

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

BOARD MEETING AGENDA

August 28, 2014

5:00 p.m.

A regular meeting of the Board of Directors will be held at 5:00 p.m. on Thursday, August 28, 2014. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 <sup>th</sup> Street Mall – Third Floor 344 – 20 <sup>th</sup> Street Oakland, CA 94612	Regal International East Asia Hotel No. 516 Hengshan Road Shanghai 2000300, China
---	---

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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

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, 2014.\* Board requested to authorize.
- B. Award of Contract No. 01RQ-130, Construction of Hayward Maintenance Complex Project Sandoval Way Access Road.\* Board requested to authorize.
- C. Award of Contract No. 01RQ-140, Construction of Hayward Maintenance Complex Project Building Four Demolition.\* Board requested to authorize.
- D. Reject All Bids for Invitation for Bid No. 8939, Purchase of Hi-Rail Switcher.\* Board requested to reject.

3. PUBLIC COMMENT – 15 Minutes

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

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Earthquake Safety Program Citizens' Oversight Committee Report.\* For information.
- B. Award of Contract No. 6M7220, Emergency Restoration Work of the Commercial Fiber Optic and Wireless Network.\* Board requested to authorize.
- C. Warm Springs Extension Project: Semi-Annual Project Update.\* For information.

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

Director Raburn, Chairperson

- A. (CONTINUED from the August 14, 2014 Board Meeting)  
Station Profile Survey Funding Agreement.\* Board requested to authorize.
- B. Increased Spending Authority for Contract No. 91CW-226, Furnishing Bicycle Lockers with Electronic Controllers.\* Board requested to authorize.

6. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Review of Draft Fiscal Year 2015 to Fiscal Year 2024 Short Range Transit Plan/Capital Improvement Program.\* For information.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Update of Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Termination of Free Transportation Privileges upon Leaving Office for Current, Newly Elected, and Newly Appointed Board Members and their Dependents. For discussion and possible action. (Director Raburn's request.)
- B. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)
- C. 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.)
- D. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

9. 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.)

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

Board of Directors  
Minutes of the 1,714th Meeting  
August 14, 2014

A regular meeting of the Board of Directors was held August 14, 2014, convening at 9:04 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Mallett and Radulovich entered the Meeting later.

Director Raburn introduced Citizen Review Board Chairperson Sharon Kidd, and congratulated her on being acknowledged as Citizen of the Year by the California Peace Officers Association.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of July 24, 2014 (Special), and July 24, 2014 (Regular).
2. Fixed Property Tax Rates Fiscal Year 2014-2015 - General Obligation Bonds.

Director Blalock made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Fang, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent – 2: Directors Mallett and Radulovich.

1. That the Minutes of the Meetings of July 24, 2014 (Special), and July 24, 2014 (Regular), be approved.
2. Adoption of Resolution No. 5267, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2014/15.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Collateral Pool for Small Business Bonding Assistance Program and Risk Mitigation before the Board. Mr. Jim Bridgeman, Department Manager, Insurance, presented the item. The item was discussed.

Director Radulovich entered the Meeting.

Discussion continued.

Director Mallett entered the Meeting.

Discussion continued.

Director Raburn moved that the Controller/Treasurer be authorized to establish a Collateral Pool to support the issuance of bonds under its Small Business Bonding Assistance Program in an amount not to exceed three million dollars (\$3,000,000.00) and be authorized to exercise an option to increase it to five million dollars (\$5,000,000.00); and that Collateral provided for any bond will not exceed forty percent (40%) of the bond amount or seven hundred and fifty thousand dollars (\$750,000.00) whichever is less; and that the Controller/Treasurer be further authorized to establish a Third-Party Funds Administration Program at a cost not to exceed one percent (1%) of the amount of bonds issued. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Saltzman brought the matter of Time Extension to Agreement No. 6M2020, Brokerage Services for an Owner Controlled Insurance Program, before the Board. Mr. Bridgeman presented the item. Director Murray moved that the Controller/Treasurer be authorized to extend the time of performance under Agreement No. 6M2020, with Aon Risk Services, to provide Owner Controlled Insurance Program services, for an additional two years, to November 30, 2016, and that the original not-to-exceed amount for the Agreement remains at \$7,500,000.00. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

President Keller announced that the order of agenda items would be changed, and brought the matter of Assembly Bill 2493 (Bloom), Statewide Economic Development, Infrastructure Construction, Affordable Housing and Job Creation. Director Blalock welcomed and introduced Mr. Mark Green, former Mayor of Union City. Mr. Green addressed the Board. The item was discussed. Director Blalock moved that the Board support Assembly Bill 2493 (Bloom), Statewide Economic Development, Infrastructure Construction, Affordable Housing and Job Creation. Director Saltzman seconded the motion. Director Raburn requested the motion be amended to include the Board's emphasis on sustainable communities. Directors Blalock and Saltzman accepted the amendment. The amended motion carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Saltzman brought the matters of Amended Reserve Fund Policy and Risk Management Policy before the Board. Mr. Scott Schroeder, Controller/Treasurer; and Mr. Bridgeman presented the items. The items were discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 15CQ-201, Procurement of Direct Fixation Rail Fasteners, with L.B. Foster Company, for Extension of Time, before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, and Mr. Gregory Shivy, Principal Track Engineer, presented the item. The item was discussed. Director Mallett moved that the General Manager be authorized to issue a Change Order to extend the term of the Contract No. 15CQ-201, for the Procurement of Direct Fixation Rail Fasteners, to L.B. Foster Company, of Pittsburg, Pennsylvania, until September 17, 2019. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director McPartland brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2014 - Service Performance Review, before the Board. Mr. Oversier; Mr. Jeffrey Lau, Chief Safety Officer; and Mr. Benson Fairow, Deputy Chief of Police, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Chris Finn

Mr. John Arantes

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, announced that the matter of Station Profile Survey Funding Agreement with Metropolitan Transportation Commission would be continued to a future meeting.

President Keller called for the General Manager's Report. Ms. Grace Crunican, General Manager, reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Keller called for the Controller/Treasurer's Report. Mr. Schroeder reported on the activities of the Office over the past quarter. The report was discussed.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Saltzman requested that staff bring an informational report to the Board about planning and service for special events, including but not limited to parades and sports games. This report should include station staffing and train service levels. Director Mallett seconded the request.

Director Blalock reported he had attended the Fremont Festival of the Arts.

Director Murray commented on the continuing vacancy of the Police representative on the Citizen Review Board, and complimented staff on the removal of the Legs hanging sculpture from the Embarcadero Station.

President Keller called for In Memoriam commemorations, and requested that the meeting be adjourned in memory of Lisa Isler, BART employee and former Service Employees International Union, BART Chapter, President.

President Keller called for Public Comment. No comments were received.

President Keller announced that the Board would enter into closed session in the adjacent conference room under Item 10-A (Conference with Real Property Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting was recessed at 12:21 p.m.

---

---

The Board reconvened in closed session at 12:30 p.m.

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

Absent: None. Director McPartland entered the Meeting later.

Director McPartland entered the Meeting.

The Board Meeting was recessed at 12:55 p.m.

---

---

The Board reconvened in open session at 12:57 p.m.

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

Absent: None.

President Keller announced that the Board had concluded its closed session as noticed on the agenda, and that there was no further announcement.

President Keller brought the matter of Time Extension to the Exclusive Negotiating Agreement between the Pleasant Hill BART Station Leasing Authority Joint Powers Agency and Pleasant Hill Leasing Associates, LLC, before the Board. Director Murray moved that the BART representatives to the Pleasant Hill BART Station Leasing Authority (JPA) be authorized to vote that the JPA extend the Exclusive Negotiating Agreement with Pleasant Hill Transit Village Associates, LLC, for development of Block "C" at the Pleasant Hill/Contra Costa Centre BART Station, for a period of six months, with a right by the JPA to extend for up to one 90-day period. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

President Keller returned to Roll Call for Introductions. Director Mallett requested a comprehensive overview of station maintenance performance standards and corresponding accountability standards for Board of Directors consideration on a future agenda.. Director Radulovich seconded the request.

The Board Meeting was adjourned at 1:00 p.m. in memory of Ms. Lisa Isler.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maicia deVauder</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>8/21/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: <i>PD</i>	General Counsel <i>J. Rowenthal</i> Signature/Date: <i>8/18/14</i>	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>8/20/14</i>	District Secretary <i>[Signature]</i> Signature/Date: <i>[Signature]</i>	BARC <i>[Signature]</i> Signature/Date: <i>8/21/14</i>

TITLE:  
**Award of Contract No. 01RQ-130 for Construction of Hayward Maintenance Complex Project Sandoval Way Access Road**

NARRATIVE:

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No. 01RQ-130 for Construction of Hayward Maintenance Complex Project Sandoval Way Access Road to Sustainable Group, Inc., Moraga, CA.

**DISCUSSION:** The Hayward Maintenance Complex Project (HMC) was adopted by the BART Board of Directors on May 26, 2011. The Project will provide for expanded and enhanced maintenance complex facilities necessary to accommodate, in part, BART's future system demands, including the Silicon Valley Extension Project. The Project consists of the acquisition and improvements to three parcels improved with four warehouse buildings on the west side of the existing Hayward Yard. Improvement elements include a Vehicle-Level Overhaul Shop, Component Repair Shop, Central Warehouse, Non-Revenue Vehicle Shop and Storage Area, and trackwork.

Phase I of the Project includes, among other elements, an access road to connect Sandoval Way with other property at the HMC. The District therefore prepared Contract No. 01RQ-130 for Construction of Hayward Maintenance Complex Project Sandoval Way Access Road. The Contract scope includes construction of the access road, drainage improvements, fencing, and associated work.

On May 13, 2014 an Advance Notice to Bidders was mailed to 173 prospective bidders. Contract Documents were sent to 22 plan rooms. The Contract was advertised as a Micro Small Business Entity (MSBE) set-aside on May 20, 2014 in local publications. A total of 5 firms purchased copies of the Contract Documents. A pre-bid meeting and site visit were conducted on June 5, 2014 with 3 prospective bidders attending. Bids were publically opened on July 8, 2014. The two Bids received, and the Engineer's Estimate, are as follows:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid Price</u>
Sustainable Group, Inc.	Moraga, CA	\$353,018.00
Joseph Cumiskey Construction Corporation	Belmont, CA	\$374,000.00
Engineer's Estimate		\$290,386.00



After review by District staff, the Bid of Sustainable Group, Inc. was deemed the lowest responsive Bid. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$353,018.00 is fair and reasonable.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements, all Bidders are required to be a BART-certified MSBE at the time of Bid. The lowest responsive Bidder, Sustainable Group, Inc., is a BART-certified MSBE. Pursuant to the DBE Program, no DBE goals were established for this Contract.

**FISCAL IMPACT:** Funding of up to \$353,018 for award of Contract No. 01RQ-130 is included in the total project budget for 01RQ000, Hayward Maintenance Complex Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of July 23, 2014, \$177,206,856 is available for commitment for this project from the following sources:

Fund No.	Source	Fund Description	Amount
656E	VTA	Santa Clara County Transit Authority	\$ 11,600,000.00
8524	BART	FY 12 Operating Capital Allocation	\$ 7,034,344.30
656K	VTA	Santa Clara County Transit Authority	\$108,133,406.95
3007	FTA		\$ 50,439,114.96
		Total	\$177,206,856.21

BART has expended \$14, 419,322.80, encumbered \$5,139,523.67, and pre-encumbered \$19,800,000.00 to date. This action will encumber up to an additional \$353,018.00, leaving an available fund balance of \$137,494,991.74.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVES:** The alternatives are not to award the Contract, or rebid. Not awarding the Contract is not recommended because the access road is needed for the Project. Rebidding is not recommended due to the Project completion deadline date, as delays would negatively impact award of other HMC contracts.

**RECOMMENDATION:** Adoption of the following motion.

**MOTION:** The General Manager or her designee is authorized to award Contract No. 01RQ-130 for Construction of Hayward Maintenance Complex Project Sandoval Way Access Road to Sustainable Group, Inc., for the total Bid price of \$353,018.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeVaughn</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c 8/21/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Planning and Development <i>Kevin Sanderson</i> Signature/Date: 8/18/14	General Counsel <i>Heather</i> 8/18/14	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary <i>[Signature]</i> [ ]	BART <i>Paul</i> <i>Cressler</i> 8/21/14 [ ]

TITLE:

### Award of Contract No. 01RQ-140 for Construction of Hayward Maintenance Complex Project Building Four Demolition

NARRATIVE:

**PURPOSE:** To obtain Board authorization for the General Manager to award Contract No. 01RQ-140 for Construction of Hayward Maintenance Complex Project Building Four Demolition to Dominguez and Sons Trucking, Inc., San Jose, CA.

**DISCUSSION:** The Hayward Maintenance Complex Project (HMC) was adopted by the BART Board of Directors on May 26, 2011. The Project will provide for expanded and enhanced maintenance complex facilities necessary to accommodate, in part, BART's future system demands, including the Silicon Valley Extension Project. The Project consists of the acquisition of and improvements to three parcels currently containing four warehouse buildings on the west side of the existing Hayward Yard. Improvement elements include a Vehicle-Level Overhaul Shop, Component Repair Shop, Central Warehouse, Non-Revenue Vehicle Shop and Storage Area, and trackwork.

Phase I of the Project includes, among other elements, the demolition of Building Four to provide the location for the Vehicle-Level Overhaul Shop, and to provide space for a construction laydown area. The scope of this Contract includes the complete demolition of Building Four and removal of all materials from the site.

On June 2, 2014, an Advance Notice to Bidders was mailed to 157 prospective bidders. Contract Documents were sent to 24 plan rooms. The Contract was advertised as a Micro Small Business Entity (MSBE) set-aside on June 2, 2014 in local publications. A total of 15 firms purchased copies of the Contract Documents. A pre-bid meeting and site visit were conducted on June 25, 2014 with 19 prospective bidders attending. Bids were publicly opened on July 29, 2014. The tabulation of Bids received, and the Engineer's Estimate, are as follows:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid Price</u>
Bay Construction Co./Bay Line Cutting & Coring, Inc., JV	Oakland, CA	\$549,000.00
Pantano Excavating	Manteca, CA	\$727,768.00
Plummerbuilt, Inc.	Herald, CA	\$752,000.00
Dominguez and Sons Trucking, Inc.	San Jose, CA	\$770,000.00

Sustainable Group Inc.	Moraga, CA	\$878,000.00
Cumiskey Construction Corp.	San Francisco, CA	\$909,000.00
Empire Engineering & Construction, Inc.	Oakland, CA	\$910,000.00
Engineer's Estimate		\$1,500,000.00

The Bid submitted by Bay Construction Co./Bay Line Cutting & Coring, Inc., a Joint Venture, was disqualified because neither the Joint Venture, nor the individual firms, was a BART-certified Micro Small Business Entity (MSBE). The Bids submitted by Pantano Excavating and Plumberbuilt, Inc. were non-responsive because the Bids did not include the Confidential Statement of Qualifications and Business References for Construction. After review by District staff, the Bid submitted by Dominguez and Sons Trucking, Inc. was deemed to be the lowest responsive Bid. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$770,000.00 is fair and reasonable.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements, all Bidders are required to be a BART-certified MSBE at the time of Bid. The lowest responsive Bidder, Dominguez and Sons Trucking, Inc., is a BART-certified MSBE. Pursuant to the Program, no DBE goals were established for this Contract.

**FISCAL IMPACT:** Funding of up to \$770,000.00 for award of Contract No. 01RQ-140 is included in the total project budget for 01RQ000, Hayward Maintenance Complex Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of August 5, 2014, \$177,206,856.00 is available for commitment for this project from the following sources:

Fund No.	Source	Fund Description	Amount
656E	VTA	Santa Clara County Transit Authority	\$ 11,600,000.00
8524	BART	FY12 Operating Capital Alloc.	\$ 7,034,334.30
656K	VTA	Santa Clara County Transit Authority	\$108,133,406.95
3007	FTA		\$ 50,439,114.96
		Total	\$177,206,856.21

BART has expended \$15,031,794.88, encumbered \$5,139,528.36, and pre-encumbered \$19,800,000.00 to date. This action will encumber up to an additional \$770,000.00, leaving an available fund balance of \$136,465,532.97.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVES:** The alternatives are to decline to award the Contract, or rebid. Not awarding the Contract would result in no available location for the HMC vehicle level overhaul shop, a critical component in the overall function of the envisioned HMC facility. Rebidding the Contract would result in delays to execution of the work, potentially resulting in increased Project costs due to those delays.

**RECOMMENDATION:** Adoption of the following motion.

**MOTION:** The General Manager or her designee is authorized to award Contract No. 01RQ-140 for Construction of Hayward Maintenance Complex Project Building Four Demolition to Dominguez and Sons Trucking, Inc., for the total Bid price of \$770,000.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protests.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBevoise</i>		GENERAL MANAGER ACTION REQ'D: APPROVE AND FORWARD TO THE BOARD OF DIRECTORS		
DATE: c <i>8/21/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Presley Dept. Rolling Stock and Shops <i>[Signature]</i> <i>8-19-14</i>	General Counsel <i>[Signature]</i> <i>8/19/14</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>Taylor</i> <i>C. Jensen</i> <i>8/19/14</i>

TITLE:

### Reject Sole Bid for IFB 8939 – Purchase of Hi-Rail Switcher

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to reject the sole bid for IFB 8939 – Purchase of Hi-Rail Switcher.

#### DISCUSSION:

This IFB is for the purchase of one (1) Hi-Rail Switcher to be used to move the new rail vehicles at the Whipple Yard rail car receiving facility and the Hayward Yard test track during testing of the new vehicles.

A notice requesting bids was published on June 4<sup>th</sup>, 2014 and bid requests were mailed to three (3) prospective bidders. Bids were opened on June 24<sup>th</sup>, 2014 and one (1) bid was received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 9% Sales Tax</u>	<u>Engineer's Estimate including 9% Sales Tax</u>
Shuttlewagon Inc.	\$649,850.00	\$708,336.50	\$378,000.00

The bid submitted by Shuttlewagon, Inc. is 54% above the Engineer's Estimate. The variance in price is due to the significant engineering costs to redesign a standard Hi-Rail Switcher to meet the current rail and road functions available on current District Hi-Rail Switchers. Specifically, the specification required a transmission and broad gauge axles that are no longer available. These features would allow for 45 MPH highway operation, as well as normal trackway operations. Additionally, a coupling design to accommodate both the existing and new rail car couplers was specified.

Given the magnitude of the difference between the Engineer's Estimate and the sole bid received, District Engineering has decided to modify the specification to allow for the procurement of a standard Hi-Rail Switcher with broad gauge axles and to accommodate only the new rail car coupler. Based on this modification staff believes that re-advertising the IFB will result in substantially lower responsive bid(s).

Reject Sole Bid for IFB 8939 - Purchase of Hi-Rail Switcher

**FISCAL IMPACT**

There is no fiscal impact resulting from the rejection of this bid.

**ALTERNATIVE:**

The alternative is to award this contract without sufficient budgeted funds for completion.

**RECOMMENDATIONS:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The sole bid tendered for IFB 8939, for the purchase of Hi-Rail Switcher, is rejected.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

---

**MEMORANDUM**

**TO:** Board of Directors **DATE:** August 22, 2014  
**FROM:** General Manager  
**SUBJECT:** E&O Agenda Item 4.A: Earthquake Safety Program Citizen's Oversight Report –  
For Information

At the August 28<sup>th</sup> Board of Director's meeting, Mr. Matt Wrona, Chair of the Earthquake Safety Program Citizen's Oversight Committee, will provide a short update on the Committee's activities and present the Board with its Periodic Report. Mr. Wrona will be speaking on behalf of the five member Citizen's Oversight Committee assembled following the passage of the General Obligation Bond in 2004.

If you have any questions about the attached Report, please contact Molly McArthur, Community Relations Division Manager, Capital Projects, Office of External Affairs, at (510) 464-6176.

  
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 28, 2014

**FROM:** Earthquake Safety Program  
Citizen's Oversight Committee

**SUBJECT:** Report of Activities

Since January 24, 2013, when the current Citizen's Oversight Committee members were appointed, five Committee meetings have been held and all Committee members have participated in the required Ethics Training. As you are aware, it is the responsibility of this Committee to review project scheduling and budgeting, and to confirm work is completed and that bond funds are only being spent on earthquake safety upgrades to the BART System, as provided in the 2004 BART G. O. Bond Measure.

All Committee Members actively participated in the meetings, asked probing questions and requested additional information when necessary. The meetings have been fairly comprehensive in their coverage of project matters, and staff has responded cooperatively to all follow up questions and requests. Project staff has been forthcoming in their presentation of details, methods and approaches to challenges. Additionally, the Committee would also like to acknowledge that BART management staffs from other departments have made themselves available to answer specific questions in their areas of expertise, including Treasurer Scott Schroeder and Manager of the Audit Department Terry Green. These sessions allowed the Committee to ask very specific questions and receive detailed answers from the most knowledgeable members of staff.

Overall, the Committee finds that the BART Earthquake Safety Program is providing the Bay Area with effective upgrades of the transit system that enhance capability to withstand earthquakes and minimize the disruption of service. Based upon the information (verbal and written) provided by the BART staff, the COC confirms that the BART Earthquake Safety Program is performing the work in accordance with the requirements of the Bond Measure. It is particularly noteworthy that the project has been able to experience savings on some portions of the work and that these savings have allowed additional upgrades to be programmed.

Matthew W. Wrona  
Chair, Earthquake Safety Program  
Citizen's Oversight Committee

**BART Earthquake Safety Program  
Citizen's Oversight Committee**

**Report to the BART Board of Directors**

**August 28, 2014**

**Report No. 3  
August 2014**

**Earthquake Safety Program Citizens' Oversight Committee**  
**Report to BART Board of Directors**

August 2014

**I. Overview**

The Earthquake Safety Program Citizens' Oversight Committee (COC) has been in existence since January 2006. The current Committee is the fourth Committee empanelled by the BART Board of Directors to carry out the duties specified in Measure AA.

**II. Establishment of the Citizens' Oversight Committee**

The BART Earthquake Safety Program Citizens' Oversight Committee was created as required following the passage of Measure AA on November 2, 2004. The measure, which authorized the BART District to issue bonds for \$980 million dollars to make earthquake safety improvements to BART facilities in Contra Costa, San Francisco and Alameda counties, stipulated that BART establish a Citizens' Oversight Committee (COC) to verify that bond revenues are spent as promised.

The measure called for a five-member panel to be created from interested individuals who must reside within the three-county BART District. Each member must have specific expertise and fulfill one of the following:

- One member shall have expertise in seismic retrofitting
- One member shall have expertise in auditing
- One member shall have expertise in engineering
- One member shall have expertise in public financing or project management
- One member shall represent the community at large

**III. Duties and Responsibilities of the Committee**

The Committee Members assume no professional liability as to the quality and soundness of the design and construction of any element of the Program. The members of the COC

have three key duties to fulfill, as set forth in BART Board Resolution 4920, passed by the BART Board in June 2004. They are to:

- ❑ Review scheduling and budgeting of projects to be funded by the bond measure.
- ❑ Confirm that work is completed and bond funds are expended in accordance with the bond measure.
- ❑ Inform the public concerning the expenditure of bond revenues.

#### **IV. Selection of the COC**

On January 24, 2013, the BART Board of Directors selected five members and four alternates to serve as the Citizens' Oversight Committee. The length of service for this panel will be two years – from January 24, 2013 to January 24, 2015. The current Committee is the fourth Committee to serve.

##### **2013-2015 Membership**

- ❑ Matt Wrona, Seismic Seat – Committee Chair
- ❑ Ralph Mason, Public Financing/Project Management Seat – Vice Chair
- ❑ Sayed Sultan, Engineering Seat
- ❑ Robert Barksdale, Auditing Seat
- ❑ Juliano Waldron, Community At Large Seat

##### **Alternates**

- ❑ Richard Pipkin, Engineering Seat
- ❑ San Bak Lee, Public Finance/Project Management Seat
- ❑ Ching Wu, Seismic Seat
- ❑ Prabhat Goyal, Community At Large Seat

#### **V. Report**

Five COC meetings and an Ethics and Public Training meeting have been held under this Committee and are covered by this report. During the course of these meetings, the Committee has asked staff for a wide range of information on the seismic upgrade program, from the Audit practices employed, to the Transbay Tube retrofit construction progress, to the Berkeley Hills Tunnel Study, to contingency funding and status of funds from funding sources.

##### **Summary Financial Report**

At each meeting, a financial report is presented to the committee detailing how much money has been spent out of the total \$980,000,000 in General Obligation Bond funds. At the February 2014 COC meeting, staff reported that 25 contracts within the Earthquake Safety Program were complete, with two currently in construction. The project has expended \$529,130,402 as of December 2013 which amounts to 54% of the total Bond funds.

A summary of the meetings follows:

### **February 26, 2013 -- Orientation Meeting**

An orientation meeting was held on February 26, 2013 for new Citizens' Oversight Committee Members and Alternates. The Committee was provided with an overview of the function of the Citizens' Oversight Committee and a review of its responsibilities and duties.

The Committee was provided with the following:

- General Obligation Bond Language
- Resolution 4920
- Committee By Laws
- Brown Act
- Conflict Interest Code
- Earthquake Safety Program Fact Sheet
- Earthquake Safety Program Scope
- Form 700
- Exhibit A: Reportable Interests
- BART Contacts information
- Earthquake Safety Program Bond Financial Report
- Contracting Status Report
- Project Progress Report

Staff invited members of the Committee to introduce themselves and share some of their work experience.

New members reviewed the history of the Citizens' Oversight Committee and the Earthquake Safety Program, as well as the language of Measure AA. The Committee also reviewed all sources of funds for ESP, the Brown Act, the Conflict of Interest Code and associated exhibits, and the COC Bylaws. The Committee and alternates were informed that they would undergo Ethics and Public Service Training in a separate meeting.

Staff detailed the construction of the BART system, and the seismic issues related to it, including vulnerability and various retrofit concepts. Staff provided an overview of the program's progress since the last meeting, noting the completed activities, the current activities, the upcoming activities, and the schedule. Staff also reviewed the Financial Status Report with the Committee.

New members were given a chance to speak with outgoing Committee Chairman, Elmo Wedderburn, for information. Elmo Wedderburn emphasized the Committee's role and suggested quarterly meetings.

Staff proposed to provide a breakdown of funding and cost savings to present at the next meeting.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for April 23, 2013.

### **April 23, 2013 – Ethics and Public Service Training Meeting**

The Committee was provided with the following:

- Laws and Principals AB 1234 Training
- Project Progress Report
- Bond Financial Report
- Contracting Status Report

The Committee underwent Ethics and Public Service Training.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for May 7, 2013.

### **May 7, 2013 -- Second Meeting**

The second COC meeting was held on May 7, 2013. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule
- Contracting Status Report

Staff discussed the selection of a Chairperson/Vice Chair and reviewed the roles and responsibilities of each position. The Committee nominated Matt Wrona for Chairperson and Ralph Mason for Vice Chair and the Committee approved unanimously.

Scott Schroeder, BART's Controller – Treasurer, presented information on BART's General Obligation Bond fund and how the investments have been managed for the Earthquake Safety Program.

The Committee led a discussion about the estimated cost of the Berkeley Hills Tunnel vs. the Fremont Line Project.

The Committee expressed interest in having BART's Auditor be the speaker at the next meeting and requested more information regarding the Transbay Tube Retrofit.

Staff informed the Committee that discussion about the Transbay Tube must be done in a closed session, due to security considerations, and members must sign a confidentiality agreement.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for August 6, 2013.

### **August 6, 2013 – Third Meeting**

The third COC meeting was held on August 6, 2013. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule
- Contracting Status Report

Terry Green, BART Manager of Special Investigations and Audits, gave an overview of the role, responsibilities and procedures of the Auditing Department.

The Committee requested a sample of an Auditing report to be handed out at the next meeting.

The Committee requested that information about the options for the Berkeley Hills Tunnel be part of the presentation at the next meeting.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for October 3, 2013 but was postponed until December 3, 2013.

### **December 3, 2013 – Fourth Meeting**

The fourth COC meeting was held on December 3, 2013. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule
- Contracting Status Report
- Sample Auditing Report

Staff explained to the Committee that BART's internal processes related to the Berkeley Hills Tunnel had not been completed as anticipated and that discussion on that topic would be rescheduled for a later date.

The Committee had a brief discussion with staff about about the progress of the Transbay Tube construction and BART's operations under various earthquake scenarios.

The Committee asked for details about the Report to the Board. Staff informed the Committee that information about the Report to Board would be on the agenda for the next COC meeting in February 2014. The Committee Chair will present the report to the BART Board.

The Committee was provided copy of the sample audit report.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for February 4, 2014.

### **February 4, 2014 – Fifth Meeting**

The fifth COC meeting was held on February 4, 2014. The Committee was provided with the following reports:

- Project Progress Report
- Bond Financial Report/Project Schedule
- Contracting Status Report

Staff stated that BART's internal processes related to the Berkeley Hills Tunnel had not been completed as anticipated, and that the COC members will be kept up to date with the progress of the BHT Report. If it has been reported to the BART Board before the next COC meeting it will be put on the subsequent agenda.

The Committee requested that language stating that the audits demonstrate and prove that BART is in compliance with the General Obligation Bonds be included in the Report to the BART Board.

The Committee was pleased with the presentation of materials and the response to questions. The next meeting was scheduled for May 6, 2014.

### **VI. Public Access to the COC**

The Earthquake Safety Program has established a number of systems for the public to contact them with questions. These include:

- A dedicated COC telephone information line
- An email address
- COC section of the BART website

The telephone and email are checked daily by project staff. Any inquiries that are received via phone or email are sent on to the COC Chair and the appropriate COC seat



holder to provide a response. Project staff provides the Chair with additional information or assistance as required. Additionally, when the COC website is updated with the agenda and minutes of the meeting, an email is sent to the Earthquake Safety Program electronic mailing list, which includes 853 members (April, 2014). To date, the COC has received one inquiry from the public.

## **VII. Summary Committee Report**

After completion of the first year of the fourth term of the Citizens' Oversight Committee, members of the Committee reached agreement that information provided by BART staff was presented in an informative manner, helping members understand work schedules and funding processes. During the term, members have reviewed the schedule and budget for projects funded by the General Obligation Bond and confirm that, based upon the information provided by staff, the work is being completed and that funds are being expended in accordance with the Bond Measure.

Members are satisfied with presentations made by BART's Controller – Treasurer and Manager of Special Investigations and Audits departments, in addition to those made by Earthquake Safety Project Staff. The Committee has concluded that the project staff is effectively structured and organized to address potential issues and complete the project.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Carla Spreeger</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 8/22/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis W Engstrom Dept: Office of the Chief Information Officer	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Travis Engstrom</i> 8/15/14	<i>Preventel</i> 8/22/14 [ ]	<i>[Signature]</i> [ ]	[ ]	<i>[Signature]</i> 8/22/14 [ ]
Status: Routed		Date Created: 08/15/2014		

TITLE:

### Award of Contract No. 6M7220 Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Networks

NARRATIVE:

#### Purpose

To authorize the General Manager to award Contract No. 6M7220 for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network to Phase 3 Communications, Inc.

#### Discussion

Since 1994, the District has executed both separate and combined contracts for emergency restoration services and maintenance services for the Commercial Telecommunication Revenue Program (now known as the Commercial Communications Revenue Program). Emergency restoration services under the contracts have consisted primarily of emergency repair of commercial fiber optic cables and wireless network infrastructure. Maintenance services under the contracts have consisted of first bringing the infrastructure supporting the fiber cables to a sustainable level by repairing major problems, and thereafter continuing maintenance of the fiber and wireless infrastructure as needed. Staff recommends award of Contract No. 6M7220 in order to ensure the uninterrupted continuation of such services.

Advance Notices to Bidders were mailed to 38 prospective Bidders. The Contract was advertised on April 25, 2014 in various local publications. Only 1 firm purchased copies of the Contract documents. A pre-bid meeting was conducted on April 11, 2014 with 3 prospective bidders attending. One bid was received on May 13, 2014, from Phase 3 Communications, Inc. (Phase 3). A Selection Committee evaluated the technical qualifications of the Bidder and determined that the Bidder met the minimum technical requirements. Bidder's price bid was publicly opened on August 12, 2014. Tabulation of the price bid and the Engineer's Estimate is as follows:

BIDDERS	LOCATION	BASE BID	OPTION YEAR 1	OPTION YEAR 2	TOTAL BID PRICE (Base Bid + Option Year 1 Bid + Option year 2 Bid)
Phase 3 Communications, Inc.	San Jose, CA	\$854,210.00	\$854,210.00	\$854,210.00	\$ 2,562,630.00
Engineer's Estimate		\$578,921.06	\$578,921.06	\$578,921.06	\$ 1,736,763.18

A review of Phase 3's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the bid of \$2,562,630.00 is fair and reasonable. The original Engineer's Estimate was substantially lower than the Total Bid Price because it did not account for prevailing wage.

Phase 3 will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply. However, Phase 3 is an MBE certified firm.

### **Fiscal Impact**

Funding for FY2015 in the amount of \$854,210.00 is included in the Office of the Chief Information Officer's (OCIO) revised operating budget. The remainder due under Program Contract No. 6M7220 will be included in the proposed budgets of the OCIO for fiscal years 2016 through 2017.

### **Alternative**

To not award this Contract or to rebid it. This would prevent the District from continuously maintaining the commercial fiber optic and wireless network as required in its license agreements with commercial carriers, thereby subjecting the District to liability.

### **Recommendation**

Adoption of the following motion.

### **Motion**

The General Manager is authorized to award Contract No. 6M7220 for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of the Commercial Fiber Optic and Wireless Network for the Base Bid amount of \$854,210.00 to Phase 3 Communications, Inc., pursuant to notification to be issued by the General Manager. The General Manager is also authorized to exercise Option Year 1 Bid amount of \$854,210.00 and Option Year 2 Bid amount of \$854,210.00 for a total Bid Price of \$2,562,630.00.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

---

## MEMORANDUM

**TO:** Board of Directors **DATE:** August 22, 2014  
**FROM:** General Manager  
**SUBJECT:** E&O Agenda Item 4.C: Warm Springs Extension Project: Semi-Annual Project Update – For Information

At the August 28<sup>th</sup> Board of Director's 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 and planned.

If you have any questions about the attached presentation, please contact Paul Medved, Group Manager, Planning & Development at (510) 287-4750.

  
Grace Crunican

### Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: c 8/6/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maureen Wetter Dept: Marketing and Research <i>M. Wetter</i> Signature/Date: 8/4/14	General Counsel <i>[Signature]</i> 8/5/14	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i> 8/4/14 [ ]

TITLE:

### Authorize the General Manager to Execute Funding Agreement with the Metropolitan Transportation Commission for BART Station Profile Survey

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to execute a funding agreement (the "Agreement") with the Metropolitan Transportation Commission (MTC) to commit budgeted funds allocated for BART's Station Profile Survey (the "Survey") to MTC for the purpose of conducting the Survey as a joint project.

#### DISCUSSION:

Following adoption of MTC's Transit Sustainability Project, MTC initiated a regional program of transit passenger data collection to satisfy Title VI equity reporting requirements and to refine regional planning and analysis tools. MTC intends to collect representative transit passenger data approximately every five years and to share survey costs with operators. Much of the data that MTC requires, such as access/egress modes and passenger demographics, is also required by BART for planning and reporting purposes.

BART last collected detailed station-level survey data more than six years ago as part of its 2008 Station Profile Survey. BART intends to update these data through the proposed joint project. The results will be used to inform current and future services, initiatives, and investments, including Transit-Oriented Development and Customer Access programs, as well as facilitate demographic analyses as required by Title VI.

MTC and BART staff members have worked together over the past year to select a survey consultant. The consultant proposes an approach involving personal interviews using tablet computers, a methodology recommended by the FTA for its inclusiveness and high response rates. A pre-test was conducted by MTC in June 2014, and the methodology was determined to be viable. While the tablet computer methodology is more expensive than Station Profile survey methods BART has used previously, the cost to BART for the MTC survey will be comparable to costs for previous BART Station Profile surveys because of MTC's participation in the funding of the new survey. Moreover, the new methodology appears to produce higher response rates, better geocoding of addresses, and less respondent confusion about the detailed questions and

branching required for this kind of survey. MTC is targeting Fall 2014 to begin the survey.

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

**FISCAL IMPACT:**

The required funding is proposed to be provided from FY15 operating funds allocated for this purpose. Note that these funds were initially allocated in FY14, but were rolled over to FY15 due to scheduling constraints. The total available balance is \$480,000.

For this initial joint survey, MTC has committed to funding 80% of a survey of approximately 30,000 passengers with a total cost of \$993,530. BART's 20% share would be \$198,706. This survey would assure a minimum station sample size of 545 completed surveys among people waiting on station platforms. BART staff has determined, however, that a larger minimum sample size is required to be able to identify station-specific changes over time with greater confidence. The entire cost of the additional surveys would be borne by BART. Increasing the minimum sample size to approximately 800 surveys per station would require an estimated additional \$229,186 in BART funds, which includes a 5% contingency.

After funding BART's 20% share and the additional sample, the remaining balance of \$52,108 would be designated as contingency funds which could support additional data collection and/or analysis if needed.

**ALTERNATIVES:**

To not approve this request to conduct the survey as a joint project with MTC, but rather conduct it independently at a future date using the methodology BART has used previously. While this alternative would provide slightly higher sample sizes, it would not take advantage of this opportunity for regional cooperation and likely improvements in data quality.

**RECOMMENDATION:**

Approval of the following motion.

**MOTION:**

That the General Manager or her designee be authorized to execute a Funding Agreement with MTC for a joint BART Station Profile Survey, with BART to contribute an amount not to exceed \$427,892.00.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wanda DelPuderi</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/20/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access <i>Steve Beroldo</i> Signature/Date: 8-8-14	General Counsel <i>Maria Song</i> 8/8/14 [ ]	Controller/Treasurer <i>[Signature]</i> 8/8/14 [ ]	District Secretary [ ]	BARC <i>Powers</i> 20 Aug 2014 [ ]
Status: <b>Approved</b>		Date Created: 07/14/2014		
TITLE:				

### Increased Spending Authority for Contract No. 91CW-226 Furnishing Bicycle Lockers with Electronic Controllers

NARRATIVE:

#### PURPOSE

To obtain Board authorization for the General Manager to increase the spending authority by an additional \$800,000 for Contract No. 91CW-226 Furnishing Bicycle Lockers with Electronic Controllers.

#### DISCUSSION

In February 2011, the Board approved the award of Contract No. 91CW-226 to eLock Technologies LLC of Berkeley, CA for the Bid price of \$2,334,384.47. The Contract is a Requirements Contract with an indefinite total quantity for a five-year term that enables the District to procure additional lockers under the Contract as additional funding becomes available over the Contract term. The electronic bike lockers are shared use and operate with the BikeLink stored value smart cards, the same cards used for the District's self-serve Bike Stations. The five-year term of the Contract ends in March 2016.

To date, the District has purchased and received 828 bike lockers at a cost of \$2,236,666. The District now owns and operates 1,150 electronic lockers at 36 stations. The remaining spending authority on this contract is \$113,581, which can only purchase approximately 37 additional lockers. It is expected that available funding and demand will exceed the remaining spending authority over the term of the contract.

Based on customer satisfaction with the bike lockers, increasing demand for secure bike parking throughout the District, and available funding, staff recommend an increase of \$800,000 in additional spending authority, which would allow for the purchase of approximately 325 additional lockers.

The Contractor, eLock Technologies, was the sole bidder for this Contract despite extensive outreach at the time the Contract was advertised. Its bid price was below the Engineer's estimate, and the lockers they have delivered fully meet expectations. The additional lockers will be deployed alongside existing lockers. Purchasing lockers of the same type and operating system will provide a consistent customer experience.

**ALTERNATIVES**

Do not increase the spending authority under Contract No. 91CW-226 and only purchase 37 lockers with the current spending authority. Installation of additional lockers could be delayed.

**FISCAL IMPACT**

The District currently has more funds available for bicycle lockers (\$255,146) than the current spending authority (\$113,581). However, full funding has not yet been identified for the proposed spending authority. Additional funding sources would need to be identified and the Controller/Treasurer will need to certify the availability of funds for the purchase of additional lockers beyond current available funds of \$255,146.

**RECOMMENDATION**

Adopt the following motion.

**MOTION**

The General Manager is authorized to increase the spending authority of Contract No. 91CW-226 from the original amount of \$2,334,384 to \$3,134,382, subject to funding availability.