

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

August 28, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, August 28, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

Items placed under “consent calendar” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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 Meeting of August 14, 2008.\* Board requested to authorize.

- B. Exchange of Real Property for the Warm Springs Extension Project.\*  
Board requested to authorize.

### **RECESS TO STANDING COMMITTEES**

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

### **ALL COMMITTEES ARE ADVISORY ONLY**

#### ADMINISTRATION COMMITTEE

Director Franklin, Chairperson

NO REPORT.

#### ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Board Meeting recess

Director Fang, Chairperson

- B-1. Award of Contract No. 15PG-110, Earthquake Safety Program –  
Rockridge Station.\* Board requested to authorize.

- B-2. General Discussion and Public Comment.

#### PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Director Ward Allen, Chairperson

NO REPORT.

### **RECONVENE BOARD MEETING**

#### 3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

#### 4. REPORTS OF STANDING COMMITTEES

##### A. ADMINISTRATION COMMITTEE

NO REPORT.

##### B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. Award of Contract No. 15PG-110, Earthquake Safety Program –  
Rockridge Station.\* Board requested to authorize.

##### C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

NO REPORT.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Dorothy W. Dugger, General Manager; Teresa E. Murphy, Assistant General Manager – Administration; and Steve J. Weglarz, Department Manager, Labor Relations

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

Government Code Section: 54957.6

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Titles: General Manager, General Counsel,  
Controller/Treasurer, District Secretary

Gov't. Code Section: 54957

C. CONFERENCE WITH LABOR NEGOTIATORS:

Designated Representatives: Directors Blalock, Franklin, and Murray

Titles: General Manager

Gov't. Code Section: 54957.6

9. OPEN SESSION

A. Compensation and Benefits for General Manager.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marica delBundo</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/20/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Real Estate <i>Joseph MB</i> Signature/Date: 8/20/08	General Counsel <i>MB</i>	Controller/Treasurer <i>[Signature]</i> 8/19/08	District Secretary [ ]	BARC <i>[Signature]</i> 8-20-08 [ ]
Status: Routed		Date Created: 08/04/2008		

TITLE:

### Authorize the General Manager to Exchange Real Property for the Warm Springs Extension Project (WSX)

NARRATIVE:

#### PURPOSE:

To modify the action taken by the Board on June 26, 2003, which authorized the General Manager to acquire the property necessary to construct the WSX Project, to also allow the General Manager or designee to transfer excess property in exchange for, and in receipt of, other property of equal fair market value that is necessary to construct the Project.

#### DISCUSSION:

**Background:** The BART Board of Directors adopted a project for the Warm Springs Extension and certified a California Environmental Quality Act ("CEQA") Final Environmental Impact Report ("FEIR") on September 15, 1992. The District later prepared a Supplemental Environmental Impact Report ("SEIR") for the purpose of updating the 1992 FEIR due to changed circumstances and certain revisions to the Project since 1992. On June 26, 2003, following a public hearing, the Board certified the SEIR, adopted the Warm Springs Extension ("WSX") Project, and authorized the General Manager to acquire property necessary to construct the Project.

In July of 2006, the Federal Transit Administration ("FTA"), as lead federal agency, and BART released a Final Environmental Impact Statement ("FEIS") for the WSX Project. The FTA issued a Record of Decision on October 24, 2006 which determined that the National Environmental Policy Act requirements for the Project had been satisfied.

Partial acquisitions of several properties are needed to construct the WSX Project. In a few limited cases, opportunities exist to exchange BART owned property with adjacent property owners. The benefits include reduction of severance damages, allowing property owners to remain on their remainder property, not having to purchase remainder property and avoid extensive relocation and loss of business goodwill claims which results in reduced costs to BART.

This EDD seeks to modify the action taken by the Board on June 26, 2003, such that the authorization for the General Manager to acquire property necessary to construct the WSX Project shall be deemed to include the transfer of excess property in exchange for, and receipt of, other

property of equal fair market value necessary to construct the Project.

**FISCAL IMPACT:** There will be no negative fiscal impact. Most likely a reduction in costs will be realized in the form of reduced severance damages paid to property owners as well as reduced relocation costs, loss of business goodwill costs and avoidance of having to purchase remainder property.

**ALTERNATIVES:** Do not allow the General Manager to authorize the exchange of property and instead submit each property exchange to the Board.

**RECOMMENDATIONS:** It is recommended that the Board adopt the following motion.

**MOTION:** The BART Board of Directors hereby authorizes the General Manager or designee to transfer excess property in exchange for, and in receipt of, other property of equal fair market value necessary to construct the Project.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 8/20/2008		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept. TSD Ext. 4978 <i>[Signature]</i> Signature/Date: 8/19/08	General Counsel <i>[Signature]</i> 8/20/08	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BART <i>[Signature]</i> 8/20/08
Status: Approved		Date Created: 08/06/2008		

TITLE:

### Award of Contract 15PG-110, Earthquake Safety Program, Rockridge Station

NARRATIVE:

#### PURPOSE:

To authorize the General Manager to award Contract No. 15PG-110, Earthquake Safety Program - Rockridge Station to William P. Young Construction, Inc.

#### DISCUSSION:

The BART Earthquake Safety Program determined that the Rockridge Station required seismic strengthening and produced contract documents for the work. The work consists of additional reinforced concrete for station pier foundations and pier caps; steel column encasements; and strengthening of steel girders, canopies, stairs and escalators. Advance Notice to Bidders was mailed on June 24, 2008 to 900 firms. The Contract was advertised on June 27, 2008 and Contract Books were sent to 19 plan rooms. A total of 53 firms purchased copies of the Bid Documents. A Pre-Bid Meeting and Site Tour were held on July 11, 2008 with 35 potential bidders attending. Eight Bids were received. Bids were opened publicly on August 5, 2008. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

#### Bidder

#### Bid

1. William P. Young Construction Inc., San Leandro, CA	\$4,950,235
2. S.J. Amoroso Construction Co. Inc., Redwood Shores, CA	\$5,697,000
3. California Engineering Contractors, Inc., Pleasanton, CA	\$6,112,870
4. Cal Pacific Construction, Inc., Pacifica, CA	\$6,238,500
5. Arntz Builders Inc., Novato, CA	\$6,507,892
6. American Civil Constructors West Coast Inc., Benicia, CA	\$6,661,330
7. R & L Brosamer, Inc., Walnut Creek, CA	\$7,154,740
8. Zovich & Sons Inc., Hayward, CA	\$8,531,840
Engineer's Estimate	\$6,760,000

After review by the District staff, the apparent low Bid submitted by William P. Young

Construction, Inc. has been determined to be fair and reasonable and deemed to be responsive to the solicitation. Examination of this Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

**FISCAL IMPACT:**

Funding for \$4,950,235 for award of Contract No. 15PG-110 is included in the total project budget for the FMS #15PG, Rockridge Station. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds for this contract will come from the following sources:

F/G 49S – Seismic LSSRP – Fed only \$1,195,092

As of month ending 6/30/08, \$2,922,615 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$1,195,092 leaving an uncommitted balance of \$1,727,523 in this fund source.

F/G 01G – GO Bond Local Match \$154,837

As of month ending 6/30/08, \$378,656 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$154,837 leaving an uncommitted balance of \$223,819 in this fund source.

F/G 55S – State Prop 1B \$3,600,306

As of month ending 6/30/08, \$4,000,000 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$3,600,306 leaving an uncommitted balance of \$399,694 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:**

The alternative is to decline to award the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the Rockridge Station.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15PG-110, Earthquake Safety Program - Rockridge Station, to William P. Young Construction, Inc. for the Bid amount of \$4,950,235, pursuant to notification to be issued by the General Manager and subject to the

District's protest procedures and the Federal Highway Administration's requirements related to protest procedures.

## FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 5/29/08	REMARKS
<b>ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT</b>			
GEC (Bechtel Team)	\$105,000,000	\$176,650,003	
Other GEC	\$81,478,000	\$0	
<b>Subtotal GEC</b>	<b>\$186,478,000</b>	<b>\$176,650,003</b>	
CM	\$61,498,000	\$54,542,137	
Environmental	\$1,042,796	\$2,061,892	
<b>TOTAL E, E &amp; CM</b>	<b>\$249,018,796</b>	<b>\$233,254,032</b>	
<b>CONSTRUCTION</b>			
<b>Transbay Tube</b>			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
<b>San Francisco Ferry Plaza</b>			
SFTS (including Tube liner)	\$73,037,000	\$5,605,380	
Marine Vibro Demo	\$101,285,000	\$137,852,879	
Stitching	\$82,962,000	\$0	
<b>Aerial Guideways</b>			
West Oakland/North Oakland	\$112,923,000	\$132,254,000	
Fremont	\$178,224,000	\$159,046,000	
Concord	\$36,500,000	\$37,185,000	
Richmond	\$80,155,000	\$76,811,000	
San Francisco/Daly City	\$36,590,000	\$50,032,000	
<b>Stations (18)</b>			
	\$126,961,000	\$104,427,000	
<b>Other Structures</b>			
LMA	\$5,529,000	\$5,003,339	
Yds & Shops	\$12,436,000	\$22,318,000	
Parking Structures	\$14,437,000	\$16,252,000	
At Grade Trackway	\$22,361,000	\$0	
<b>Systems</b>			
	\$7,066,000	\$11,898,000	
<b>TOTAL CONSTRUCTION</b>	<b>\$909,469,000</b>	<b>\$770,537,127</b>	
<b>PROGRAM COSTS</b>			
Program Costs ( Hazmat, ROW, Consult, Staff)	\$159,894,204	\$221,185,221	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$125,509,620	
<b>TOTAL PROGRAM COSTS</b>	<b>\$191,998,204</b>	<b>\$346,694,841</b>	
<b>TOTAL FUNDING</b>	<b>\$1,350,486,000</b>	<b>\$1,350,486,000</b>	Funding may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43.3m of Prior Program Funding)