

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

BOARD MEETING AGENDA

August 22, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, August 22, 2013, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of August 2, 2013 (Special), and August 8, 2013 (Special).* Board requested to authorize.
- B. Resolution of Support for Metropolitan Transportation Commission One Bay Area Grant (OBAG) Discretionary Funding for Richmond BART Intermodal Improvement Project.* Board requested to adopt.
- C. Fixed Property Tax Rates Fiscal Year 2013-2014 - General Obligation Bonds.* Board requested to authorize.
- D. Award of Invitation for Bid No. 8905, Procurement of Bag Liners with BART Logo.* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Murray, Chairperson
NO ITEMS.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Warm Springs Extension Project: Semi-Annual Project Update.* For information.
- B. East Contra Costa County Extension (eBART) Project Update.* For information.
- C. Quarterly Performance Report, Fourth Quarter Fiscal Year 2013 - Service Performance Review.* For information.

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

Director Blalock, Chairperson
NO ITEMS.

6. GENERAL MANAGER'S REPORT

7. BOARD MATTERS

- A. Board Member Reports. For information.
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)
- 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.)

8. PUBLIC COMMENT

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

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

- A. (CONTINUED from August 8, 2013, Board Meeting)
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case.
- B. CONFERENCE WITH LABOR NEGOTIATORS
Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant General Manager, Operations; Rudolph Medina, Department Manager – Labor Relations; and Thomas P. Hock, Veolia Transportation, Inc.
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
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: West Oakland BART Station, Oakland, CA
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Department Manager of Real Estate and Property Development
Negotiating Parties: The West Oakland Development Group, LLC, and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Property located at the Pleasant Hill/Contra Costa Centre BART Station, Pleasant Hill, CA
District Negotiators:	Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Manager of Real Estate and Property Development
Negotiating Parties:	Contra Costa County, Pleasant Hill Transit Village Associates LLC, and San Francisco Bay Area Rapid Transit District
Under Negotiation:	Price and Terms
Government Code Section:	54956.8

10. OPEN SESSION

- A. Authorize BART Representatives Appointed to the Pleasant Hill BART Station Leasing Authority (JPA) Board of Directors to Vote that the JPA Enter into an Exclusive Negotiating Agreement with the Pleasant Hill Transit Village Associates LLC for Development of Block "C" at the Pleasant Hill/Contra Costa Centre BART Station. Board requested to approve.

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

Board of Directors
Minutes of the 1,683rd Meeting
August 2, 2013

A special meeting of the Board of Directors was held August 2, 2013, convening at 9:12 a.m., in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Fang and McPartland entered the Meeting later.

President Radulovich called for Public Comment on Item 3 only. The following individuals addressed the Board.

Mr. George Popyack

Director McPartland entered the Meeting.

Public comment continued. The following individuals addressed the Board.

Mr. Edwardo Martinez
Mr. John Arantes
Ms. Antonette Bryant

Director Fang entered the Meeting.

Public comment continued. The following individuals addressed the Board.

Ms. Leah Berlanga
Mr. Derek Jackson
Ms. Shanell Williams
Mr. Tim Paulson
Mr. Gordon Mar
Ms. Alicia Garza
Ms. Yuri Hollie
Mr. Deslar Patten
Ms. Antonette Bryant
Ms. Charmaine Ayers
Ms. Josie Camacho

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 3-A (Conference with Labor Negotiators) of the special meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 10:01 a.m.

The Board reconvened in closed session at 10:09 a.m.

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

Absent: None.

Director Fang exited the Meeting.

The Board Meeting recessed at 12:13 p.m.

The Board reconvened in closed session at 12:25 p.m.

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

Absent: None. Director Fang entered the Meeting later.

Director Fang entered the Meeting.

The Board Meeting recessed at 1:25 p.m.

The Board reconvened in open session at 1:26 p.m.

Directors present: President Radulovich.

Absent: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had concluded its meeting in closed session and there were no announcements to be made.

The Special Board Meeting was adjourned at 1:26 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,685th Meeting
August 8, 2013

A special meeting of the Board of Directors was held August 8, 2013, convening at 12:15 p.m., in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, Mallett, McPartland, Murray, and Radulovich.

Absent: None. Directors Fang, Raburn, and Saltzman entered the Meeting later.

President Radulovich called for Public Comment on Item 3 only. No comments were received.

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 3-A (Conference with Labor Negotiators) of the special meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 12:16 p.m.

The Board reconvened in closed session at 12:24 p.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: None. Director Saltzman entered the Meeting later.

Director Saltzman entered the Meeting.

The Board Meeting recessed at 2:19 p.m.

The Board reconvened in open session at 2:21 p.m.

Directors present: President Radulovich.

Absent: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had concluded its meeting in closed session and there were no announcements to be made.

The Special Board Meeting was adjourned at 2:21 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alanna DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Approval and forward to Administration Committee		
DATE: 8/14/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Deidre Heitman Dept: Grant Development <i>Deidre A Heitman</i> Signature/Date: 8/12/13	General Counsel <i>MB</i> 8/12/13	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>Carol Mann</i> 8-13-13 []
Status: Routed		Date Created: 07/18/2013		

TITLE:
Resolution of Local Support for MTC One Bay Area Grant (OBAG) Discretionary Funding for the Richmond BART Intermodal Improvement Project

NARRATIVE:

PURPOSE:

To request that the Board of Directors adopt a Resolution of Local Support for the FY 2013/14 OBAG grant funds for the Richmond BART Intermodal Improvement Project.

DISCUSSION:

In April 2013, BART submitted a grant application to the Contra Costa Transportation Authority (CCTA) to obtain funding through the Federal Cycle 2 One Bay Area Grant (OBAG) program for the Richmond BART Intermodal Improvement Project (the Project). In June 2013, CCTA awarded the Project the requested \$2.9 million. The grant requires a Resolution of Local Support authorizing BART to apply to the Metropolitan Transportation Commission (MTC) for the OBAG discretionary funding and to commit to implementing the project.

Over the past decade, BART and the City of Richmond have constructed a transit village on the westside of the Richmond BART Station including 132 residential units and a 6-story parking garage. This development has presented the opportunity to make improvements to the circulation within the intermodal zone and to address some new and some long-standing safety concerns. Because the new parking garage has adequate disabled parking, there is no longer a need for the 40+ disabled parking spaces that currently lie in the southeast corner of the intermodal zone, freeing up that space. There are also concerns with the few parking spaces and trash receptacle that lie in the middle of the zone, which block the pedestrian route from Macdonald Avenue. The new garage has also introduced potential traffic flow conflicts between cars entering the garage and buses exiting the zone. Potential bus delays, particularly in the morning or afternoon peak periods, could exacerbate automobile delays.

This Project redesigns the intermodal area by providing an unobstructed pathway for pedestrians, a clear intersection for exiting buses and entering cars, relocates utilities, adds landscaping and creates distinct taxi and drop off areas. The Project also improves the intermodal zone by repainting shelters, upgrading lighting, replacing broken shelter glass, resurfacing existing concrete benches, and upgrading the electricity at the shelters to power future real time bus information displays. The Project will provide a safer, more comfortable environment for BART

and Amtrak passengers who are transferring from a bus, walking to the station, or are being dropped off.

FISCAL IMPACT:

Approval of this Resolution of Local Support for MTC Discretionary Funding is required for the District to receive the \$2.9 million in OBAG funding for the Project. MTC requires a minimum local match of 11.47% for this grant. The combination of other grants and BART funds is 33.04%, which exceeds the requirement. BART will leverage two grants already secured for this project: \$186,200 from the West Contra Costa Transportation Advisory Committee (WCCTAC) and \$744,800 in Prop 1B Lifeline Program funds. In addition, BART will contribute \$500,000 which is included in the FY 14 operating allocation to capital budget. The total Project cost is \$4,331,000.

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

ALTERNATIVE:

Do not approve the Resolution of Support. BART would risk the loss of \$2.9 million in OBAG funding.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The BART Board of Directors approves the attached Resolution of Support in the amount of \$2.9 million for OBAG funds for the Richmond BART Intermodal Improvement Project.

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

**In the Matter of the Approval of a
Resolution of Local Support for
MTC Discretionary Funding for the
Richmond BART Intermodal
Improvement Project _____ /**

Resolution No. _____

WHEREAS, San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$2,900,000 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Richmond BART Intermodal Improvement Project (herein referred to as PROJECT) for the Federal Cycle 2 One Bay Area Grant (OBAG) Program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP-21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code Sections 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds;
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING;
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised);
4. the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's federal Transportation Improvement Program (TIP);
5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 for continued funding; and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide the required matching funds of 11.47% of the \$2,900,000 in REGIONAL DISCRETIONARY FUNDING; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and

3. APPLICANT understands the funding deadlines associated with these funds and will comply with the procedures, delivery milestones, and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT and the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.

DULY PASSED AND ADOPTED by the San Francisco Bay Area Rapid Transit District Board of Directors on August 22, 2013.

Certification

I, Kenneth A. Duron, District Secretary, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District on the _____ day of _____, 2013.

Kenneth A. Duron, District Secretary

Date: _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Michaela Morales</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>8/13/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Michaela Morales Dept: for Scott Schroeder, Controller-Treasurer Controller-Treasurer Department Signature/Date:	General Counsel <i>[Signature]</i> <i>8/13</i>	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> <i>8-13-13</i> []

TITLE:

FIXED PROPERTY TAX RATES FY 2013-14 - GENERAL OBLIGATION BONDS

NARRATIVE:

PURPOSE:

Fixing the rate of property taxes for BART in San Francisco, Alameda and Contra Costa Counties for Fiscal Year 2014 as required by Public Utilities Code Section 29126 to pay for the debt service on the District's General Obligation Bonds.

DISCUSSION:

The debt service required on the District's General Obligation Bonds for Fiscal Year 2014 is \$36,735,490.00 as determined by a Financial Consultant.

The debt service tax rate required by the District for Fiscal Year 2014 is .0075 which equates to \$7.50 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 2014.

ALTERNATIVES:

None.

RECOMMENDATION:

It is recommended that the tax rate fixed for Fiscal Year 2014 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 2013/14

Resolution No. _____

WHEREAS, this Board desires to fix the rate of taxes for the District, for the fiscal year July 1, 2013 to June 30, 2014, 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

WHEREAS, this Board has determined the tax rate for the District taxes for the counties in the District for the fiscal year 2013/14 from the budget of the District for the fiscal year 2013/14 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, 2013 to June 30, 2014, is hereby fixed at .0075, which equates to \$7.50 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 ____, 2013.

Adopted _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 8/14/13		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shawn J Jackson Dept: <i>[Signature]</i>	General Counsel <i>[Signature]</i> 8/13/13 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary BARC <i>[Signature]</i> 8/14/13 []
Signature/Date: <i>[Signature]</i> 8/12/2013			
Status: Approved		Date Created: 07/10/2013	

TITLE:

IFB 8905 Bagliners

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Invitation for Bid (IFB) No. 8905 for the Procurement of Bag Liners with BART Logo to Interior Designs by Ricci, Inc., Newport Beach, CA, in the amount of \$192,319.60, including all applicable sales tax.

DISCUSSION: Bag liners are placed into trash receptacles throughout the District to preserve containers from corrosion and to provide a safe and sanitary method for trash collection. In addition, bag liners are used for scheduled and non-scheduled maintenance of District facilities, grounds and revenue vehicles. Approximately 500,000 bag liners are used annually. The District requirement that the BART logo be printed on each bag liner is a theft-deterrent measure to prevent unauthorized usage.

This is a two (2) year estimated quantity Contract. Pursuant to the terms of the Contract, during the term of the Contract the District is required to purchase from the Supplier a minimum amount of 50 percent of the total dollar value of the Contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the total dollar value of the Contract, subject to availability of funding.

A notice requesting Bids was published on April 10, 2013 and Bid requests were mailed to fourteen (14) prospective Bidders. Bids were opened on April 30, 2013 and five (5) Bids were received.

Staff estimated that during the course of the two year period the District will need approximately 4,000 cases of the 40" wide x 48" deep plastic bag liners.

Bidder	Unit Price	Grand Total Including 9.0% Sales Tax
D & J International, Inc. Hayward, CA	\$35.45/case	\$154,562.00

Interior Designs by Ricci, Inc. Newport Beach, CA	\$44.11/case	\$192,319.60
RAM Enterprises San Mateo, CA	\$44.67/case	\$194,761.20
E Poly Star, Inc. San Leandro, CA	\$47.50/case	\$207,100.10
Metro W. Plastics San Francisco, CA	\$48.97/case	\$213,509.20
Consumer Net Services Petaluma, CA	\$49.40/case	\$215,384.00

Independent cost estimate by BART staff: \$160,000.00.

Upon review by Staff, the Bid submitted by D&J International, Inc. was deemed non-responsive since it did not include, as required by the IFB, a copy of the manufacturer's latest report submitted to the State of California Integrated Waste Management Board pursuant to Section 42293 of the California Public Resources Code showing that the manufacturer has complied with the recycle requirements set forth in California Public Resources Code Section 42290 *et seq.*

Staff determined that the next low Bid, which was submitted by Interior Designs by Ricci, Inc., is responsive and that the Bid pricing is fair and reasonable based on previous purchases. BART's previous experience in the purchase of bag liners includes an acquisition in October 2008 at a unit cost of \$49.50 per case.

The District's Non-Discrimination in Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts and Contracts under \$50,000 or any Invitation for Bid. Pursuant to the Program, the Office of Civil Rights did not set availability percentages for this Contract.

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

FISCAL IMPACT:

The total estimated cost of this two-year Contract with Interior Designs by Ricci, Inc. is \$192,319.60. The bag liners are used by various departments in the District including Rolling Stock & Shops, Maintenance & Engineering and Transportation & System

Service as noted in the following chart:

Transportation & System Service	69%	\$131,911.53
Rolling Stock & Shops	26%	\$49,839.44
Maintenance & Engineering	4%	\$7,692.08
Other	1%	\$2,876.55
Total	100%	\$192,319.60

FY 14 funding for IFB No. 8905 in the approximate amount of \$96,000 has been provided for in the Operating Budget. Initial purchase of the bag liners will be made by the Procurement Department using the material build up account asset account 140-010. Upon withdrawal from stores, each department is charged against account 680-010 (Inventory Materials Usage). The remaining funding for FY 15 will be requested in the next preliminary operating budget cycle.

ALTERNATIVE: The alternative is to reject all Bids and re-advertise the IFB after removing the requirement for the bag liners to contain the highly recognized BART logo in order to obtain a lower price. However, the logo requirement is a theft-deterrent measure, as unauthorized usage of bag liners would be readily apparent if the bag liners did not contain the logo.

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

MOTION:

The General Manager is authorized to award IFB No. 8905, an estimated quantity Contract for the Procurement of Bag Liners With BART Logo, to Interior Designs by Ricci, Inc., for the Bid price of \$192,319.60, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

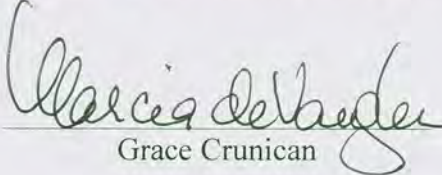
TO: Board of Directors

DATE: August 16, 2013

FROM: General Manager

SUBJECT: E&O Agenda Item 4A: Warm Springs Extension Project: Semi-Annual Project Update – For Information

At the August 22nd Board of Directors meeting, staff will provide an update on the progress of the Warm Springs Extension (WSX) Project which will include a discussion of the project schedule, budget, environmental compliance, and the status of construction contracts that are underway. If you have any questions about the attached presentation, please contact Paul Medved, Acting Group Manager, Planning and Development at (510) 287-4750.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

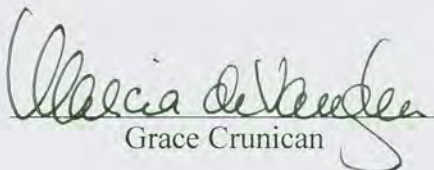
MEMORANDUM

TO: Board of Directors **DATE:** August 16, 2013

FROM: General Manager

SUBJECT: E&O Agenda Item 4B: East Contra Costa BART Extension (eBART) Project Update – For Information

The attached presentation is an update on the progress of the eBART project which includes a discussion of the various design, construction and procurement contracts that are underway for the extension project. If you have any questions about this presentation, please contact Ric Rattray, Group Manager, Planning and Development at (510) 874-7319.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff