request, the District will make the EEO Program available for inspection by an employee or applicant for employment.

All District personnel, including Board members, are responsible for and required to comply with the EEO Policy and EEOP. District hiring personnel are accountable for evaluating a diverse pool of candidates to select a qualified individual in a manner that is free of artificial impediments.

All BART employees are responsible for conducting themselves in accordance with the District's EEO Policy.

Reporting

All applicants and employees have the right to file complaints alleging a violation of the EEO Policy. The District complaint procedure does not require an employee to complain directly to their immediate supervisor. Any employee who believes that they have experienced EEO discrimination, harassment and/or retaliation is encouraged to file a complaint with the District's Office of Civil Rights. Complaints of discrimination, harassment or retaliation should be directed to:

Office of Civil Rights
ATTN: Katherine Tate, Principal Administrative Analyst
300 Lakeside Drive, Suite 1800
Oakland, CA 94612
(510) 464-6107
ktate1@bart.gov

District policy and state law prohibit retaliation against an individual who files a charge or complains about EEO discrimination or harassment, who participates in an employment discrimination proceeding (such as an investigation or lawsuit), or who otherwise engages in protected activity including participation as a witness in an EEO investigation. Any such retaliation is strictly prohibited and is a violation of the District's Equal Employment Opportunity Policy, regardless of whether the original complaint is sustained.

All BART employees have the right to file their complaint with the Department of Fair Employment and Housing (DFEH), the Equal Employment Opportunity Commission (EEOC), or the U.S. Department of Transportation (DOT). The statute of limitations to file with DFEH is 365 days from the date of the last discriminatory incident. The statute of limitations for the EEOC is 300 days from the date of the alleged harm. Complaints should be filed with DOT within 180 days of the alleged act of discrimination.

Grace Crunican
General Manager

Date

BART

PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE

Statement of Policy:

The San Francisco Bay Area Rapid Transit District (District) is committed to maintaining a workplace that is free of sexual harassment. In keeping with the District's long-standing Equal Employment Opportunity (EEO) Policy, sexual harassment in the workplace will not be tolerated. The District is committed to enforcing this policy and to providing training to its managers, supervisors, foreworkers, lead personnel and employees to assist them in dealing sensitively and effectively with this important issue.

All BART employees are responsible for conducting themselves in accordance with the District's rules of employee conduct, including but not limited to, the EEO Policy.

Any employee who believes that they have been the victim of harassment on the basis of sex has the right to file a complaint with the District's Office of Civil Rights. All complaints of sexual harassment will be investigated. Retaliation against an employee for filing a complaint is prohibited by law. All parties involved will be treated in a fair and impartial manner. Employee privacy and confidentiality will be protected to the extent permitted by law.

Employees who violate this policy will be subject to disciplinary action, up to and including discharge.

Definition

Sexual harassment is a form of sex discrimination and is an unlawful employment practice. It is a personal affront to the affected employee and negatively impacts morale, motivation, and job performance. This policy includes sexual harassment of District employees by non-employees. Unwelcome sexual advances, request for sexual favors, and verbal, physical, visual, or other conduct of a sexual nature constitutes sexual harassment and are prohibited by this policy when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Reporting

Prompt and appropriate action should be taken to prevent or stop incidents of sexual harassment. Any employee who believes that they have been the target of sexual harassment is encouraged to inform the offending person verbally or in writing that such conduct is unwelcome, offensive, and must stop. An employee, however, is not required to

communicate directly with the offending person, or if communication has been ineffective, the employee can complain directly to the Office of Civil Rights or any District manager, supervisor, foreworker or lead personnel. Failure to communicate with the perpetrator does not prevent an employee from filing a complaint, nor does it in any way exonerate the harasser.

Any manager, supervisor, foreworker or lead personnel who witnesses or has knowledge of sexual harassment or other forms of harassment or conduct prohibited by District rules must promptly report such conduct to and consult with the Office of Civil Rights. Managers, supervisors, foreworkers and lead personnel have a legal responsibility to take action if they know or have reason to believe of a harassing situation. Managers, supervisors, foreworkers and lead personnel must take action to address the situation regardless of the victim's stated desire to pursue or not to pursue the matter.

California Government Code Section 12950.1 Training

California employers with 50 or more employees must provide two hours of interactive sexual harassment training to supervisors within six months of hire or promotion, and every two years thereafter. Employers are also required to include a training component on the prevention of "abusive conduct" in its mandatory harassment prevention training.

For more information on the District's Prevention of Sexual Harassment training, contact the Office of Civil Rights.

Enforcement

The Office of Civil Rights can provide both formal and informal consultation and provide information regarding harassment concerns. Complaints and cases of sexual harassment brought to the attention of the Office of Civil Rights or any District manager, supervisor, foreworker or lead personnel will be handled promptly through a confidential process.

Retaliation against employees alleging sexual harassment or involved as witnesses in a sexual harassment investigation is prohibited.

Complaints of sexual harassment or inquires concerning the application of federal and state laws and regulations should be directed to:

Office of Civil Rights
ATTN: Katherine Tate, Principal Administrative Analyst
300 Lakeside Drive, Suite 1800
Oakland, CA 94612
(510) 464-6107
ktate1@bart.gov

Grace Crunican
General Manager

Date

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 1 Aug 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/19/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Karen Basting Dept: Customer Services Signature/Date: 7/26/18	General Counsel 7/26/18 [ ]	Controller/Treasurer 7/27/18 [ ]	District Secretary [ ]	BARC 7/24/18 [ ]

Proposed Termination of the BART Teenage Student Discount (Orange Ticket) Trial Program for Students at Participating Middle and High Schools

PURPOSE:
To request that the Board approve the termination of the BART "Teenage Student Discount" (Orange Ticket) Trial Program for Students at Participating Middle and High Schools.

DISCUSSION:
In May 1998, the Board of Directors adopted the Teenage Student Discount (Orange Ticket) Trial Program for students at Middle and High Schools within the District to provide a student discount on school-related trips taken Monday through Friday only. The Orange ticket has been sold since 1998 to students at participating schools at a 50 percent discount; students could pay $16 and receive a ticket valued at $32. One hundred forty-eight (148) individual schools have participated in the Program since its inception. From January through June, 2018, a total of thirty seven (37) schools purchased tickets through the Program.

Staff recommends discontinuing the Orange Ticket Trial Program because the Board-approved fare change that took effect in January 2018 now provides for a 50 percent discount to all youth ages 5 through 18 years old for all trips taken (school or non-school related) during any day of the week. Children under the age of 5 continue to ride for free.

The Board approved the Title VI analysis and report on June 14, 2018. The analysis concluded that the termination of the Orange Ticket Program will not result in a disparate impact or disproportionate burden on minority riders or low-income riders.

Pursuant to the original Board motion authorizing the Trial Program, discontinuance of the

Program after six months is subject to a noticed public hearing soliciting public comments pertaining to the discontinuance. Notices were issued on July 13, July 20 and July 27, 2018 in local newspapers informing the public about the Program termination and the hearing to solicit comments regarding the termination to take place during the August 9, 2018 Board Meeting.

FISCAL IMPACT:
Discontinuing the Orange Ticket Program will result in a one-time savings for the District of up to approximately $10,000 in material and ticket stock costs.

ALTERNATIVES:
Do not approve or defer approval of termination of the BART Discounted Orange Ticket Trial Program for Students at Participating Middle and High Schools.

RECOMMENDATION:
Approval of the following Motion.

MOTION:

Approve termination of the BART Discounted "Teenage Student Discount" (Orange Ticket) Trial Program for Students at Participating Middle and High Schools.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/3/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carolina Lopez Dept: Operations Signature/Date: 8/3/18	General Counsel 8/3/18 [ ]	Controller/Treasurer 8/3/18 [ ]	District Secretary [ ]	BARC 8/03/18 [ ]

BART Safety & Security Action Plan

PURPOSE:

To apprise the Board of actions, or planned actions, that enhance BART customer safety and security and fall within the General Manager's authority. Additionally, staff is recommending Board approval to advance, and in some cases fully implement, other public safety actions, projects and programs. The items for which Board approval is being sought are categorized as either most likely not requiring any additional Board action prior to implementation or items/actions which, for various reasons, will most likely require additional BART Board of Director action prior to implementation.

DISCUSSION:

In the last several weeks there have been several high profile violent criminal acts on the BART system resulting in a tragic loss of lives. Although violent crimes on BART are relatively flat compared to the previous year, recent events necessitate a reassessment of potential additional measures available to the District to further enhance safety and security on the BART system. Attachment 1, "BART Safety and Security Action Plan", provides a listing, description, status (underway or planned), budget and schedule of additional actions that the staff is recommending in order to enhance rider safety. Below is a list of the actions underway and proposals contained in Attachment 1, categorized by whether they will likely only require BART Board of Director approval this one time or whether subsequent Board actions are likely to be required.

<u>Within General Manager's Authority</u>

1. Emergency BPD Staffing
2. Rapid Deployment BART Employee Station Team (BEST) And Enhanced Employee Safety And Security Training

3. "BART Watch" App, Increase Use Through Marketing
4. Physical Security Information Management System (PSIM) Test Project At Lake Merritt Station
5. Rider Educational Campaign

Recommend Board Approval With Further Board Action Anticipated (type of additional Board action anticipated)
6. Expansion And Conversion-Digital Camera Network In Stations, Parking Lots And Garages (procurement action)
7. Physical Security Information Management System (PSIM)-Implement Systemwide (procurement action)
8. Platform Emergency Call Boxes (procurement action)
9. Video Screens Showing Real Time Station CCTV Images And Enhanced Video Surveillance Signage (procurement action)
10. "No Panhandling" Ordinance Within Paid Areas (adoption of ordinance)
11. Accelerate System Hardening Efforts (Board presentation on September 27, 2018 and possible procurement action)

Recommend Board Approval With No Further Board Action Anticipated
12. Additional Proof of Payment Team For Evenings

Other Initiatives Under Evaluation or In Development
Several other safety and security related initiatives are still being evaluated by staff or are under development for future Board action. As part of this EDD, staff is not recommending any Board action on these items but wants the Board to be aware that they are under evaluation or development. The items/initiatives are as follows:

1. **Increased Police Staffing**
In September 2017, the BPD contracted with the University of North Texas for the development of a five-year strategic patrol staffing plan. Various methodologies were employed during the study including discussions with BPD personnel and external stakeholders. The research team conducted a comprehensive review of statistical data, reports, and departmental policies relevant to BPD patrol workload, staffing, scheduling, and overtime demands, an assessment of national best practices applicable to BPD patrol, and the development of statistical models to determine and validate patrol staffing needs.
This report is structured in three primary sections (Patrol Division Staffing, Summary of Patrol Officer Staffing Recommendations, List of Recommendations) and provides the reader with data, information, and analysis leading to the development of a five-year strategic patrol staffing plan for BPD. The report has been completed and will be presented at the September 27, 2018 Board meeting. Dr. Eric Fritsch will present his

findings.

2. **Technology Enhancement Policy**

After several meetings with Oakland Privacy and the ACLU, staff is nearing completion of a final draft of the Surveillance Policy. Staff anticipates that the policy will be presented to the Board in September or October. The policy will address such issues as the District's use of, or participation in, data sharing and Automated Vehicle License Readers.

3. **MTAP**

One concept that staff is exploring is a program modeled after SFMTA's Muni Transit Assistance Program (MTAP), which started as a pilot program in 1995 when crime on Muni was high. MTAP has mostly been oriented towards youth. SFMTA staff, recruited from nonprofits and community-based organizations, receive special training in conflict resolution with a strong emphasis on solutions through dialog. They always work in teams of two or three, usually of mixed race and/or mixed gender, which improves their effectiveness. They ride buses and trains with routes through high crime areas. MTAP enforces the SFMTA back door boarding policy with proper proof of payment, provides information and assistance to Muni customers and functions as additional SFMTA security. BART will continue to explore the SFMTA program, and determine if it is appropriate for the BART operating environment.

FISCAL IMPACT:

The fiscal impact of the activities in the subject EDD are as follows:

(a) One-time Capital expenses totaling approximately $25 million subject to Board approval,
(b) Ongoing non-labor expenses of approximately $1 million annually subject to Board approval, and
(c) Ongoing annualized labor costs of approximately $2 million per year, which are not subject to Board approval at this time.

Expenditures from activities in the "Within General Manager's Authority" and "Recommend Board Approval with No Further Board Action Anticipated" categories are included in the Fiscal Year 2019 (FY19) operating and capital budgets. Additional positions will comply with the provisions authorized in the FY19 budget resolution or be presented in a FY19 Midyear Budget Revision, if such a revision is necessary.

Funding for ongoing operating expenditures in subsequent Fiscal Years will be included in the proposed annual operating budget, which is subject to Board approval.

Funding for capital expenditures may be derived from several sources: acceleration of safety

and security projects already in progress, re-scoping existing projects to focus on safety and security activities, re-allocation of funding assigned to existing capital projects, deferment of future capital projects that are not part of the "BART Safety and Security Action Plan", and identification and pursuit of new capital funding sources. Details of existing and future projects and related funding that may be impacted will be presented at future Board meetings.

The Capital Budget and Funds Management department will certify the eligibility of identified funding sources prior to modifications to existing project scopes and schedules. The Office of the Controller/Treasurer will certify that funds are available to meet these obligations prior the execution of each capital project modification.

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

ALTERNATIVES:

The Board could authorize none, some or all of the staff recommended actions. Additionally the Board could direct staff to pursue additional actions.

RECOMMENDATION:
Adopt the motion shown below.

MOTION:
The Board approves the hiring of 10 additional fare inspectors (8 new positions, 2 FY19 approved positions) to be assigned to fare enforcement from 3:30pm to 1:30am; the Board also approves, subject to further Board action as may be required, items 6 through 11 from the "Recommend Board Approval With Further Board Action" list contained in the Discussion section of this EDD.

Attachment 1 – BART SAFETY & SECURITY ACTION PLAN

Within General Manager's Authority

1. **EMERGENCY BPD STAFFING**
   COMPLETE
   As of August 6, 2018, sworn officers, Community Service Officers (CSOs), and BPD Dispatch have been placed on an emergency staffing deployment—six days on with one day off. Any sick calls will require medical documentation. Sworn personnel and CSOs working on their RDO will be riding trains, and will be split between two platoons (shifts):
   - A-Platoon from 5:00 AM – 3:30 PM
   - B-Platoon from 3:00 PM – 1:00 AM

   This will increase the presence of officers on the system during weekends and late night hours.

2. **RAPID DEPLOYMENT BART EMPLOYEE STATION TEAM (BEST) & ENHANCED EMPLOYEE SAFETY & SECURITY TRAINING**
   a. A group of volunteer Non-Reps and Supervisors would be trained in advance to provide a visible presence (wearing BART safety vests) on trains and in stations, so that they are able to be deployed, for a limited duration, almost immediately. The Rapid Deployment BEST volunteers would work in teams of 2-4 and would be deployed at the discretion of the General Manager. The team would be deployed for events such as an actual or threatened terrorist attack on a US rail operator or following a high-profile crime on the BART system. They would provide a visible presence of BART employees for BART riders and would act as "eyes and ears" for reporting incidents and conditions requiring Operations or BPD response. Depending on the reason for their deployment, the team might be deployed in the evenings. Prior to being deployed, these volunteers would receive specialized training in communication protocols, incident reporting, de-escalation techniques and basic rail operation/equipment familiarization.

   b. An enhanced security training program for front-line employees will be developed and deployed utilizing TSA "Observe and Report" program.

3. **"BART WATCH" APP, INCREASE USE THROUGH MARKETING**
   There are currently 52,662 installations of the BART Watch (ELERTS) app. Prior to recent security incidents, BART was averaging 350 incoming ELERTS to the BPD Dispatch per week. Immediately after the security incidents, the incoming ELERTS rose to 758 in a one-week period. Although it is unlikely that this level of activity would be sustained over the long term, a substantial increase in the previous weekly average of incoming ELERTS is expected.

   Efforts to increase the usage of the app as part of BART safety and security initiatives would significantly affect the workload at the BPD Dispatch. Additional dedicated BPD Dispatch staffing would be needed to handle ELERTS on dayshift, swing shift, and a weekend overlap. The general increase in usage of the app would require three Dispatchers for $380,000, and $50,000 for web advertisement.

4. **PHYSICAL SECURITY INFORMATION MANAGEMENT (PSIM) SYSTEM TEST PROJECT AT LAKE MERRITT STATION**
   IN PROCESS

A PO has already been issued for the District's PSIM test project at Lake Merritt Station. The location was chosen due to its proximity to the Data Center, BPD Dispatch, OCC, and Emergency Operations Center. The test project's anticipated duration is six weeks.

See #7 for a description of the PSIM system.

5. **RIDER EDUCATIONAL CAMPAIGN**
IN PROCESS
BART Communications will launch a "Ride Safe" campaign that highlights safety tips for our riders and educates the public about what BART is doing to increase police presence and keep our system safe. The initial step of the campaign—a passenger bulletin with safety tips at every station, shared on bart.gov and social media, and pushed out on BART Watch—has already been completed.

The campaign will feature:
- A passenger bulletin with safety tips at every station; also shared on bart.gov and social media, and pushed out on BART Watch (COMPLETE)
- A one-stop shop website for all information: www.bart.gov/ridesafe
- A series of car card posters onboard trains with safety tips and promoting BART Watch. www.bart.gov/ridesafe will be included on the posters so people can learn more.
- #ridesafe hash tag on social media posts with branded graphics, videos, and data-based infographics
- Platform sign messages that promote bart.gov/ridesafe and include tips
- Email blasts to the public and media outlets
- A footer on all email templates (BART Service Advisories and other email blasts) telling people to visit www.bart.gov/ridesafe for safety tips and what BART is doing to keep riders safe

Recommend Board Approval With Further Board Action Anticipated

6. **EXPANSION & CONVERSION – DIGITAL CAMERA NETWORK IN STATIONS, PARKING LOTS & GARAGES**
FUTURE BOARD ACTION ANTICIPATED: Procurement action

Districtwide conversion of analog to HD PTZ CCTV digital cameras would cost approximately $15 million and take roughly four and a half years to complete. Location prioritization has been determined based on BPD crime analysis, and will be updated periodically subject to ongoing trends and patterns of crime.

The ongoing cost associated with maintenance of the increased number of cameras based on expected camera design life is $920,000 ($580,000 material, $340,000 labor).

7. **PHYSICAL SECURITY INFORMATION MANAGEMENT (PSIM) SYSTEM – IMPLEMENT SYSTEMWIDE**
FUTURE BOARD ACTION ANTICIPATED: Procurement action

The District's PSIM system is a rules engine that sits between our CCTV library and our BPD Dispatch. Originally designed to monitor physical alarms and fixed sensors, the PSIM can be enhanced to include cutting edge video analytics to generate automated alerts based on defined criteria and

BART Police Response Plans. It uses a combination of pre-defined rules and geospatial information to effectively route the closest appropriate resources to an incident, and is capable of monitoring thousands of simultaneous video streams and automating response recommendations to the BPD Dispatch.

After the Lake Merritt PSIM test project, the District's IP-based digital cameras can be onboarded into the PSIM within 12 months, extending video analytics to nearly 2,000 existing cameras. As the District's 1,500 existing analog cameras are converted to IP-based digital cameras, they can also be onboarded into the PSIM at the pace of replacement.

Implementing the PSIM Districtwide and analyzing all digital camera streams would require $4 million. This would cover onboarding of all IP-based digital cameras in all stations and staffing a three-FTE team to support the program ongoing.

- $970,000 – PSIM software licensing and consulting services; all station IP cameras
- $2.4 million – Network/server hardware
- $600,000 – 3 FTEs: PSIM Administrator, PSIM Engineer, GIS Analyst

BPD has requested additional staff to support the increased need for video recovery and camera field maintenance. These requests include:

- $203,000 –2 CSOs

Collectively, the ongoing costs (including all department requests under the PSIM) would be $1.3 million.

- $803,000 – 5 FTEs (shown above), labor
- $480,000 – ongoing software license maintenance, non-labor

8. PLATFORM EMERGENCY CALL BOXES

FUTURE BOARD ACTION ANTICIPATED: Procurement action

Three emergency call boxes would be installed on each platform. The call box would have direct intercom with BPD Dispatch, and a camera would activate whenever the intercom button is pushed. Video analytics can be applied to these devices. The cost is roughly $75,000 per platform, plus a one-time cost of approximately $17,000 for PSIM integration, which would consolidate the information from these call boxes to the BPD Dispatch.

Districtwide implementation is estimated at $5.2 million, and would take approximately one and a half years to complete. Four Electricians for $540,000 and four Comm Electronic Techs for $540,000 would be required.

9. VIDEO SCREENS SHOWING REAL TIME STATION CCTV IMAGES & ENHANCED VIDEO SURVEILLANCE SIGNAGE

FUTURE BOARD ACTION ANTICIPATED: Procurement action

A real-time video screen displaying video feeds from the station would be strategically placed at station entrances to remind riders that the area is under video surveillance. A prototype is planned to be installed and operational by August 15, 2018 at the Civic Center Station. Districtwide implementation would require 2.5 Comm Electronic Techs for $340,000, is estimated to cost approximately $800,000, and would take about two years to complete.

Additionally, signs that inform people in and around stations that they are under video surveillance would be installed. The estimated cost of this effort is $100,000.

10. **"NO PANHANDLING" ORDINANCE WITHIN PAID AREAS**
FUTURE BOARD ACTION ANTICIPATED: Adoption of ordinance

BPD, Operations, External Affairs, and Legal will work on a draft of this ordinance.

11. **ACCELERATE SYSTEM HARDENING EFFORTS**
FUTURE BOARD ACTION ANTICIPATED: Additional information from staff and possible procurement action

Systemwide Hardening Update is currently scheduled for the September 27, 2018 BART Board Meeting.

Recommend Board Approval With No Further Board Action Anticipated

12. **ADDITIONAL PROOF OF PAYMENT TEAM FOR EVENINGS**
Staff recommends a change in previous Board direction regarding the hiring of two additional Fare Inspectors in FY19. Rather than wait for the Proof of Payment status report, staff recommends that the two positions be filled immediately. Staff also recommends the addition of eight new Fare Inspectors. Additional budget impact would be $800,000. This action will provide nighttime enforcement from 3:30 PM – 1:30 AM. The focus will be proof of payment on trains and at stations to add BART presence during night hours.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Robert M. Powers 1 Aug 2018				GENERAL MANAGER ACTION REQ'D:
DATE: 7/25/2018				BOARD INITIATED ITEM: No
Originator/Prepared by: Charlotte Barham Dept: Financial Planning Signature/Date: Charlotte Barham 8/1/18	General Counsel 8/1/18 [ ]	Controller/Treasurer 8/1/18 [ ]	District Secretary [ ]	BARC FOR Pittsford 8/1/2018 [ ]

Responses to the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency"

PURPOSE:

To obtain Board approval of responses to findings and recommendations from the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency."

DISCUSSION:

On May 18, 2018, the District Secretary forwarded to the BART Board the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency" ('Report'), which has findings and recommendations regarding reporting crime data, security and safety issues, and system cleanliness. The Report requires the Board to respond to two findings (Findings 7 and 8) and two recommendations (Recommendations 5 and 6). Staff has prepared proposed responses, a summary of which is provided below. The complete responses are provided in Attachment A.

Parking Facility Lighting and Security Cameras (Finding 7 and Recommendation 5)
The response partially disagrees with the finding that BART parking lots and garages have insufficient lighting and few or no security cameras.

The lighting in every BART parking garage and parking lot has always met safety and security standards in effect at the time of construction. BART contracts with a third-party vendor to regularly maintain lighting fixtures to ensure proper functioning. BART is also currently evaluating upgrading selected parking garage lighting to LEDs.

BART has taken the initiative to install security cameras in its parking facilities although there is no requirement to do so. Fourteen of BART's 15 parking garages have security cameras. Cameras are in all parking garages constructed since the early 1990s, and older parking garages have been upgraded as part of larger projects to modernize structures. The District continually assesses its security needs, including the use of cameras, and has prioritized parking lots.

The Grand Jury recommends that the Board consider funding to equip all parking lots and garages with adequate lighting and working video cameras. The proposed response specifies that the recommendation regarding parking facility lighting has been implemented, as funding for parking lot and garage lighting is appropriated annually in support of the third-party maintenance contract. Based on BART's recent assessment, BART will advance for consideration certain security camera upgrades as part of the Fiscal Year 2020 budget process or sooner.

Cleanliness (Finding 8 and Recommendation 6)

The response is to partially disagree with the finding that BART officials and riders are dissatisfied with system sanitation. BART has increased funding for projects and programs that improve system cleanliness and address homelessness since riders reported some dissatisfaction with cleanliness in the 2016 Customer Satisfaction Survey. As a result of these efforts, system cleanliness has improved and this should be reflected in more positive ratings from riders in this fall's Customer Satisfaction Survey. The response does agree cleanliness improvement efforts should continue to ensure continued advancements in cleanliness.

The Grand Jury recommends that the Board consider making cleanliness a priority and, if additional personnel is needed, consider a request for funding in Fiscal Year 2020. The response is that prioritizing cleanliness has been implemented and continues to be a major focus of BART's annual work program. BART funded cleanliness projects in Fiscal Year 2018 that included hiring 21 more cleaners and deploying greater resources to BART's largest and most challenging stations. The approved Fiscal Year 2019 budget furthers these efforts by funding initiatives to address homelessness, which also contributes to greater system cleanliness, including San Francisco Homeless Outreach Teams; the Pit Stop Program in San Francisco; and the elevator attendant pilot program at Powell Street and Civic Center Stations to address elevator cleanliness and safety. The potential need for additional personnel will be considered as part of the Fiscal Year 2020 budget process.

FISCAL IMPACT:

Board approval of the responses has no fiscal impact; BART is already advancing several major initiatives (as described in Attachment A) funded in the Fiscal Year 2018 and Fiscal Year 2019 budgets, and any new initiatives that may be recommended would be determined

as part of the Fiscal Year 2020 budget.

ALTERNATIVES:

Direct staff to amend responses.

RECOMMENDATION:

Approve Attachment A. Responses from the BART Board of Directors to the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency."

MOTION:

The Board approves the attached Responses from the BART Board of Directors to the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency," and directs staff that those responses be transmitted to the Contra Costa Grand Jury.

Attachment A. Responses from the BART Board of Directors to the 2017-2018 Contra Costa Grand Jury Report No. 1804, "BART Crime and Transparency"

Finding 7.
BART parking lots and garages have insufficient lighting and few or no security cameras.

Response: BART partially disagrees with this finding.

Parking Facility Lighting. The lighting in every BART parking garage and parking lot has always met safety and security standards in effect at the time of construction. BART currently uses the standards of the Illuminating Engineering Society (IES), an accredited Standards Development Organization (SDO) that develops its standards using American National Standards Institute (ANSI) approved procedures. When BART replaces all fixtures in a facility as part of a major capital construction project, the IES standards in place at that time are met. BART is currently evaluating upgrading selected parking garage lighting to LEDs.

BART has a third-party vendor contract to regularly maintain parking facility lighting fixtures to ensure they are properly functioning by replacing bulbs, lenses and diffusers as necessary. LEDs last longer and therefore need to be replaced less frequently. Customers may also notify BART of a lighting issue, and BART staff will go out to investigate the issue, making repairs as needed.

In addition, riders give BART parking facility lighting an above average rating of 4.92 (the average rating for all 47 service attributes was 4.53 based on a scale of 1 = Poor and 7 = Excellent), as reported in the 2016 Customer Satisfaction Survey, which was completed by more than 5,300 riders.

Parking Facility Security Cameras. BART's stations and parking facilities have always been built to meet all safety and security standards in effect at the time of construction. In addition, although there is no regulatory requirement to install security cameras, BART has taken the initiative to install them.

Fourteen of BART's 15 parking garages have security cameras. BART's original parking garages, constructed more than 40 years ago, did not include cameras. BART has included cameras in all parking garages constructed since the early 1990s, and older parking garages have been upgraded as part of larger projects to modernize structures.

The District continually assesses its security needs, including the use of cameras, and has prioritized parking lots. The BART Police Department also makes recommendations to improve security, which include improvements in security camera coverage, as part of the Department's overall Community Oriented Policing and Problem Solving (COPPS) philosophy.

Finding 8.
BART officials and riders are dissatisfied with the lack of sanitation in stations, elevators, and restrooms.

Response: BART partially disagrees with this finding.

Since the last Customer Satisfaction Survey in 2016 where riders indicated some dissatisfaction with cleanliness, BART has increased funding for projects and programs that improve system cleanliness and address homelessness. As a result of these efforts, system cleanliness has improved and this should be reflected in more positive ratings from riders taking the upcoming fall 2018 Customer Satisfaction Survey. BART agrees that these projects and programs should continue to ensure continued advancements in cleanliness.

Recommendation 5.
BART's Board of Directors should consider seeking funds at the next budget funding cycle to equip all parking lots and garages with adequate lighting and working video cameras.

5A. Funding for Parking Facility Lighting.
Response: The recommendation has been implemented.

Parking lot and garage lighting funding is appropriated annually in support of a third-party maintenance contract.

5B. Funding for Video Cameras.
Response: The recommendation has not yet been implemented, but will be implemented as part of the Fiscal Year 2020 budget process.

Based on BART's recent assessment, BART will advance for consideration certain security camera upgrades. That proposed funding will support BART's existing process whereby funds are allocated on an ongoing basis to address security concerns, including video cameras in parking facilities, as identified by the BART Police Department's security review of station modernization and other construction projects.

Recommendation 6.
BART's Board of Directors should consider directing maintenance to make cleanliness a priority and improve the level of sanitation in stations, elevators, and restrooms. If additional personnel is needed, a request for funding may be considered for the next funding cycle.

6A. Prioritizing Cleanliness.
Response: The recommendation has been implemented.

Making cleanliness a priority and improving the level of sanitation continue to be a major focus of BART's annual work program. BART funded cleanliness projects in the Fiscal Year 2018 budget, and the approved Fiscal Year 2019 budget prioritizes Quality of Life issues including cleanliness.

The following initiatives, approved as part of the Fiscal Year 2018 budget, address BART's comprehensive plan for station cleaning improvements. The plan incorporates findings from the 2017 TRA Station Cleaning Study and input from the International Sanitary Supply Association (ISSA), a worldwide cleaning association and benchmarking organization, and includes:

- Hired 21 more cleaners.
- Restructured the System Service group to provide more management oversight, increased ownership and accountability.
- Created five geographic zones and for each zone, established dedicated supervision and workforce, with greater resources deployed at largest and most challenging stations.
- Hired an Employee Development Specialist to advance BART's training program.
- Working to achieve ISSA certification including development and training in standard cleaning tasks.
- Developed and implemented Key Performance Indicators (KPI) aligned by new zones to measure and monitor attendance, overtime and safety performance. Additional KPIs under development.
- Developed a project plan for implementation over the next year of a station cleaning material and tooling inventory system, with initial focus on downtown San Francisco stations.

- Partnered with BART Police and other station personnel in downtown San Francisco to create a sense of community and to begin to address issues related to drug use and trespassing in stations.
- Holding monthly customer meet-and-greet sessions at stations throughout the system to hear from customers on ways to improve their experience.

In addition, in the Fiscal Year 2019 budget, BART has funded the following initiatives to address homelessness, which will also contribute to greater system cleanliness.

Homeless Outreach Teams. BART, San Francisco Municipal Transportation Agency (SFMTA), and the San Francisco Department of Homeless and Supportive Housing partnered to roll out the San Francisco Homeless Outreach Team (SF HOT) in November 2017. This team works closely with BART staff, the San Francisco Police Department, and SFMTA staff to engage the homeless population at the four downtown San Francisco stations. From November 2017 through January 2018, the team has made 258 contacts, 128 referrals, and 266 connections. BART is expanding Homeless Outreach Teams to other stations and counties in FY19 to more effectively tackle the homelessness issue throughout the entire BART system.

BART Police Department Community Outreach. A member of the BART Police Department continues to coordinate the identification of homeless resources and partnerships throughout the four counties BART serves and is the current chairperson of the Alameda County Homeless Task Force, which meets each month at the BART Police Department.

Pit Stops. The Pit Stop Program, managed by the San Francisco Department of Public Works, provides attended restroom facilities in the most challenged areas of San Francisco. BART and Public Works partnered to provide Pit Stop facilities at 16th Street/Mission and Powell Street Stations in FY17 and FY18, and will continue this partnership in FY19 for both stations. A new facility may be added near Embarcadero Station. San Francisco funds a Pit Stop located next to Civic Center Station as well.

Elevator Attendants. BART and SFMTA are partnering to bring attendants to the street and platform elevators at Powell Street and Civic Center Stations to address elevator cleanliness, safety, security, availability, and accessibility issues. Roll-out for this pilot began in April 2018, and the program has been extended to at least November 2019. Data will be collected and analyzed before and after implementation, with the appropriate performance metrics applied.

Security Measures. Security measures will be implemented on prioritized BART properties to reduce encampments in Alameda, Contra Costa, and San Mateo counties, which could include fencing, signage, cameras, and other strategies. This ensures safe and reliable BART operations.

6B. <u>Need for Additional Personnel</u>
Response: This recommendation has not yet been implemented, but will be implemented as part of the Fiscal Year 2020 budget process.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 1 Aug 2018.		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/20/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development Signature/Date: 7/25/18	General Counsel 7/25/18 [ ]	Controller/Treasurer 7/25/18 [ ]	District Secretary [ ]	BARC 7/26/18 [ ]

Resolution of Authorization for the Execution of the Certifications and Assurances for the FY18/19 California State of Good Repair Program

PURPOSE: To obtain Board approval of a Resolution required for the receipt of Senate Bill 1 (SB-1) funds through the State Transit Assistance (STA) State of Good Repair (SGR) Program. For FY18/19, BART will be allocated $6,102,066 in STA SGR revenue-based formula funds. BART staff will use these funds to perform critical Elevator and Escalator Renovation and Automatic Fare Collection/Communications work at various District stations and facilities.

DISCUSSION: The STA State of Good Repair Program will provide annual funds to transit operators in California for eligible transit maintenance, rehabilitation, and capital projects. This Program will benefit the public by providing public transportation agencies with a consistent and dependable revenue source to invest in the upgrade, repair, and improvement of transportation infrastructure, and, in turn, improve transportation services. As a condition of receiving STA State of Good Repair funds, Caltrans requires the Board of Directors to approve a resolution to formally accept the grant with associated terms and conditions, and designate a District Officer authorized to execute all required documents for participation in the SGR program and any amendments to those documents.

BART staff proposes using the $6,102,066 in FY18/19 STA State of Good Repair funds to perform critical maintenance work to renovate escalators and elevators and automatic fare collection/communications equipment at various District stations and facilities. No grant match is required.

FISCAL IMPACT: Approval of the Resolution of Local Support is a Caltrans requirement for the District to receive a FY18/19 formula allocation of State of Good Repair funds in the amount of $6,102,066. These funds are already included in the adopted FY19 Budget to perform preventative maintenance work. The action will have no fiscal impact to

unprogrammed District Reserves. No local match is required.

ALTERNATIVES: Do not approve the Resolution of Local Support. If the Resolution is not approved, BART will risk the loss of STA State of Good Repair funds in the amount of $6,102,066, and could lose the opportunity to perform crucial maintenance work on escalators and elevators and automatic fare collection/communications equipment in need of repair.

RECOMMENDATION: Adopt the following motion.

MOTION: The BART Board of Directors approves the attached "Resolution of Authorization for the Execution of Certifications and Assurances for the California State of Good Repair Program" and designates the General Manager to execute all required documents for participation in this program. This action will enable the receipt of funds in the amount of $6,102,066 to perform critical elevator and escalator renovation and automatic fare collections/communications equipment repairs at various District stations and facilities.

ATTACHMENT I

RESOLUTION #_____

AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2017) named the California Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies); and

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (District) wishes to delegate authorization to execute these documents and any amendments thereto to the District's General Manager.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the District's General Manager be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT:

BY: _____
President

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Robert M. Powers 1 Aug 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/24/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rod Maplestone Dept: Human Resources Administration Signature/Date: Rod Maplestone 7/26/2018	General Counsel 7/26/18 [ ]	Controller/Treasurer 7/26/18 [ ]	District Secretary [ ]	BARC 7/26/18 [ ]

Award of Contracts for Workers' Compensation Third Party Administrator (6M4111), Medical Case Management (6M4112), and Utilization Review/Bill Review (6M4113)

PURPOSE: To obtain Board authorization for the General Manager to award three (3) agreements in support of the District's Workers' Compensation Program: Agreement No. 6M4111 for Third-Party Administration (TPA) to Athens Administrators, Inc.; Agreement No. 6M4113 for Utilization and Bill Review Services to CareWorks Managed Care Services; and Agreement No. 6M4112 for Medical Case Management Services to Excel Managed Care & Disability Services, Inc.

DISCUSSION: These agreements are three of four related agreements for services in support of Workers' Compensation Administration. Previously, all services related to Workers' Compensation had been provided by, or through, a Third-Party Administrator (TPA) in consultation with District staff charged with overseeing the Workers' Compensation Program. In 2013, the District unbundled the services into four (4) distinct contracts, to open up opportunities to a larger field of providers to do business with the District.

Separate Requests for Proposals ("RFPs") for Third-Party Administration, Utilization and Bill Review, and Medical Case Management were advertised. The fourth service is Investigative Services, which will be presented to the Board at a later date.

Third-Party Administration, Agreement No. 6M4111.

Advance Notices were mailed on March 6, 2018 to one hundred and ninety one (191) known providers. The Advance Notice and the RFP were also posted on the Procurement Portal on March 6, 2018. The RFP was advertised in eleven (11) publications on March 8, 2018.

A total of nineteen (19) firms downloaded the RFP from the Procurement Portal. A Pre-Proposal Meeting and Networking Session were held on March 27, 2018 with four (4) firms in attendance. Two (2) proposals were received on May 1, 2018 from the following firms:

1. Athens Administrators, Inc. ("Athens"), Concord, CA
2. TRISTAR Risk Management ("TRISTAR"), Long Beach, CA

The District's Selection Committee, chaired by Contract Administration, consisted of representatives from the District's Human Resources and Office of Civil Rights Departments. The Committee evaluated the proposals using the best value method. The Committee reviewed the technical proposals for compliance with the twelve (12) minimum technical requirements set forth in the RFP. Only one (1) proposer, Athens, met the minimum technical requirements. The proposal submitted by TRISTAR was non-responsive and therefore did not advance to the next phase of the evaluation.

The Committee evaluated and scored Athens' written statement of qualifications, opened and evaluated its price proposal, and conducted and scored the Oral Interview with Athens. The Committee considered Athens' responses to hypothetical problem-solving questions during the Oral Interview to show a high degree of creativity as well as a strong culture of collaborative engagement among members of its team. The Athens' team demonstrated strong experience, particularly in the core occupation of claims examiner, and their experience was evident in the quality of performance. The Athens' team plays a dominant role in the decisions concerning the processing and management of each claim in a manner that best meets the goal of providing timely and appropriate medical care to the employee while avoiding excessive costs and prolonged periods of disability. Athens is a State licensed Third Party Administrator with forty-two (42) years' experience managing Workers' Compensation claims in California, and its online claims management system is state-of-the-art.

On July 3, 2018, the Committee issued a Request for Best and Final Offer ("BAFO") to Athens. Athens submitted its BAFO price proposal which the Committee evaluated. The Committee determined that the BAFO total proposal price of $6,069,652.00 for the base three (3) years plus two (2) additional option years is fair and reasonable, and that the proposal submitted by Athens represents the best value to the District.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for small business certified by the California Department of General Services (DGS). It was determined that Athens is not a certified Small Business certified by the DGS. Therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability

Percentages for this Agreement are 8.4% for MBEs and 5.7% for WBEs. Athens will not be subcontracting any portion of the work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

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

Utilization and Bill Review Services: Agreement No. 6M4113. Utilization Review and Bill Review Services assure that procedures and treatments ordered are in accordance with acceptable medical parameters and provider agreements, and that billing is for services actually rendered, at rates that are appropriate and consistent with program and provider protocols. These two services are critical to assuring the District's Workers' Compensation Program is managed in accordance with all relevant District and State Department of Workers' Compensation requirements, and that the District's Program is efficient and cost effective.

Advance Notices were mailed on March 6, 2018 to eighty-nine (89) known providers. The Advance Notice and the RFP were also posted on the Procurement Portal on March 6, 2018. The RFP was advertised in 13 newspapers on March 6, 2018. A Pre-Proposal Meeting and Networking Session were held on March 27, 2018 with four (4) firms in attendance. Four proposals were received on May 29, 2018 from the following firms:

1. CareWorks Managed Care Services ("CareWorks"), Orange, CA
2. CorVel Healthcare Corporation ("CorVel"), Sacramento, CA
3. Genex Services, LLC ("Genex"), Wayne, PA
4. EK Health, San Jose, CA

The District's Selection Committee chaired by Contract Administration consisted of representatives from the Human Resources and Office of Civil Rights Departments. The Committee evaluated the proposals using the best value method. The Selection Committee initially reviewed all proposals to determine which had satisfied the seven (7) minimum technical requirements. After clarifying the technical proposals, it was determined that all four (4) proposals met the minimum technical requirements. The Committee scored the four (4) proposals based on the experience and qualifications of the firms and their proposed key personnel, and their ability to perform the RFP Scope of Services. Price proposals were subsequently opened and evaluated, following which, the Selection Committee determined that two (2) proposals, CareWorks and CorVel, were within the competitive range. The Committee proceeded to request Best and Final Offers (BAFOs) at the conclusion of oral interviews. Scores for the written statement of qualifications (firm and proposed key personnel) and oral interview scores were combined, and the ranking is shown as follows:

Proposer	Score	Rank
CareWorks Managed Care Services	888	1
CorVel HealthCare Corporation	648	2

TheBAFO total proposal prices for the base 3 years plus two 1-year options are asfollows:

CareWorks Managed Care Services, Inc.	$1,885,215.05
CorVel Healthcare Corporation	$2,374,492.00

CareWorks' total BAFO price of $1,885,215.05 is $489,276.95 less than CorVel's price and is considered fair and reasonable.

The Selection Committee conducted a best value analysis and determined that the proposal submitted by CareWorks represents the best value to the District. CareWorks demonstrated its superior level of expertise as well as a collaborative and efficient approach to utilization review and bill review services with the District's Third-Party Administrator. The firm has thirty-three (33) years of experience managing utilization review and bill review services for numerous clients in the State of California, including the State of California Department of Social Services, AC Transit, County of Alameda and City of Fremont. During the oral interview, CareWorks described several programs that would not only improve current processes but also reduce costs, such as proprietary benchmarking of services and costs by facility program, and predictive modeling tools to provide early case management in appropriate cases. Staff proposed by CareWorks to work with the District are highly qualified and they apply cross-training to spot issues and improve coordination with each other. CareWorks has the ability to electronically interface and coordinate with other providers of medical cost containment services and with the District's designated TPA. CareWorks' online system is state-of-the art.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services (DGS). It was determined that there were no Small Businesses certified by the DGS among the responsive Proposers and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 8.4% for MBEs and 5.7% for WBEs. CareWorks will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

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

Medical Case Management: Agreement No. 6M4112. Medical case management services provide oversight and proactive management of medical treatment with the objective of assuring timely and appropriate treatment for employees that also remains focused on their return to work. Specifically, these services include recommending and coordinating treatment plans that are medically appropriate, defensible, improve the quality of care, control long-term costs, and facilitate a prompt return to work. The District recognizes that these goals are not necessarily consistent with the lowest short-term expenses, and has encouraged the establishment of treatment protocols that bring about a desirable long-term outcome even when additional expenses are indicated.

Advance Notices were mailed on March 6, 2018 to prospective proposers. The RFP was advertised in eleven (11) newspapers on March 6, 2018 and also in two (2) additional newspapers on March 22, 2018. A Pre-Proposal Meeting and Networking Session were held on March 27, 2018 with nine (9) firms in attendance. Proposals were received on May 15, 2018 from the following six (6) firms:

1. Excel Managed Care & Disability Services, Inc. ("Excel"), Sacramento, CA
2. CareWorks Managed Care Services, Inc. ("CareWorks"), Orange, CA
3. Professional Dynamics, Inc. (dba PDI and/or PDI Managed Care Services) ("PDI"), El Dorado Hills, CA
4. Genex Services, LLC ("Genex"), Wayne, PA
5. Athens Managed Care, Inc. ("Athens"), Concord, CA
6. CompAlliance, LLC ("CompAlliance"), Pasadena, CA

The District's Selection Committee chaired by Contract Administration consisted of representatives from the Human Resources and the Office of Civil Rights Departments. The Committee evaluated the proposals using the best value method. The Selection Committee conducted a responsiveness review of all proposals against the six (6) minimum technical requirements. After clarifying the technical proposals, it was determined that six (6) were responsive to the minimum technical requirements. The Committee scored the six (6) proposals based on the experience and qualifications of the firms and their proposed key personnel in providing medical case management services, and ability to perform the RFP Scope of Services.

Price proposals were subsequently opened and evaluated, following which, the Selection Committee determined that Athens submitted their prices on the incorrect Price Proposal Form (updated via Addendum No. 2), and was therefore deemed non-responsive. Of the remaining five (5) proposals, three (3) were determined to be within the competitive range, Excel, CareWorks, and PDI. Oral interviews were conducted with these proposers, and the Selection Committee elected to request two (2) rounds of Best and Final Offers (BAFOs) at

the conclusion of oral interviews. Scores for the written statement of qualifications (firm and proposed key personnel) and oral interview scores were combined, and the ranking is shown as follows:

Proposer	Score	Rank
Excel Managed Care & Disability Services, Inc.	866	1
CareWorks Managed Care Services, Inc.	788	2
Professional Dynamics, Inc. dba PDI Managed Care Services	737	3

TheBAFO total proposal prices for the base 3 years plus two 1-year options are asfollows:

Excel Managed Care & Disability Services, Inc.	$4,838,615
PDI Managed Care Services	$4,988,370
CareWorks Managed Care Services, Inc.	$4,479,340

The Selection Committee conducted a best value analysis and determined that the proposal submitted by Excel represents the best value to the District. Excel demonstrated its superior level of expertise as well as a collaborative and efficient approach to medical case management services. Excel is a California licensed Workers' Compensation Administrator with twenty-six (26) years' experience providing medical managed care services. Excel provides medical management services to a variety of public sector agencies through partnerships with Workers' Compensation Third-Party Administrators (TPAs) and directly to cities and counties. During the oral interview, Excel provided examples of several cost saving strategies, including negotiating for more effective medical interventions and cost-effective services to potentially minimize future medical costs and reduce permanent disability ratings.

Selection Committee recommends to award the contract to Excel. The Selection Committee asserts and the Sponsoring Department agrees that Excel can provide benefits to the District that outweigh the higher price proposal. Excel has an on-site Nurse currently working out of the Concord Athens location who would be able to directly interface with the Claims Examiners on a daily basis. In addition, Excel's eManagedCare system is directly interfaces with Athen's system. Furthermore, Excel has an app that employees can use to report claims that may help increase reporting through the MCM vendor and result in more appropriate treatment directed to more appropriate providers. Excel reported the shortest Triage Nurse report time and is completely customizable in their approach to how claims are set up.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set

a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services. The apparent low Proposer, CareWorks, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low Proposer, Excel, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent third low Proposer, PDI, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes. After review by the Office of Civil Rights, the application of the 5% Prime Preference did not change the result of the firms determined to be within the competitive range.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 8.4% for MBEs and 5.7% for WBEs. Excel committed to 0% MBE and 0% WBE participation. Excel did not meet either the MBE or WBE Availability Percentages; therefore, Excel 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 Excel, the Office of Civil Rights found no evidence of discrimination.

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

FISCAL IMPACT: The annual breakdown for each Agreement is as follows:

The FY19 Adopted Budget includes operating funds in the amount of $13,367,331 (account 502165 – Workers Compensation) for the District and therefore largely includes the first year cost of $2,406,080 for the following three Agreements. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

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

Third-PartyAdministration: Agreement No. 6M4111 with Athens Administrators, Inc.

Year 1	$1,148,975	FY19
Year 2	$1,180,572	FY20
Year 3	$1,213,037	FY21
Option Year 1	$1,246,396	FY22
Option Year 2	$1,280,672	FY23
Total Not To Exceed – 3 Years + 2 Option Years	$6,069,652	

Utilization andBill Review Services: Agreement No. 6M4113 with CareWorks Managed CareServices, Inc.

Year 1	$331,920.00	FY 19
Year 2	$348,516.00	FY 20
Year 3	$370,071.80	FY 21
Option Year 1	$389,883.00	FY 22
Option Year 2	$414,824.25	FY 23
Total Not to Exceed – 3 Years + 2 Option Years	$1,855,215.05	

Thecosts for this Agreement will be funded from the Workers' Compensation reserveaccount in the general fund.

Medical CaseManagement: Agreement No. 6M4112 with Excel Managed Care & DisabilityServices, Inc.

Year 1	$925,185.00	FY 19
Year 2	$933,785.00	FY 20
Year 3	$987,385.00	FY 21
Option Year 1	$993,315.00	FY 22
Option Year 2	$998,945.00	FY 23
Total Not to Exceed – 3 Years + 2 Option Years	$4,838,615.00	

The costs for this Agreement will be funded from the Workers' Compensation reserve account in the general fund.

ALTERNATIVES: Cancel and re-advertise one or more of the RFPs. Recommend a further extension of the existing TPA agreement. Cancellation of the TPA RFP would, absent a further extension, leave the District without the ability to meet its statutory obligations with respect to Workers' Compensation.

RECOMMENDATION: Adopt the following motions:
MOTIONS:
1. The General Manager is authorized to award Agreement No. 6M4111, Third-Party Administration Services for the District's self-insured Workers' Compensation Program, to Athens Administrators, Inc. for an amount not-to-exceed $3,542,584 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise Option Year 1 for an amount not-to-exceed $1,246,396 and Option Year 2 for an amount not-to-exceed $1,280,672, subject to availability of funds. The Agreement authorizes Athens Administrators, Inc. to pay self-insured workers' compensation claims

and losses out of a fund provided by the District to the amount required by law.

2.The General Manager is authorized to award Agreement No. 6M4113, Utilization and Bill Review Services, for the District's self-insured Workers' Compensation Program, to CareWorks Managed Care Services, Inc. for an amount not-to-exceed $1,050,507.80 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise Option Year 1 for an amount not-to-exceed $389,883 and Option Year 2 for an amount not-to-exceed $414,824.25, subject to availability of funds.

3. The General Manager is authorized to award Agreement No. 6M4112, Medical Case Management, for the District's self-insured Workers' Compensation Program, to Excel Managed Care & Disability Services, Inc. for an amount not to exceed $2,846,355 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise Option Year 1 for an amount not-to-exceed $993,315 and Option Year 2 for an amount not-to-exceed $998,945, subject to availability of funds.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/6/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Victor Austria Dept: Maintenance and Engineering Signature/Date: 7/20/18	General Counsel 7/20/18 [ ]	Controller/Treasurer 7/20/18 [ ]	District Secretary [ ]	BARC 7/30/18 [ ]

15EJ-171, 34.5 kV Cable Replacement for M-Line between MBP-MTW Substations

PURPOSE:
To obtain the Board's authorization for the General Manager to award Contract No.15EJ-171, 34.5 kV Cable Replacement for M-Line between MBP-MTW Substations, to DMZ Builders Co., Inc. in the amount of **$79,195,100.00.**

DISCUSSION:
This Contract is for the upgrade of the 34.5 kV system that includes replacement and installation of sections of 34.5 kV feeder cable circuits (MLC and MRC circuits), on M2 and M1 tracks between MVS Switching Station, MBP, MGP, MTF, MSS, MPS, and MTW Substations. The 34.5 kV cables from Substations MBP to MTW on the left cable circuit (MLC) and the right cable circuit (MRC) are made of Paper Insulated Pipe Enclosed (PIPE) Cables. These original cables dating back to the construction of the BART 34.5 KV Electrical Distribution System on the M-Line are showing signs of circuit failure due to the age and degrading conditions of the PIPE cables. The cables are nitrogen pressured and are constantly leaking increasing the likelihood of failure. The PIPE cables will be replaced with new technology cables made of Ethylene Propylene Rubber (EPR) construction which are state of the art, more reliable, and have anticipated longer cable life.

The scope of work for Contract No.15EJ-171 includes:

1. Demolition and disposal of the existing 11 miles feeder cable system
2. Furnishing of 34.5 kV feeder cables, electrical conduit system, including associated support systems to comply with BART seismic requirements, other supporting electrical equipment

3. Installation of eight District-furnished Isolation Disconnect Switches (IDS)
4. Installation of 34.5 kV feeder cable system, and terminations including provisions for providing 34.5kV Service to future Traction Power Sub-Stations at Civic Center (MCC) and Montgomery (MMS) Stations
5. Furnishing and installation of fiber optic cables and its associated conduits and supports between Train Controls rooms from Balboa Park to Bay Tube West
6. Testing and commissioning of the new cable system
7. The total lengths for the track distance, conduits, power cables, and fiber optic cables being installed are approximately 6 miles, 15 miles, 55 miles, and 9 miles, respectively.

Advance notices to bidders were sent on March 26, 2018 to 55 prospective bidders, and the contract was advertised on March 29, 2018. A total of 50 on-line plan holders viewed the contract documents. A pre-bid meeting was held on April 24, 2018, and site visits were conducted on April 25th and April 29th, 2018. Three (3) bids were received and publicly opened and announced on June 26, 2018.

OCR conducted a Matchmaking Session on May 8th, 2018 to help introduce DBE firms to potential prime contractors. Three potential prime contractors attended.

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

No.	Bidder	Location	Total Bid
1.	Balfour Beatty Infrastructure, Inc.	Englewood, CO	$ 90,925,000
2.	Cupertino Electric, Inc.	San Jose, CA	*$ 84,663,552
3.	**DMZ Builders Co, Inc.**	**Concord, CA**	**$ 79,195,100**

**Corrected from bidder error of $ 84,708,696*

Engineer's Estimate *$ 61,454,000*

DMZ Builders was the apparent low bidder. DMZ's bid documents were evaluated by BART Staff and the bid was determined to be responsive. Four subcontractor(s) were listed on DMZ's bid. Three subcontractor(s) were in excess of $100K. State Contractor's License and CA Department of Industrial Relations (DIR) Certification were verified for all Bidders and Subcontractors. OCR reviewed and confirmed DMZ's efforts for supporting Small Business preference and the effort to support small and minority business requirements.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 16% was set for this Contract. The low Bidder, DMZ Builders, committed to subcontracting 16.2% to DBEs. The Office of Civil Rights has determined that DMZ Builders has met the DBE participation goal set for this Contract.

Staff reviewed the variance between the submitted Bids and the Engineer's Estimate. The primary discrepancy is in the installation labor. A large portion of the Project will be performed during short morning blankets or during a limited number of Sunday Single Tracking Windows. This presents high level of labor risk to the Contractor. Coupled with current limited labor resources and market conditions these risks have led to significant increases in Bids over the Engineer's Estimate.

After the review by District staff, DMZ's Bid was determined to be the lowest Bid that was responsive to the solicitation. Examination of the DMZ's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

The work window specified in this RFP includes the 5:00 AM opening necessitated by the Transbay Tube Seismic Retrofit Project as well as M line single tracking on selected Sundays (see Attachment 1).

FISCAL IMPACT:
Funding in the amount of $79,195,100 for award of Contract No.15EJ-171 is included in the total project budget for FMS # 15EJRR1 – 34.5 KV AC Cable Replacement.

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

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	401,364,368.00
Total			**401,364,368.00**

As of July 2, 2018, $401,364,368 is the total budget for this project. BART has expended $14,092,763 and committed $18,627,607 to date. This action will commit $79,195,100, leaving an available fund balance of $ 289,448,898 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:
The Board may reject all Bids and re-advertise the work or reject all Bids and decline to re-advertise the work. There is no assurance that a rebid would yield lower prices. Failure to proceed with the Contract will result in increasing risks of cable faults and 34.5 kV supply loss to substations critical to BART Operations. The completion of this Project will also support the Traction Power Substation Core Enhancement Program. By proceeding with the award, the District would reduce its operational risks.

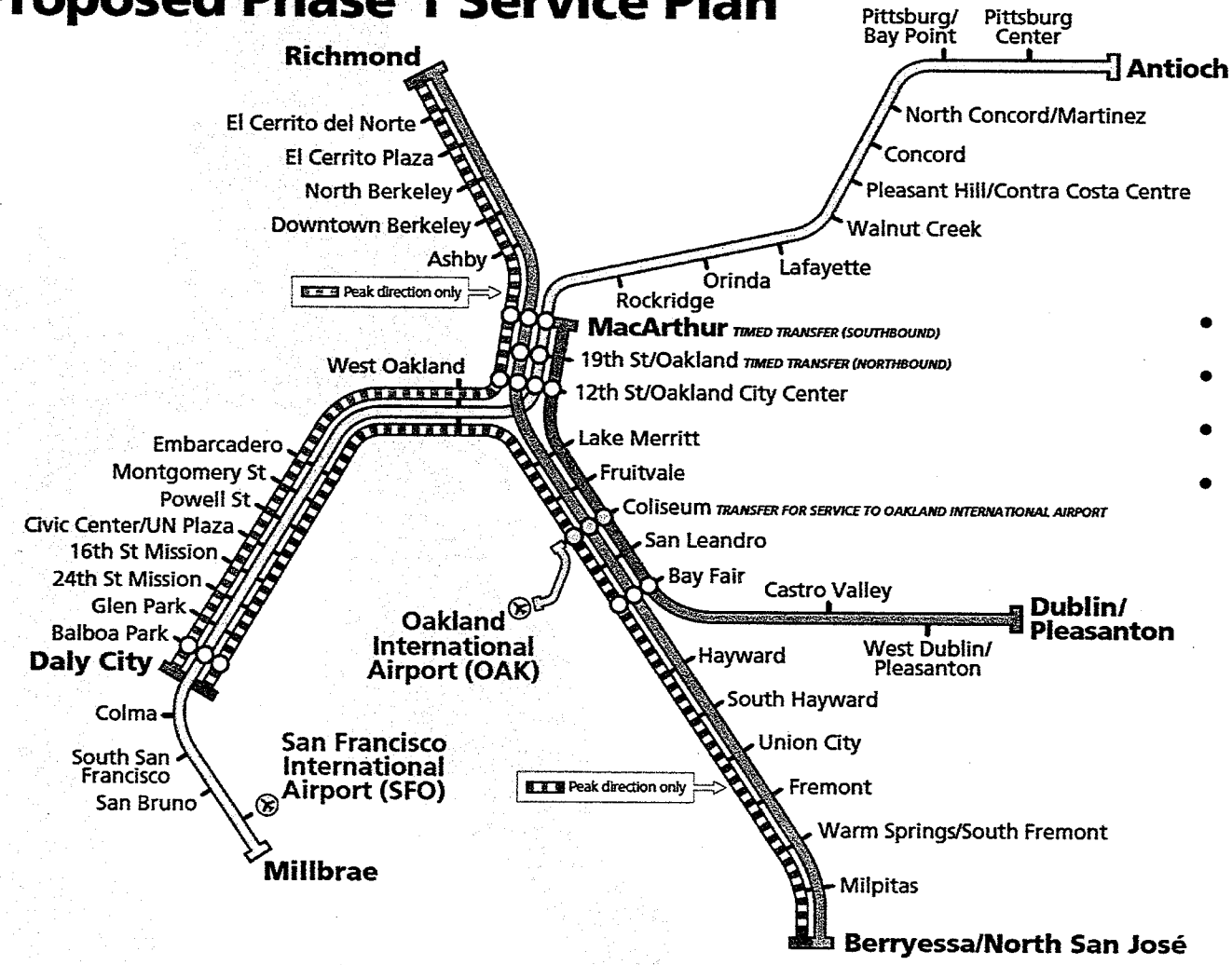
RECOMMENDATION:
It is recommended that the Board adopt the following Motion:

MOTION:
The General Manager is authorized to award Contract No.15EJ-171 34.5 kV Cable Replacement M-Line MBP-MTW Substations, to DMZ Builders Co, Inc. in the amount of $79,195,100.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedure and FTA requirements related to Protest Procedures.

Attachment 1

February 2019 Sunday Service Plan

Proposed Phase 1 Service Plan



- Direct service
- Surge Capacity
- Even coverage
- Reasonable reliability

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for		GENERAL MANAGER ACTION REQ'D: Approve and forward to the E&O Committee Meeting		
DATE: 7/19/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Robert Ballard Dept: Maintenance and Engineering Signature/Date: 7/26/18	General Counsel 7/30/18 [ ]	Controller/Treasurer 7/30/18 [ ]	District Secretary [ ]	BARC 7/29/18 [ ]

Award Contract No. 54RR-420 for Coverboard Enhancement, L-Line

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 54RR-420, Coverboard Enhancement, L-Line to furnish all labor, equipment and materials required for the reinforcement of contact rail coverboard to LC General Engineering and Construction, Inc.

DISCUSSION:

BART Contact Rail Coverboards are required by the California Public Utilities Commission for consumer protection. Aerodynamic impacts from moving trains compromise the integrity of the pins holding the coverboard in place. Broken pins cause the coverboards to fall into the track zone resulting in delays. These failures are impacted by an aging infrastructure, and have caused service delays throughout the District.

Reinforcement of these coverboards has been performed in the past through the installation of additional brackets performed in three (3) previous District Contracts. This has decreased coverboard related train delays. The Work under Contract No. 54RR-420 continues this effort and encompasses approximately 144,900 feet of rail on the L-line (Bayfair Station to Dublin/Pleasanton Station).

Advance Notice to Bidders was mailed on May 24, 2018 to 147 prospective Bidders. The Contract was advertised in the Daily Pacific Builder, San Francisco Examiner, and Daily Construction Services on May 25, 2018. The Contract was advertised on BART's online Procurement Portal on May 30, 2018. A Pre-Bid meeting was held on June 14, 2018,

with five (5) prospective bidders in attendance. Four (4) Contract books were purchased from the District Secretary, and by the bid opening date there were (26) planholders for this solicitation. The following four (4) Bids were received and opened on July 10, 2018, and are presented with the Engineer's Estimate.

1	LC General Engineering and Construction, Inc.	$ 3,192,843.73
2	ProVen Management, Inc.	$ 4,443,777.00
3	AECOM Energy & Construction, Inc.	$ 4,476,110.00
4	SilMan Venture Corporation dba SilMan Construction	$ 4,481,994.63
	Engineer's Estimate	$ 4,406,568.00

Pursuant to the Instructions to Bidders, the Bids were evaluated based on the lowest total Bid price. The Bid of the apparent low Bidder, LC General Engineering and Construction, Inc., was determined to be the lowest responsible and responsive Bid submitted.

Staff has examined the firm's business and financial status. There are no subcontractors listed on the Designation of Subcontractors form. The total Bid Price of $3,192,843.73 has been determined to be fair and reasonable by District staff based on the Engineer's Estimate.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises (MBEs) and 9.3% for Women Business Enterprises (WBEs). The Bidder, LC General Engineering and Construction, Inc. will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as a Local Small Business (i.e., located in Alameda, Contra Costa or San Francisco Counties) by the District. The lowest responsive Bidder, LC General Engineering and Construction, Inc. is not a certified Local Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference but is still the lowest responsive Bidder.

CAPITAL FISCAL IMPACT

Funding in the amount of $3,192,844 for Contract No. 54RR-420 is included in the total project budget for FMS# 54RR004-M&E Line Rail Equipment

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 - 2017 Measure RR GOB	$27,327,339
TOTAL	$ 27,327,339

As of July 18, 2018, $27, 327,339 is the total budget for this project. BART has expended $427,937 and committed $10,078, and reserved $4,832,000 to date. This action will commit $ 3,192,844, leaving an available fund balance of $18,864,481 in this fund source 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:

An alternative is not to reinforce Contact Rail Coverboards. The risk and occurrence of coverboard related service delays within the system will continue to increase.

Another alternative is to reject all Bids. However, the low bidder is approximately 25% lower than the Engineer's Estimate. It is unlikely that re-advertising the Contract will result in lower Bids.

RECOMMENDATION:

Based on the analysis by District staff, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 54RR-420 for Coverboard Enhancement, L-Line to LC General Engineering, for the Base Bid price of $3,192,843.73, pursuant to notification by the General Manager, and subject to compliance with the District's protest procedures.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: 7/9/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lyn Williams Dept: Maintenance and Engineering Signature/Date: Lyn Williams 7/31/18	General Counsel 7/31/18 [ ]	Controller/Treasurer 7/31/18 [ ]	District Secretary [ ]	BARC Paul Oversier 7/31/18 [ ]

Measure RR Project Support Leases and Rentals

PURPOSE:
To authorize the General Manager to execute Lease and Rental Agreements for non-revenue vehicles and equipment with the identified vendors in Attachment I, for an aggregate amount not to exceed $20,000,000.00 for a period of 5 years.

DISCUSSION:

District staff have determined that, in order to effectively and efficiently support work to be performed under the Measure RR Bond Program, the District will need to utilize dedicated non-revenue vehicles with specialized and unique technical requirements. Since Measure RR Bond funds do not allow for the purchase of vehicles or equipment, BART staff must lease or rent the required vehicles and equipment as needed during the implementation of the various Measure RR projects. The District's traditional procurement method of developing specifications and advertising a formal Request for Proposals, evaluating the Proposals and awarding an all-encompassing agreement is not a viable method of procuring the lease or rental of the equipment and vehicles because of the various specialized and unique requirements for such equipment and vehicles and the range of Measure RR projects being implemented. Staff, therefore, seeks Board authorization for the General Manager to execute multiple Agreements with the vendors listed in Attachment I. Each individual Agreement is not anticipated to exceed $5,000,000 per Agreement.

To identify potential vendors for the lease and rental of the required non-revenue vehicles and equipment, District staff prepared a Bidders List, (see Attachment I), generated from "questionnaires" submitted to and received from potential vendors which specified that vendor's ability to meet all or part of BART's non-revenue vehicle and equipment needs.

To date, District staff have contacted 37 firms to inform them of this procurement opportunity and received completed questionnaires from 27 of the 37 firms. The Office of Civil Rights provided a list of available Small Business (SB) vendors. It was determined that 10 SBs provide the services described and all were contacted to submit a questionnaire. Of the 10 SBs contacted, 5 submitted completed questionnaires and were included in the Bidders List. In order to increase the pool, additional firms will be added to the Bidders list after receipt of completed questionnaires. The Agreements will be subject to the provisions of the SB Program.

If necessary, BART staff may seek additional authorization from the Board of Directors once this initial not-to-exceed authority approaches seventy-five percent (75%) of use.

Prior to awarding any Agreement, the District will conduct informal competitive procurements through an simplified request for quotations process, consistent with currently adopted practices and procedures for informal procurements, and award Agreements accordingly. The informal request for quotations shall be issued to vendors on the Bidders List as identified in Attachment I, for vehicles and equipment identified on Attachment II. To ensure a continuous competitive bid process, the vendor list will be evaluated quarterly by District staff and new vendors are expected to be added as identified.

The Office of General Counsel will approve the Lease and Rental Agreements as to form prior to execution.

FISCAL IMPACT:

CAPITAL FISCAL IMPACT:

Funding in the amount of $20,000,000 for the non-revenue vehicle and equipment Lease and Rental Agreements will come from the following sources.

The tables below list funding assigned to the referenced projects and are included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Project: 15EJRR1 – 34.5 KV AC Cable Replacement **$7,000,000**

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	$374,738,368.00
Total			**$374,738,368.00**

As of July 20, 2018, $374,738,368 is the total budget for this project. BART has expended $15,121,038 and committed $20,878,619, and reserved $1,451,461 to date. This action will commit $7,000,000, leaving an available fund balance of $330,287,250 in these fund sources for this project.

Project: 15CQ002 – Rails, Ties, Fasteners Phase 3 **$13,000,000**

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	$616,949,279.00
8529	FY15Operating Capital Allocation	BART	$197,245.70
Total			**$617,146,524.70**

As of July 20, 2018, $617,146,525 is the total budget for this project. BART has expended $40,087,804, committed $48,342,299, and reserved $22,214,519 to date. This action will commit $13,000,000, leaving an available fund balance of $493,501,903 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

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ALTERNATIVES:

To not authorize the execution of Lease and Rental Agreements up to $20 Million for non-revenue vehicles and equipment to support the delivery of Measure RR Bond Projects. The District currently does not possess the necessary equipment and vehicles needed to support work funded by Measure RR. Failure to authorize could result in delays in Measure RR Bond Project work.

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

MOTION:
The General Manager is authorized to execute Lease and Rental Agreements for non-revenue vehicles and equipment as identified in Attachment II up to $20,000,000.00, in the aggregate, for a period of 5 years with vendors listed in the current Attachment I, and those vendors added to Attachment I hereafter.

ATTACHMENT I

Prospective Bidders - RR FUNDED LEASES AND RENTALS OF VEHICLES AND EQUIPMENT

	Prospective Bidder Contacted	Responded as of 7/27/2018
1	Custom Truck One Source	Yes
2	Danella	Yes
3	NESCO Specialty	Yes
4	Progress Rail	
5	Doc Bailey Construction #SB	Yes
6	Ballast Tools Equipment BTE	Yes
7	RCE	Yes
8	Swingmaster	
9	Ohio Crane / IPS	Yes
10	RELAM	Yes
11	Geismar - Modern Track Machinery	Yes
12	A Tool Shed	Yes
13	Ahern	
14	Porter Rents	
15	BARCO	Yes
16	Oakland / Berkeley Rentals	
17	Blueline Rental	Yes
18	CRESCO	Yes
19	Herc Rentals	Yes
20	Monarch	Yes
21	Neff Rental/United Rental	
22	S & S, Supplies and Solutions	Yes
23	Sunbelt	Yes
24	Sunstate	Yes
25	Volvo Construction Equipment	Yes
26	American Truck and Trailer Body	Yes
27	Golden Gate Truck Center	Yes
28	Volkswagen of Oakland	Yes
29	AMERICAN SCISSOR LIFT, INC. #SB	
30	CH BULL COMPANY #SB	Yes
31	INTERSTATE 80 FORKLIFT INC #SB	
32	JRM EQUIPMENT LLC #SB	
33	PINTANE LLC #SB	
34	SDV SERVICES INC #SB	Yes
35	CAL SAFETY INC #SB	Yes
36	WESTERN TRAFFIC SUPPLY, INC # SB	
37	YOLANDA'S CONSTRUCTION ADMIN & TRAFFIC CONTROL #SB	Yes

#SB: Business Certified by the California General Services Agency as a Small Business

ATTACHMENT II

RR FUNDED SERVICES FOR LEASES AND RENTALS OF VEHICLES AND EQUIPMENT

Services for vehicle and equipment of general nature used in construction and railroad applications:

- **Road Vehicles & Equipment**
- **Construction & Material Handling Equipment**
- **Hi-Rail Vehicles & Equipment**
- **Railroad Vehicles & Equipment**

    - Trucks: Light to Heavy duty utility
    - Trucks: Fuel; crane; aerial lift
    - Truck, Personnel Crew; Mechanic; Inspection
    - Truck, Cable Reel
    - Truck, Flat Bed
    - Truck, Rotary Dump
    - Truck, Tunnel Washer
    - Vans
    - Puller Tensioner, Cable
    - Earth Moving Equipment
    - Forklifts; Telehandlers;
    - Compactors
    - Mobile Batch Plant
    - Lifts
    - Signs
    - Compressors; Fans; Air moving; Climate Control equipment
    - Chipper
    - Concrete & Masonry equipment
    - Demolition Equipment
    - Fans
    - Floor and vacuum equipment
    - Generators
    - Ground protection
    - Lighting equipment
    - Trailers
    - Cables, pumps, accessories
    - Road graders, saws, accessories
    - Small tools – air and accessories
    - Trailers
    - Welding equipment
    - Vehicle communications
    - Telematics
    - Shunting equipment
    - Low Railers
    - Switch Tampers
    - Tie Extractor/Inserter
    - Tie Handlers
    - Cranes
    - Flat cars

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 7/18/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions Signature/Date: 30 JULY 18	General Counsel 7/30/18 [ ]	Controller/Treasurer 7/30/18 [ ]	District Secretary [ ]	BARC Paul Oversier 7/30/18 [ ]

Contract No. 01RQ-110, Hayward Maintenance Complex (HMC) Project Maintenance Facilities, Change Order No. 170, Differing Site Condition Soil Plasticity at Component Repair Shop (CRS),

PURPOSE:
To authorize the General Manager to execute Change Order No. 170 for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities with Clark Construction, for Differing Site Condition Soil Plasticity at CRS, for an amount not to exceed $1,607,000.

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

Following commencement of the Contract Work, it was determined that certain elements of the existing condition of the soil underneath the Component Repair Shop, including soil plasticity, differed from the condition described in the base contract. As a result of this differing condition, additional work consisting of adding soil material imported to the project site, soil mixing, and additional soil compaction efforts, was necessary to address this differing site condition. Because this work is beyond the scope of work anticipated for the Component Repair Shop, a change to the Contract is required to provide for additional compensation associated with this differing site condition. The estimated value of this Change Order is an amount not-to-exceed $1,607,000. The final amount is contingent upon the results of the review of the Contractor's submitted actual costs records.

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

FISCAL IMPACT:
Funding in the amount of $1,607,000 for the award of Change Order No. 170 to Contract 01RQ-110 is included in the total budget for FMS# 01RQ003, HMC- Shops Mod & Component Repair.

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

Proposed Funding	
F/G 5602 - High Speed Passenger Rail Bond	$61,389,000
F/G 656K - VTA	$49,710,000
F/G 3007 - FTA CA-95-X236	$ 1,549,275
F/G 8526 - FY14 Operating Capital Alloc	$ 2,477,367
F/G 8529 - FY15 Operating Capital Alloc	$ 7,386,920
F/G 8530 - FY16 Operating Capital Alloc	$ 1,881,418
F/G 8524 - FY12 Operating Capital Alloc	$ 200,725
TOTAL	$124,594,705

As of July 24, 2018, $124,594,705 is the total budget for this project. BART has expended $102,153,394 committed $17,312,880 and reserved $3,362,523 to-date for other action. This action will commit $1,607,000 leaving an available fund balance of $158,908 in these fund sources for this project.

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

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

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

RECOMMENDATION:
Recommend that the Board approve the following motion:

MOTION:
The General Manager is authorized to execute Change Order No. 170, Differing Site Condition Soil Plasticity at Component Repair Shop (CRS), for an amount not to exceed $1,607,000, for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT N0. 01RQ-110 **CO No**: 170

CHANGE ORDER SUMMARY

BACKGROUND

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

Percent Complete as of: 06/30/2018 – 84.10%

Dollars Percent Complete as of: 06/30/2018 – 87.38%

COST	% of Award	Cost	Contract Amount
Original Contract Award Amount			$98,390,000.00
Change Orders:			
Other than Board Authorized C.O.s:	5.47%	$5,381,933.00	
Board Authorized Change Orders:	5.36%	$5,273,704.00	
This Change Order No. 170:	1.63%	$1,607,000.00	
Subtotal of all Change Order	12.46%	$12,262,637.00	
Revised Contract Amount:			$110,652,637.00

SCHEDULE

Original Contract Duration:	860 Days
Time Extension to Date:	222 Days
Time Extension Due to Approved COs:	222 Days
Revised Contract Duration:	1082 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Differing Site Condition Soil Plasticity at Component Repair Shop

This change order is due to compensate the Contractor for additional costs incurred associated with differing site conditions at the Component Repair Shop (CRS). The Base Bid work called for the demolition of existing building No. 3 and construction of a new structure - CRS. The contractor bid the work with the intent to mix suitable materials with the in-situ material to create material meeting the Contract requirements. However, the existing subgrade under building No. 3 was more plastic than as described in the Bid-Documents. The increased Plasticity Index (PI) made it more difficult for the Contractor to conduct the original proposed mixing method and meet the Contract requirements.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Cvercier for				GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors
DATE: 6/11/2018				BOARD INITIATED ITEM: No
Originator/Prepared by: Michael Wong Dept: Extensions Signature/Date: 7/31/18	General Counsel 7/31/18 [ ]	Controller/Treasurer 7/31/18 [ ]	District Secretary [ ]	BARC 8/1/18 [ ]

Contract 15IF-130A, Powell St Station Ceiling Improvement, Change Orders for Procurement & Infrastructure Installation of a New Public Address System

PURPOSE:
To authorize the General Manager to execute Change Orders in an aggregate amount not to exceed $500,000 to 15IF-130A, Powell St. Station Ceiling Improvement project with Icenogle Construction to support the procurement and infrastructure installation of a new public address (PA) system.

DISCUSSION:
On July 14, 2016, the Board authorized the General Manager to award Contract No. 15IF-130A, ceiling improvements at Powell St. Station. This project includes the placement of new conduit and wiring for new lights and the modification of the fire sprinkler system prior to installation of a new grid ceiling system with bird deterrent.

The Office of the District Architect requested to have new infrastructure for its PA System Project at Powell St. Station implemented through change orders to the existing Station Ceiling Improvement project. The work requires new conduit and wiring, along with structural supports above the new ceiling grid. To minimize patron inconvenience and to avoid potentially voiding the manufacturer's warranty or damaging the ceiling system, Staff recommends incorporating the PA system infrastructure at this juncture. This additional work will extend the duration of the current contract, which will be incorporated into the proposed Change Orders.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than $200,000 require Board approval.

The Office of the General Counsel will approve these Change Orders as to form prior to

execution. The Procurement Department will review these Change Orders for compliance with procurement guidelines prior to execution.

CAPITAL FISCAL IMPACT:
Funding in the amount of $500,000 for Change Orders for Contract No. 15IF-130A is included in the total project budget for FMS# 15NE002 – PA System Improvement.

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 3009 - FY15 FTA Capital Improvement	280,000
F/G 802A - 2017 Measure RR	1,500,000
F/G 8524 - FY12 Capital Allocation	103,962
F/G 8525 - FY13 Capital Allocation	47,392
F/G 8526 - FY14 Capital Allocation	22,608
TOTAL	1,953,962

As of July 25, 2018, $1,953,962 is the total budget for this project. BART has expended $391,209, committed $63,110, and reserved $0 to date. This action will commit $500,000, leaving an available fund balance of $999,642 in this fund source 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:
The Board can elect not to authorize the execution of this Change Order. This will leave the PA system improvements for Powell St. Station to be addressed in a future Contract, creating additional patron inconvenience, and construction to the ceiling.

RECOMMENDATION:
Adopt the following motion.

MOTION:
The General Manager is authorized to execute Change Orders, in an aggregate amount not to exceed $500,000 to Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades with Icenogle Construction Management, Inc. to support the procurement and infrastructure installation of a new public address system.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 7/12/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gary Jensen Dept: System Safety Signature/Date: 7/30/18	General Counsel 7/30/18 [ ]	Controller/Treasurer 7/30/18 [ ]	District Secretary [ ]	BARC 7/30/18 [ ]

Change Order No. 2 to Agreement No. 6M5087 with Environmental Resources Management

PURPOSE:

To authorize the General Manager to execute Change Order No. 2 to Agreement No. 6M5087 with Environmental Resources Management in the amount of $1,000,000 to provide general environmental services to support BART's hazardous materials program.

DISCUSSION:

On July 23, 2015, the Board authorized the General Manager to award Agreement No. 6M5087 to Environmental Resources Management (ERM) in an amount not to exceed $2,000,000 for a three-year base term with two one-year options. Change Order No. 1 is currently being processed to exercise the first option year that was previously authorized by the Board. The agreement amount was based on staff's cost experience over the previous General Environmental Services Agreement and was expected to cover costs for a five-year period. Due to increased demand for services, the District has expended over 80 percent of the budget in the first two-and-one-half years of the agreement.

The largest service provided under this agreement is the disposal of bulk hazardous and non-hazardous liquid wastes. These wastes are primarily generated from the cleaning of revenue vehicles and their components for overall maintenance. Due to increased maintenance activity, the quantity of these wastes has increased dramatically. In addition, new maintenance requirements for storm water treatment systems have also added new demand for bulk liquids disposal. Staff originally estimated that $750,000 of the agreement's authorization would be needed for this task over a five-year period. As a result of the

increased demand for services, the District has expended $1,100,000 for this task to date under the agreement and anticipate that an additional $700,000 will be needed for the remainder of the contract options.

Adding $1,000,000 to the contract authorization for this agreement will allow the District to continue performing maintenance in a safe and clean manner through the expected exercise of the second option year.

FISCAL IMPACT:

This change order will add an additional $1,000,000 to the not-to-exceed value of the Agreement over the remainder of the agreement term.. District obligations will be subject to a series of work directives. Each work directive will have a defined scope of services, and a separate schedule and budget. Any work directive assigned funding under a State or Federal grant will include State or Federal requirements. Work directives will only be approved if the funds are certified as available by the Controller-Treasurer, and Capital Development Control certifies the eligibility of funds.

Authority to issue work directives and administration of Agreement No. 6M5087 will reside with BART's Chief Safety Officer.

Funding of individual work directives will be provided from the Capital Budget and/or Operating Budget accounts.

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

ALTERNATIVES:

Execute a series of small contracts under the General Manager's authority for an interim period to provide necessary services while staff conducts a new procurement.

RECOMMENDATION:

That the Board adopt the following motion.

MOTION:

The General Manager or her designee is authorized to execute Change Order No. 2 to Agreement 6M5087 with Environmental Resource Management in the amount of $1,000,000.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 6/26/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linda Vasquez Dept: Transportation Signature/Date: Linda M. Vasquez 7/31/18	General Counsel 7/31/18 [ ]	Controller/Treasurer 7/31/18 [ ]	District Secretary [ ]	BART Paul Oversier 7/31/18 [ ]

Status: **Approved**	Date Created: **6/26/2018**

Change Order to Extend IFB8942 with Murphy & Hartelius Uniforms to Provide Uniforms for Station Agents and Foreworkers

PURPOSE:

To authorize the General Manager to execute a Change Order to extend the current contract with Murphy and Hartelius Uniforms (M & H) for one (1) year to procure additional Station Agent and Foreworker uniforms in the amount of $625,000.00

DISCUSSION:

The District's current collective bargaining agreement with Amalgamated Transit Union Local 1555 requires that the District provide Station Agents and Foreworkers with uniforms on a yearly basis. On February 2, 2016, the Board authorized to award Invitation for Bid (IFB) 8942, a three (3) year estimated quantity contract, to M&H for the purchase of Station Agent and Foreworker uniforms.

This Contract is scheduled to expire on February 2, 2019, and the General Manager has exercised her authority to purchase the maximum of one hundred fifty (150%) of the total value of the contract. In anticipation of the contract's expiration date, the Transportation Department is working with the Legal and Procurement Departments to advertise a new uniform IFB as quickly as possible. However, even with an aggressive review and advertisement period, it is possible that the current contract will expire before the District has awarded a new uniform IFB.

Extending the current contract will provide the Transportation Department with a safety net to ensure that the next required Station Agent and Foreworker uniform issuance occurs without the $15 per employee per month late penalty specified in the Collective Bargaining Agreement.

FISCAL IMPACT:

The EDD proposes a 1-year contract extension at a total cost, including taxes not to exceed the amount of $625,000 to be used from 08/01/18 - 06/30/19. Funds will be budgeted in the Transportation operating budget (Department 0805762-Budget & Administration, Account 502190-Uniform Allowance). This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Allow the contract to expire and await the award of the new uniform IFB. If, however, the District does not provide the next Station Agent and Foreworker allotments, Station Agents and Foreworkers could file a grievance requesting penalty payments under their collective bargaining agreement.

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 execute a Change Order to extend the contract with M&H for one (1) year to procure additional Station Agent and Foreworker uniforms in the amount of $848,692, including all applicable taxes.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for				GENERAL MANAGER ACTION REQ'D: Yes
DATE: 6/26/2018				BOARD INITIATED ITEM: No
Originator/Prepared by: Linda Vasquez Dept: Transportation Signature/Date: Linda M. Vasquez 7-20-18	General Counsel 7/23/18 [ ]	Controller/Treasurer 7/23/18 [ ]	District Secretary [ ]	BARC Paul Oversier 7/30/18 [ ]

Status: Approved	Date Created: 6/26/2018

Change Order to Extend IFB8947A with Banner Uniform Center to Provide uniforms for Train Operators

PURPOSE:
To authorize the General Manager to execute a Change Order to extend the current contract with Banner Uniform Center for one (1) year to procure additional Train Operator uniforms in the amount of $433,069.

DISCUSSION:
The District's current collective bargaining agreement with Amalgamated Transit Union Local 1555 requires that the District provide Train Operators with uniforms on a yearly basis. On November 4, 2015, the Board authorized to award Invitation for Bid (IFB) No. 8947A, a three (3) year estimated quantity contract, to Banner Uniform Center for the purchase of Train Operations uniforms.

This contract is scheduled to expire on November 4, 2018, and the General Manager has exercised her authority to purchase the maximum of one hundred fifty percent (150%) of the total value of the contract. In anticipation of the contract's expiration date, the Transportation Department is working with the Legal and Procurement Departments to advertise a new uniform IFB as quickly as possible. However, even with an aggressive review and advertisement period, it is possible that the current contract will expire before the District has awarded a new uniform IFB.

Extending the current contract will provide the Transportation Department with a safety net to ensure that the next required Train Operator issuance occurs without the $15 per employee per month late penalty specified in the Collective Bargaining Agreement.

FISCAL IMPACT:

The EDD proposes a 1-year contract extension at a total cost, including taxes not to exceed the amount of $433,069 to be used from 08/01/18 to 06/30/19. Funds will be budgeted in the Transportation operating budget (Department 0805762-Budget & Administration, Account 502190-Uniform Allowance). This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:
Allow the contract to expire and await the award of the new uniform IFB. If, however, the District does not provide the next Train Operator uniform allotments, Train Operators could file a grievance requesting penalty payments under their collective bargaining agreement.

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 execute a Change Order to extend the contract with Banner Uniform Center for one (1) year to procure additional Train Operator uniforms in the amount of $433,069, including all applicable taxes.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Cvetkovich for	GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors			
DATE: 12/4/2017	BOARD INITIATED ITEM: No			
Originator/Prepared by: Kathy McManus Dept: Rolling Stock and Shops Kathy McManus Signature/Date: 6-4-2018	General Counsel 6/6/18 [ ]	Controller/Treasurer 6/6/18 [ ]	District Secretary [ ]	BARC 7/30/18 [ ]

Status: **Routed**	Date Created: **12/4/2017**

Dual Coupler Adapter

PURPOSE: To obtain Board authorization for the execution of Change Order No. 029 for Dual Coupler Adapter, in the amount of $794,621.00, (plus escalation and 9.75% of sales tax) to Contract No. 40FA-110, Procurement of Transit Vehicles.

DISCUSSION: The new vehicles have a different coupler from the District's existing fleet. The District's existing hi-railers cannot tow the new vehicles in the event of a breakdown on the mainline. In order for the hi-railers to be able to tow the new vehicles, an adapter for the hi-railer is needed. The District began discussing the dual coupler adapter in early January 2016. Bombardier transmitted letter BT-BA-03911, January 14, 2016, which proposed a double-head design concept for the hi-railer adapter concept. BART engineering reviewed the design and proposed changes that Bombardier incorporated to finalize the coupler adapter. This change will allow a 2-man move crew in any of the District's maintenance facilities operating a hi-railer to select and utilize the correct coupler without any tools. This efficiency improvement will be an asset to all District maintenance facilities.

This new approach in creating a dual coupler requires significant amount of engineering and drawing changes.

Bombardier has indicated that there is no additional DBE participation as a result of this Change Order.

Pursuant to Board Rule 5-2.4(b)(2), for procurement contracts greater than $200 million, any change order involving an expenditure greater than $500,000 requires Board approval.

The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution. The Office of the General Counsel will approve this Change Order as to form prior to execution.

FISCAL IMPACT: Funding for the award of Change Order No. 29 in the amount of $872,097 ($794,621 plus 9.75% of sales tax) will come from the funding sources identified in Joint BART/MTC Resolution Nos. 5134 and 3918 respectively adopted in 2010, as well as the MTC Core Capacity Challenge Grant Program Resolutions Nos. 4123 and 4126 adopted in 2013. The estimated total Project Cost is $2.584 billion. After deducting the Santa Clara Valley Transportation Authority (VTA) share of $200 million, the estimated 75% MTC share is approximately $1.789 billion and the estimated 25% BART share is approximately $595 million. The MTC share consists of the following: Federal formula funds generated from 2006-2017 and placed in the BART Car Replacement Exchange Account to earn interest until needed; bridge tolls; FHWA STP funds, MTC- issued debt financing, and other sources listed in the MTC Resolutions named above. The BART share consists of Proposition 1A High Speed Rail funds; state LCTOP funds, yearly BART capital allocations, and any other funding sources that BART controls.

As of March 12, 2018, the following fund sources have been secured out of the total project budget of $2.584 billion:

Source	Funding
Federal	$68,625,710
State	$146,543,160
Regional	$412,726,262
BART	$287,426,104
VTA	$200,051,613
Total	$1,115,372,849

The following is the project expenditures summary as of March 12, 2018, for the rail car procurement project:

Total Project Estimate	$2,584,000,000
Expenses To-Date	$351,710,705
Encumbrances	$1,664,897,111
Reserved	$2,518,601
This Action	$872,097
Remaining Balance	$564,001,486

Based on the funding plan above, the Office of the Controller/Treasurer certifies that funds will be available to meet this obligation.

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

ALTERNATIVES: Do not implement Change Order No. 029.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to execute Change Order No. 029 (Dual Coupler Adapter) to Contract No. 40FA-110, Procurement of Transit Vehicles, in the amount of $794,621.00, plus escalation and 9.75% sales tax.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 40FA-110 **CO No:** 029

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Bombardier Transit Corp.
Contract No./NTP: 40FA-110/ June 30, 2012
Contract Description: Procurement of Transit Vehicles

Dollars Percent Complete as of: 08/09/2018- 19%

COST	% of Award	Cost	Contract Amount
Original Contract Award Amount			$1,872,252,408
Change Orders:			
Other than Board Authorized C.O.s:	0.02%	$529,632	
Board Authorized Change Orders:	0.2%	$4,249,350	
This Change Order No. 029:	0.04%	$794,621	
Subtotal of all Change Order	0.29%	$5,573,603	
Revised Contract Amount:			$1,877,031,391

SCHEDULE

Original Contract Duration:	161 Months
Time Extension to Date:	0 Days
Time Extension Due to Approved COs: Revised Contract Duration:	0 Days 161 Months

SUMMARY REASON FOR THIS CHANGE ORDER

Dual Coupler Adapter

Since, the Legacy Fleet has a different coupler than that of the FOTF Fleet this change is to design and build a coupler adaptor that would be compatible for both. This will allow both coupler heads to be on each Hi Railer and allow the shops to easily tow the Legacy types of vehicles or the FOTF vehicles.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: Paul Oversier for	GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors
DATE: 2/22/2018	BOARD INITIATED ITEM: No

Originator/Prepared by: Kathy McManus Dept: Rolling Stock and Shops Signature/Date: Kathy McManus 6-4-2018	General Counsel 6/6/18 [ ]	Controller/Treasurer 6/6/18 [ ]	District Secretary [ ]	BARC Paul Oversier 7/30/18 [ ]

Status: **Routed**	Date Created: **2/22/2018**

Side Door Header

PURPOSE: To obtain Board authorization for the execution of Change Order No. 030 for Side Door Header, in the amount of $1,425,085 (plus escalation and 9.75% sales tax) to Contract No. 40FA-110, Procurement of Transit Vehicles.

DISCUSSION: After the initial few pilot vehicles were received on District property and after obtaining a better understanding of the door header system that Bombardier had used on other projects, the District made the determination that the door header design on the new vehicles was unacceptable for multiple reasons:

1. The access panel to the overhead door operator is cumbersome and prone to damage
2. The access panel opens inward to the car forcing maintenance personnel to work very close to the door opening when making routine checks and adjustments to the door which caused a safety concern when working over a pit.
3. When facing the side of the car, the access panel doesn't adequately close out access to the door operator, which could invite patron vandalism or cause injuries.
4. The access panel lacked sufficient strength across the door opening to prevent accidental or malicious damage to the door header area.

This design change requires the addition of various components (extrusions, hinges, panels and brackets). It also requires the removal of some original design components (header/cove panels and bush strips). The door post will also require modification. Since this is a modification, it is expected to be implemented on Car 30. Because of this, a temporary solution will be developed and implemented until the final changes are readily

available for installation. A retrofit program for the first 30 cars will be conducted with a removal, repair and replacement of the modified design.

Bombardier has indicated there is no additional DBE participation as a result of this Change Order.

Pursuant to Board Rule 5-2.4(b)(2), for procurement contracts greater than $200 million, any change order involving an expenditure greater than $500,000 requires Board approval.

The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution. The Office of the General Counsel will approve this Change Order as to form prior to execution.

FISCAL IMPACT: Funding for the award of Change Order No. 30 in the amount of $1,564,031 ($1,425,085 plus 9.75% of sales tax) will come from the funding sources identified in Joint BART/MTC Resolution Nos. 5134 and 3918 respectively adopted in 2010, as well as the MTC Core Capacity Challenge Grant Program Resolutions Nos. 4123 and 4126 adopted in 2013. The estimated total Project Cost is $2.584 billion. After deducting the Santa Clara Valley Transportation Authority (VTA) share of $200 million, the estimated 75% MTC share is approximately $1.789 billion and the estimated 25% BART share is approximately $595 million. The MTC share consists of the following: federal formula funds generated from 2006-2017 and placed in the BART Car Replacement Exchange Account to earn interest until needed; bridge tolls; FHWA STP funds, MTC-issued debt financing, and other sources listed in the MTC Resolutions named above. The BART share consists of Proposition 1A High Speed Rail funds; state LCTOP funds, yearly BART capital allocations, and any other funding sources that BART controls.

As of March 12, 2018, the following fund sources have been secured out of the total project budget of $2.584 billion:

Source	Funding
Federal	$68,625,710
State	$146,543,160
Regional	$412,726,262
BART	$287,426,104
VTA	$200,051,613
Total	$1,115,372,849

The following is the project expenditures summary as of March 12, 2018, for the rail car

procurement project:

Total Project Estimate	$2,584,000,000
Expenses To-Date	$351,710,705
Encumbrances	$1,664,897,111
Reserved	$3,390,698
This Action	$1,564,031
Remaining Balance	$562,437,455

Based on the funding plan above, the Office of the Controller/Treasurer certifies that funds will be available to meet this obligation.

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

ALTERNATIVES: Do not implement Change Order No. 030

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to execute Change Order No. 030 (Side Door Header) to Contract No. 40FA-110, Procurement of Transit Vehicles, in the amount of $1,425,085.00, plus escalation and 9.75% sales tax.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 40FA-110 **CO No:** 030

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Bombardier Transit Corp.
Contract No./NTP: 40FA-110/ June 30, 2012
Contract Description: Procurement of Transit Vehicles

Dollars Percent Complete as of: 02/06/2018- 19%

COST	% of Award	Cost	Contract Amount
Original Contract Award Amount			$1,872,252,408
Change Orders:			
Other than Board Authorized C.O.s:	0.02%	$529,632	
Board Authorized Change Orders:	0.2%	$5,043,971	
This Change Order No. 030:	0.07%	$1,425,085	
Subtotal of all Change Order	0.3%	$6,996,688	
Revised Contract Amount:			$1,879,251,096

SCHEDULE

Original Contract Duration:	161 Months
Time Extension to Date:	0 Days
Time Extension Due to Approved COs: Revised Contract Duration:	0 Days 161 Months

SUMMARY REASON FOR THIS CHANGE ORDER

Side Door Header

Changed the configuration of the side door access panel from inward to outward. This change was made to decrease safety concern when working on door operators. The change increases the strength of panel and decreases gap of door header when the doors are open. This will also reduce the possibility of header damage.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** August 3, 2018

FROM: General Manager

SUBJECT: State Legislation for Consideration

At the August 9 Board of Directors meeting, staff will present new state legislation for your consideration.

Attached are bill analyses and language for two state bills.

SB 1045 (Wiener)	Conservatorship: serious mental illness and substance use disorders
SB 1376 (Hill)	Transportation network companies: accessibility for persons with disabilities

Following the staff presentation, a request will be made of the Board to consider action on each bill.

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

Grace Crunican

Attachments

cc: Deputy General Manager
Board Appointed Officers
Executive Staff