

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

BOARD MEETING AGENDA

September 25, 2014

5:00 p.m.

A regular meeting of the Board of Directors will be held at 5:00 p.m. on Thursday, September 25, 2014, 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 Meeting of September 11, 2014.* Board requested to authorize.
- B. Award of Contract No. 17AK-110, Refurbish Train Operator Facilities at Hayward, Richmond and Concord Yards.* Board requested to authorize.
- C. Award of Invitation for Bid No. 8936, Magnetic Stripe Plastic Tickets.* Board requested to authorize.
- D. Participation in the State of California Fuel Card Program.* Board requested to authorize.

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. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Ratification of Collective Bargaining Agreements.
 - i. BART Police Officers Association.*
 - ii. BART Police Managers Association.*Board requested to ratify.
- B. Fix the Employer's Contribution to California Public Employees' Retirement System Medical Premium for BART Police Officers Association and BART Police Managers Association.* Board requested to authorize.
- C. Resolution Establishing Retiree Medical Contribution Vesting Schedules with California Public Employees' Retirement System for Amalgamated Transit Union; Service Employees International Union; American Federation of State, County and Municipal Employees; BART Police Officers Association; BART Police Managers Association; and Non-Represented Employees.* Board requested to adopt.

- D. Bay Area Rapid Transit Collective Bargaining Report by Agreement Dynamics, Inc.* Board requested to accept.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Change Order to Contract No. 01VM-110A, Union City Intermodal Station Phase 2 – BART Station Improvements, with West Bay Builders, Inc., for Additional Cost for Glass Elevator Upgrade (C.O. No. 07).* Board requested to authorize.
- B. BART to Oakland International Airport Project: Quarterly Update.* For information.

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

Director Raburn, Chairperson

- A. Award of Contract No. 91CY-110, Civic Center Bicycle Facility.* Board requested to authorize.
- B. 2014 State and Federal Legislative Update.* For information.

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

- A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

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 1,716th Meeting
September 11, 2014

A regular meeting of the Board of Directors was held September 11, 2014, convening at 9:01 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

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

President Keller called for a moment of silence in remembrance of the victims of the September 11, 2001, attacks.

Mr. Mark Smith, Independent Police Auditor, introduced Independent Police Investigator Russell Bloom.

Director Murray entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 28, 2014.
2. Resolution Accepting Caltrans Transportation Planning Grant Funds for the Design Guidelines for Multimodal BART Stations Planning Study.
3. Revision to 2014 Standing Committee and Special Appointments.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent – 1: Director Radulovich.

1. That the Minutes of the Meeting of August 28, 2014, be approved.
2. Adoption of Resolution No. 5268, In the Matter of Accepting Transit Planning for Sustainable Communities Grant Funds from the California Department of Transportation (Caltrans) for Fiscal Year 2014 – 2015.
3. That the Board of Directors ratify the appointment of Directors Keller, Murray, and Saltzman to the Reserve Fund/Risk Management Ad Hoc Committee.

President Keller brought the matters of Training Session: Training in General Ethics Principles and Ethics Laws Relevant to Public Service, in Accordance with California Government Code

Section 53235, before the Board. Mr. Duron introduced Ms. Kelly Tuffo of Liebert Cassidy Whitmore. Ms. Tuffo conducted the training session.

President Keller called for a five minute recess. The Board Meeting recessed at 10:59 a.m.

The Board reconvened in open session at 11:05 a.m.

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

Absent: None.

President Keller brought the matter of Report of the Citizen Review Board Chairperson before the Board. Ms. Sharon Kidd, Citizen Review Board Chairperson, gave a brief report on a meeting with Assemblymember Tom Ammiano.

President Keller announced that the order of agenda items would be changed, and brought the matter of Labor Negotiations Review Ad Hoc Committee: Bay Area Rapid Transit Collective Bargaining Report and Recommendations, before the Board. Director Fang, Chairperson of the ad hoc committee, introduced Ms. Rhonda Hilyer, Agreement Dynamics, Inc. Ms. Hilyer gave a brief report on the Report and Recommendations.

The report was discussed.

The following individuals addressed the Board.

Mr. Deslar Patten

Mr. Saul Almanzo

Mr. Chris Finn

Ms. Patricia Schuchardt

Mr. Sal Cruz

Mr. John Arantes

Discussion continued.

President Keller brought the matter of Service Disruption on August 26, 2014: Review of Rail Car Wheel Incident and Corrective Actions, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Joel Ramos

Mr. Chris Finn

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Late Night Bus Service with Alameda Contra Costa Transit District and Central Contra Costa County Transit Authority before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, and Ms. Mariana Parreiras, Access Coordinator, Transit & Shuttles, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 79HZ-110, MacArthur Station Site Hardening, before the Board. Mr. Anthony Seung, Principal Engineer, presented the item. Director Murray moved that the General Manager be authorized to award Contract No. 79HZ-110, MacArthur Station Site Hardening, to Shimmick Construction Company, Inc., for the Bid price of \$3,476,500.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

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.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of September 17, 2014. The presentation was discussed.

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

Director Mallett reported on the record ridership achieved on September 10, 2014, of 440,100 trips.

Director Saltzman reported she and Director Mallett had attended the Alameda County Mayors' Conference, and that Alameda County District Attorney Nancy O'Malley had recognized the BART Police Department for their assistance.

Director Blalock reported Andy Galvan and his mother, native Ohlone, had expressed appreciation for the Walnut Avenue bridge and its depiction of Ohlone heritage. Director Blalock reported he and Directors McPartland and Saltzman had attended the South Hayward BART Station Access Authority meeting.

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

The Board Meeting was adjourned at 1:24 p.m. in memory of the victims of the September 11, 2001, attacks.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alta Engineering Group</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: 9/18/14		BOARD INITIATED ITEM: No	
Originator/Prepared by: Cristiana Lippert Dept: <i>clippert 9/17/14</i>	General Counsel <i>6/17/2014</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>
Signature/Date: <i>clippert 9/17/14</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>Paul Cressier 9/18/14</i>
Status: Routed		Date Created: 09/11/2014	

TITLE: Award Contract No. 17AK-110, Refurbish Train Operator Facilities at Hayward, Richmond, and Concord Yards

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 17AK-110, Refurbish Train Operator Facilities at Hayward, Richmond, and Concord Yards, to Alta Engineering Group, Inc. for the Bid amount of \$892,659.00.

DISCUSSION:

The scope of this Contract includes furnishing all labor, equipment, materials, and services to refurbish the Train Operator facilities at Hayward, Richmond and Concord Yards. Items of work include upgrading the facilities power supply, new HVAC equipment, bathroom tile cleaning and sealing, new ceiling and floor tiles, painting, new kitchen cabinets and appliances, new bathroom fixtures, new lockers, new furniture and window coverings. Temporary facilities during construction will be provided as needed.

Advance Notice to Bidders was mailed on June 11, 2014 to 129 prospective Bidders and 22 Bay Area plan rooms. The Contract was advertised on June 13, 2014. A Pre-Bid meeting and site visit was held on Wednesday, June 25, 2014, with six (6) prospective Bidders attending the meeting. Thirteen (13) Contract books were purchased from the District Secretary. Six (6) Bids were received and opened on August 26, 2014.

BIDDER	LOCATION	TOTAL BID
Alta Engineering Group, Inc.	San Francisco, Ca.	\$892,659.00
CF Contracting, Inc.	San Francisco, Ca.	\$998,000.00
Turner Group Construction	Oakland, Ca.	\$1,035,683.00
Rodan Builders, Inc.	Burlingame, Ca.	\$1,059,000.00
Joseph Murphy Construction, Inc.	Livermore, Ca.	\$1,125,090.00
West Bay Builders, Inc.	Novato, Ca.	\$1,194,000.00
Engineer's Estimate		\$808,000.00

After review by District staff, the bid submitted by the apparent low Bidder, Alta Engineering Group, Inc. was determined to be responsive. 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 Alta Engineering Group, Inc. Bid of \$892,659.00, which is approximately 10.5% above the Engineer's Estimate, is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment due to the refurbishment work at these three BART facilities, and that such work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The bidder committed to 15.3% MBE and 1.3% WBE. The bidder did not meet the MBE and WBE percentages. Therefore the bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the bidder, the Office of Civil Rights found no evidence of discrimination.

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, Alta Engineering Group, Inc. is a certified Small Business, making it eligible for the preference. Since Alta Engineering Group, 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 Alta Engineering Group, Inc.

FISCAL IMPACT:

Funding of \$892,659.00 for executing this contract will come from project budget 17AK000, Train Operator Locker Room Rehabilitation. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since September 2012, and is included in its totality to track funding history against spending authority.

Fund	Description	Amount
8524	FY12 Operating Allocation to Cap	\$ 2,200,000.00
	Total	\$ 2,200,000.00

As of September 11, 2014, \$2,200,000.00 is the total budget for this project. BART has expended \$358,570.00, has committed \$0.00 and has reserved \$0.00 to date for other actions. This action will commit \$892,659.00 leaving an available balance of \$948,771.00 fund resources remaining for this project.

ALTERNATIVES:

The alternative is to reject all Bids, which will compromise or delay the District's ability to provide clean and updated Train Operator facilities.

RECOMMENDATION:

Based on the analysis by the Staff, it is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 17AK-110, Refurbish Train Operator Facilities at Hayward, Richmond, and Concord Yards, to Alta Engineering Group, Inc. for the Bid price of \$892,659, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa Schneider</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the BART Board of Directors		
DATE: c <i>9/18/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Dietrich Dept: Maintenance and Engineering, Fare Collection Engineering Division Signature/Date: <i>Steve Dietrich 9/17/14</i>	General Counsel <i>Byron N. [unclear] 9/17/2014</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BART <i>[Signature] 9/18/14</i>

TITLE:

IFB No. 8936 Magnetic Stripe Plastic Tickets

NARRATIVE:

PURPOSE: To request Board authorization to award Invitation For Bid No. 8936 for the purchase of an estimated quantity of 61 million magnetic stripe plastic tickets to Electronic Data Magnetics, Inc. in the amount of \$1,192,787.00.

DISCUSSION: Magnetic stripe tickets are required for automatic fare collection and operation of the BART system access control. As reported in a February 26, 2014 meeting on the status of tickets, BART is presently above 100% of the current contract amount under IFB No. 8805, and hence this new IFB No. 8936 was issued prior to reaching the maximum 150% amount authorized under the prior award.

This is an estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on June 13, 2014 and bid requests were mailed to three (3) prospective bidders. Bids were opened on July 29, 2014 and three (3) bids were received.

<u>Bidder</u>	<u>Unit Price case (Quantity)</u>	<u>Grand Total including 9% Sales Tax</u>
Electronic Data Magnetics, Inc		
Two color process graphics (4,625 cases) (4,625 cases HICO)	\$178.40	\$ 825,100.00
Three color process graphics (400 cases) (200 cases LOCO / 200 cases HICO)	\$178.40	\$ 71,360.00
Four color process graphics (1,100 cases) (1,000 cases HICO)	\$180.00	\$ 180,000.00
(100 cases LOCO)	\$178.40	\$ 17,840.00
Grand Total (6,125 cases)		\$1,094,300.00
Including 9.0% sales tax		\$1,192,787.00
Magnetic Ticket & Label Corp.		

Two color process graphics (4,625 cases) (4,625 cases HICO)	\$206.20	\$ 953,675.00
Three color process graphics (400 cases) (200 cases LOCO / 200 cases HICO)	\$206.20	\$ 82,480.00
Four color process graphics (1,100 cases) (100 cases LOCO / 1,000 cases HICO)	\$206.20	<u>\$ 226,820.00</u>
Grand Total (6,125 cases)		\$1,262,975.00
Including 9.0% sales tax		\$1,376,642.75

BemroseBooth Paragon

Two color process graphic (4,625 cases) (4,625 cases HICO)	\$363.60	\$1,681,650.00
Three color process graphics (400 cases) (200 cases LOCO / 200 cases HICO)	\$363.60	\$ 145,440.00
Four color process graphics (1,100 cases) (100 cases LOCO / 1,000 cases HICO)	\$363.60	<u>\$ 399,960.00</u>
Grand Total (6,125 cases)		\$2,227,050.00
Including 9.0% sales tax		\$2,427,484.50

Independent cost estimate by BART Staff: \$2.1M.

The last award for the purchase of magnetic stripe plastic tickets was in 2008, at a cost of \$189.00 and \$194.90 per case.

Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the district is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

Staff has determined that the apparent low bidder, Electronic Data Magnetics, submitted a responsive bid. Staff has also determined that the bid price is fair and reasonable.

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 (OCR) did not set availability percentages for this Contract.

The first delivery of tickets shall be within sixteen (16) weeks of contract award.

FISCAL IMPACT: Funding will be provided from the General Fund, Materials & Supplies Inventory build-up account (140-010).

ALTERNATIVE: To reject all bids and re-advertise. However, such action would result in the District not having confirmed supplies for magnetic stripe plastic tickets which are essential to the District operations.

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

MOTION: The General Manager is authorized to award IFB No. 8936, an estimated quantity contract for Magnetic Stripe Plastic Tickets, to Electronic Data Magnetics, Inc. for up to 150% of the total contract bid price of \$1,094,3000.00 subject to the availability of funds to which will be added all applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marc Delaney</i>		GENERAL MANAGER ACTION REQ'D: Forward to the Board of Directors		
DATE: <i>9/17/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Stanley Fong Dept. Maintenance and Engineering, extn7322 <i>Stanley Fong</i> Signature/Date: <i>9/12/2014</i>	General Counsel <i>Barbara...</i> Signature/Date: <i>9/12/2014</i>	Controller/Treasurer <i>...</i> Signature/Date: <i>9/15/14</i>	District Secretary <i>...</i> Signature/Date: <i>9/15/14</i>	BARC <i>...</i> Signature/Date: <i>9/15/14</i>
Status: Routed		Date Created: 08/11/2014		

State of California Fuel Card Program

NARRATIVE:

PURPOSE:

Request the Board to authorize BART's continued participation in the State of California Fuel Card Program beginning July 2014. The contractor will be U.S. Bank Voyager Fleet Systems, Inc. (Voyager), who will monitor and administer the State Fuel Card Program. The State of California made and entered into this competitively bid agreement with Voyager and amended the contract term through October 2016. The program will provide credit card purchases for self-serve unleaded gasoline, diesel fuel, M-85 methanol, emergency oil replacement, and minor emergency repairs to State and eligible public agency vehicles.

DISCUSSION:

Section 10298 of the California Public Contract Code permits the Director of the California Department of General Services to consolidate the needs of its agencies for goods, information technology, and services and establish contracts, master agreements, multiple award schedules, cooperative agreements, and other types of agreements that leverage the State of California's buying power. In addition, the Department of General Services may make its services available, upon the same terms and conditions, to any district empowered to expend public funds for the acquisition of goods, information technology, and/or services. Districts, including BART, may then enter into agreements with suppliers awarded such contracts, master agreements, multiple award schedules, and cooperative agreements without further competitive bidding

This fuel credit card is accepted by all of the major oil companies as well as most of the smaller independent stations virtually anywhere night or day in the Bay Area. The District's use of the fuel credit card will be only for those designated BART vehicles which are driven to outlying areas and must refuel their tanks when it is not physically or economically feasible to use the Oakland Shop Fueling Facility.

In November 1995, the Board of Directors approved participation in a State of California Motor Fuel Credit Card Program with Chevron, USA. In May of 1998 and then again in June of 2003 the Board approved participation in the most recent contract with Voyager, based on State of California agreements that were awarded through competitive bidding. On October 2006, the State once again awarded this contract to Voyager after the company submitted the successful proposal on the latest RFP by the Department of General Services.

Significant advantages for use of the State of California Fuel Card Program rather than a single oil retailer for this service include:

1. Access to a major retail network of gasoline vendors during all hours of the day.
2. Consolidation of all billings from participating oil companies with one monthly statement minimizing the District's administrative costs.
3. Savings to the District through competitive gas prices at multiple vendors.
A single source card would offer only one gasoline retailer.
4. Free car washes with self-serve fill-ups at selected retailers.

A credit card service is necessary for fueling vehicles assigned to BART's outlying locations, including BART Police Patrol Units, and transporting of personnel and supplies to BART work locations for maintenance of the BART system. These vehicles are used on a 24 hour basis. The credit cards are issued on a selective basis to ensure that the employees and vehicles assigned to these credit cards are authorized to possess the credit card under proper approval.

FISCAL IMPACT:

Funding for this contract will included the following estimated expenditures and time periods:

FY15.....	\$480,000
FY16.....	\$480,000
FY17 (4 months).....	\$160,000
Total.....	\$1,120,600

The funding for the Fuel Credit Card Program will be from the Operating Funds of Cost Center 0802871 (Non-Revenue Vehicle Maintenance Division of Maintenance and Engineering) Operating Budget, Account 680-030. The current estimate is based on 120,000 gallons of fuel purchased with the credit cards annually using an average price of \$4.00 per gallon for regular unleaded gasoline.

ALTERNATIVES:

1. Seek another supplier through BART's own competitive bidding process, which will increase the District's procurement costs and may not result in a lower fuel price than the state's price.
2. Refuel at Oakland Shop Facility only. This is not cost effective for vehicles assigned to outlying facilities such as Richmond Yard, Hayward Yard and the West Bay facilities.

RECOMMENDATION:

On the basis of analysis by staff, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to enter into an Agreement with U.S. Bank Voyager Fleet Systems, Inc. for participation in the State of California Fuel Card Program, Contract DGS-OFA-OPPS-06, through contract expiration October 31, 2016.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** September 19, 2014
FROM: General Manager
SUBJECT: Administration Item #4.A: Ratification of the 2013-2018 Labor Agreements with BPOA and BPMA

The Board is scheduled to vote on whether to approve the recently negotiated labor agreements with BART Police Officers' Association (BPOA) and BART Police Managers' Association (BPMA) at its September 25, 2014 Board meeting.

The District's negotiating team has prepared the attached overview of changes to highlight the revisions to the agreements resulting from the tentative agreements reached on August 26, 2014 (BPOA) and September 12, 2014 (BPMA). Attached are the Resolutions that will be put before the Board at the meeting and the tentative agreement summaries.

If you have any questions, please contact Allison Picard at 510-464-6231.


General Manager

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

In the Matter of Ratifying the 2013-2018
Collective Bargaining Agreement between the
District and the BART Police Officers Association

Resolution No. _____

BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby ratifies the 2013 – 2018 Collective Bargaining Agreement between the District and the BART Police Officers Association, as generally described in the attached Summary of Major Elements of Proposed Agreement; and

BE IT FURTHER RESOLVED that the General Manager is authorized to execute the Agreement on behalf of the District.

###

Adopted _____

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

In the Matter of Ratifying the 2013-2018
Collective Bargaining Agreement between the
District and the BART Police Managers Association

Resolution No. _____

BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby ratifies the 2013-2018 Collective Bargaining Agreement between the District and the BART Police Managers Association, as generally described in the Summary of Major Elements of Proposed Agreement; and

BE IT FURTHER RESOLVED that the General Manager is authorized to execute the Agreement on behalf of the District.

###

Adopted _____

2013-2017 District-BPMA Tentative Agreements

Summary of Changes from 2009-2013

This document represents a summary of the changes negotiated with the Union. As the specific language is not present, it should not be relied on as providing every detail. It is merely descriptive. In the event there is any inconsistency between this summary and the labor agreement, it is the language and intent of the labor agreement which governs.

1.8 Duration of Agreement: The agreement will take effect on July 1, 2013 and terminate on June 30, 2018 (5 years).

4 Association Representatives – Union Business Release Time: Current practice was clarified and codified in contract.

21 Holidays: Holidays deposited prior to July 1, 2015 may be used as terminal holidays up to a maximum of 100 hours prior to service retirement. All hours banked after July 1, 2015 shall be paid.

22(3)(b) Vacation – Pre-Retirement Bank Election: Vacation hours deposited prior to July 1, 2015 may be used as terminal vacation up to a maximum of 200 hours prior to service retirement. All hours banked after July 1, 2015 shall be paid.

27 Educational Assistance Program: Enhancements were made to the Education Assistance Program to align BPMA with BPOA. The program is designed to promote professionalism and education with the Police Department.

30 Sworn Money Purchase Pension Plan: Provisions which suspended MPPP for members of BPMA for FY11 through FY13 have expired and contracts provisions amended accordingly.

31 Civilian Money Purchase Pension Plan: Provisions which suspended MPPP for members of BPMA for FY11 through FY13 have expired and contracts provisions amended accordingly.

32 Sworn PERS Pick-Up: Effective following board resolution, retroactive to July 1, 2013 and concurrent with any wage increase, employees shall contribute .5% of employer share into PERS. Retroactive January 1, 2014 employees contribute an additional .5% of employer share into PERS. Employees will pay an additional 1% per year in 2015, 2016, and 2017 to a maximum of 4%.

33 Civilian PERS Pick-Up: Effective following board resolution, retroactive to July 1, 2013 and concurrent with any wage increase, employees shall contribute .5% of employer share into PERS. Retroactive January 1, 2014 employees contribute an additional .5% of employer share

into PERS. Employees will pay an additional 1% per year in 2015, 2016, and 2017 to a maximum of 4%.

34 Pensions and Retirement (Re-opener): Provides a re-opener to meet and confer if the provisions of Cal. Gov. Code 7522.02 (3) (A) and (B) expire or are otherwise amended during the term of this Agreement.

37 PERS Medical and Prescription Drug Benefits: Increase in medical premiums each year of the contract by \$44/month. Increases medical opt-out to \$350/month.

37H Retiree Medical Insurance Eligibility: Modifies Retiree Medical Eligibility to require 15 years employment and parties agree to jointly sponsor legislation to permit that change.

39 Vision Care Plan – Retiree: Allows retirees the option to purchase the same vision coverage as current employees at no cost to the District.

40 Dental Care Plan – Retiree: Allows retirees the option to purchase the same Dental coverage as current employees at no cost to the District.

49 Compensation – General Wage Increase & Conditional Lump-Sum: 1.8607% wage increase effective July 1, 2013; 2.8607% effective January 1, 2014; 3.7214% effective January 1, 2015 and January 1, 2016; 3.7214% on January 1, 2017; and 2% on July 1, 2017. Wage increases include a pension swap of .7214 wage increase for each 1% pension contribution. The wage increase effective July 1, 2017 does not include a pension swap.

For FY 2015-17, employees may be eligible for conditional lump sum performance incentive payments based on the following District determined criteria: for each 1% that actual growth exceeds projected growth employees will receive conditional lump sum payments of \$500-\$1000.

All conditional lump sum payments subject to cap on specific increased expenses:

- District PERS miscellaneous pension contribution rates increased by no more than 16%,
- Average health insurance premiums (Kaiser and Blue Shield) increased by no more than 10%,
- No extraordinary, unplanned expenses exceeding 2.5% of the District's adopted expense budget.

49B Compensation – Education/Skill Allowance: Effective FY 14 employees are eligible for already established program upon entry into the bargaining unit.

49E Compensation / Bilingual Pay: Establishes a Bilingual Pay Program to better serve the community while also aligning the BPMA incentive programs with those of BPOA.

50 Special Assignment Pay: The Lieutenant (Lts.) classification can no longer refuse a special assignment. Effective FY 14 the District will compensate all Lts. \$350.00 per month for the following special assignments: 1) Manager of Security Programs; 2) Personnel and Training; 3) Administration/Support Service; 4) Criminal Investigations; and 5) Internal Affairs.

52 40 Hour Work Week / Calculation of Overtime: Revised to include all paid time except for sick leave as hours worked for calculating overtime.

Each calendar year provides 2 sick leave or unpaid time off exceptions (1 per 6 months) which allow compensation of 1 ½ times for all hours worked on 1st RDO regardless of unpaid status or sick leave. Exceptions cannot be carried over to the next calendar year.

56 Alternative Work Schedules: Establishes a 3-12.5 alternative work schedule for Sergeants working a patrol assignment. This schedule consists of 12.5 consecutive hours of work, with one 10 hour “make up” every 4th week.

58A Travel Allowance: Language revised to clarify current procedure and to comply with Peace Officer Standards and Training (POST) requirements.

64B Seniority / Personnel Assignments – Sergeants (Patrol Schedule): Sergeant Sign-ups in Patrol Bureau will now take effect in March and September of each year.

64C2 Seniority / Personnel Assignments – Lieutenants: Lieutenant Sign-ups will now take effect in March of each year.

QPR Incentive Program: Establishes a pay for performance program for already established Quarterly Performance Review metrics.

Letter of Understanding – Pension Cost Sharing Allocation: The pension cost sharing implementation includes: (1) employees will pay up to 4% of employer share of pension contribution and for each 1% increase in employee contribution the District will increase employee’s salary .7214%; (2) changes accomplished through amendment of District contract with CalPERS; (3) amendment requires member vote of approval; (4)the District shall immediately upon ratification implement the pension contribution by board resolution; (5) if the contract amendment fails, the Board Resolution remains and Section 6.2 continues; and (6) contributions are on a pre-tax basis to the extent the law permits.

Letter of Understanding – Schedule Implementation: September 2014 sign up will be implemented no sooner than 45 days after ratification and adoption.

Pension Reopener – PEPPRA: Provides a re-opener to meet and confer if the provisions of Cal. Gov. Code 7522.02 (3) (A) and (B) expire or are otherwise amended during the term of this Agreement.

*** Section Numbers are subject to change***

2013-2017 District-BPOA Tentative Agreements

Summary of Changes from 2009-2013

This document represents a summary of the changes negotiated with the Union. As the specific language is not present, it should not be relied on as providing every detail. It is merely descriptive. In the event there is any inconsistency between this summary and the labor agreement, it is the language and intent of the labor agreement which governs.

1.8 Duration of Agreement: The agreement will take effect on July 1, 2013 and terminate on June 30, 2018 (5 years).

2.2 Association Representatives: The Association Representatives provision has been revised to release the Association President for two (2) days per week and the Vice President for one day per month.

3.1A Grievance Procedure: Procedure is modified by adding a lower level step allowing grievances to be resolved in the field. Modification also includes a permanent 9 person arbitration panel and the parties may mutually agree to expedited arbitration.

5.4 PERS-Medical & Prescription Drugs: Increase in medical premiums each year of the contract by \$44/month. Increases coverage opt out to \$350/month.

5.4H Retiree Medical Eligibility: Modifies Retiree Medical Eligibility to require 15 years employment effective July 10, 2014.

6.0 PERS Re-Opener Language: Provides a re-opener to meet and confer if it is determined that PEPRRA applies to transit workers.

6.2 PERS Pick Up: Effective following board resolution, retroactive to July 1, 2013 and concurrent with any wage increase, employees shall contribute .5% of employer share into PERS. Retroactive January 1, 2014 employees contribute additional .5% of employer share into PERS. Employees will pay an additional 1% per year in 2015, 2016, and 2017 to a maximum of 4%.

6.4 Money Purchase Pension Plan: Provisions which suspended MPPP for members of BPOA from FY11 through FY13 have expired and contracts provisions amended accordingly.

9.2 Equipment Reimbursement - CSO VEST MEMO: All CSO's may receive reimbursement for protective vests purchased after Jan. 3, 2014, not to exceed \$800 per vest, per employee. If employee receives reimbursement, it is mandatory that the employee wear the vest while on duty in any uniformed field capacity. Employee bears all costs of vest upkeep.

10.2 Shift Selection: Sign-ups in Patrol Bureau will now take effect in March and September of each year.

10.2B Clerical Sign Ups: When a position is vacant, employees are required to submit Memorandum of Interest (MOI) to the Department by stated deadline. Most senior employee of those interested will receive 3 weeks of cross-training and upon completion, will take a written proficiency test which they must pass by 75% to be awarded the position. If the employee does not pass, the next senior employee will receive the same training and must also receive at score of 75% or greater to pass the test.

10.1 Workday and Workweek: Establishes a 3-12 / 4-12 alternative work schedule for officers working a patrol assignment. This schedule consists of 12 consecutive hours of work, one week of 3 workdays and one week of 4 workdays in a pay period. This schedule establishes a total of 84 hours in a 2-week period with 4 hours paid at 1.5 times time rate if 80 hours are worked in period.

10.7 Shift Differential: Establishes the following shift differential definitions for employees on 3/12-4/12 work schedule: (1) graveyard shift defined as "C" Platoon; (2) day shift defined as "A" Platoon; and (3) swing shift defined as "B" Platoon.

Employees on 5/8, 9/80 or 4/10 work schedules will not be impacted by this amendment.

11.1 General Wage Increases for Fiscal Years 2013-2018: 1.8607% wage increase effective July 1, 2013 and January 1, 2014; 3.7214% January 1, 2015 and January 1, 2016; 3.7214% on January 1, 2017; and 2% on July 1, 2017. Wage increases include a pension swap of .7214 wage increase for each 1% pension contribution. The wage increase effective July 1, 2017 does not include a pension swap.

11.1B II Revenue Protection Guard Wage Schedule: Effective January 1, 2014, Revenue Protection Guards will receive a \$0.50 per hour premium for maintaining a Class A Driver's License.

11.2(B) (1) (C) Special Pay – Field Training Officers (FTOs): Effective the pay period following ratification and adoption of the CBA, FTOs will receive 5% incentive pay above the base wage in lieu of 10 hours of compensatory time for every 40 hours with a trainee. There will be a maximum of 12 FTO assignments which can be exceeded at the discretion of the Chief of Police. FTOs may be assigned Officer in Charge (OIC) or other ancillary duties.

Re-Opener – Master Officer Program: The District and BPOA will meet, prior to July 1, 2015, to discuss qualifications and categories for the Program. Changes will be by mutual agreement and

the reopener will not modify the rights and privileges of the authority of the Chief of Police in the Program's administration.

11.3A Community Service Officers (CSOs): Modified CSOs to a 4 year pay progression to add a 5th step; there will be 12 months between the steps.

11.4 Overtime (TA 11.1): Revised to exempt sick leave and unpaid time as hours worked for calculating overtime.

Employees receive 2 sick leave or unpaid time off exceptions (1 per 6 months) which allow compensation of 1 ½ times for all hours worked on 1st RDO regardless of unpaid status or sick leave. Exceptions cannot be carried over to the next calendar year.

11.4(A)(5) Conditional Lump Sum Payments: For FY 2015-17, employees may be eligible for conditional lump sum performance incentive payments based on the following District determined criteria: for each 1% that actual growth exceeds projected growth employees will receive conditional lump sum payments of \$500-\$1000

All conditional lump sum payments subject to cap on specific increased expenses:

- District PERS miscellaneous pension contribution rates increased by no more than 16%,
- Average health insurance premiums (Kaiser and Blue Shield) increased by no more than 10%,
- No extraordinary, unplanned expenses exceeding 2.5% of the District's adopted expense budget.

11.4(A) (6) Education/Skill Allowance: Effective upon ratification, the provision's "Completed District Service Times" are revised as follows: Employees must be off probation for first level incentive (2.5%); employee must complete 3 years of service for second level incentive (4.0%) and 4 years of services for third level incentive (5.5%).

11.4B Final Compensation Letter: The District will provide a copy of documentation reported to PERS as employee's "PERSable" single highest year compensation, after retirement paperwork has been submitted. Documentation will have a breakdown of each category and will include a disclaimer of PERS as ultimate authority in determining "PERSable" compensation.

11.4C Overpayments: Overpayments by the District will not be deducted without written authorization from employee or as authorized by law.

11.6 Meal Allowance: Modifies payment of meal allowance to employees working 13 or more continuous hours; court time is excluded.

11.10 Special Assignment Pay: Effective August 8, 2014 the District will compensate all Police Officers \$250.00 per month for the following special assignments: (1) Backgrounds; (2) Canine

Team; (3) Crime Analysis; (4) Critical Asset Protection Team ("CAP"); (5) Detectives; (6) Joint Terrorism Task Force; (6) Traffic; and (7) Training Officer.

12.1 Travel Allowance: Language revised to clarify current procedure and to comply with Peace Officer Standards and Training (POST) requirements.

Comparability Compensation Survey: Agreed upon stated data points to be used if the parties conduct a comparability compensation survey during the term of Agreement, and listed agencies will be used as the comparable market for purposes of conducting the survey. The provision implies no commitment as to how the data will be used by the parties.

Side Letter – Effective Date of Agreement: Successor Collective Bargaining Agreement will be effective July 1, 2013. Unless otherwise provided, all new terms and conditions are effective upon ratification and adoption and except those that are modified; all pre-existing terms and conditions remain in effect and are incorporated into the successor CBA.

Side Letter – Separate Checks: District will pay retroactive wages by separate paycheck and give 2 week notice to BPOA of payment. This is not a permanent part of the CBA.

Letter of Understanding – Field Training Officers: All listed FTOs currently in the assignment or who served as an FTO between May 2012 and August 2014 will receive a one-time \$500.00 lump sum payment in exchange for waiver of any and all current or past claims under FLSA related to FTO pay and overtime calculations.

Letter of Understanding – Supplemental Sign Up: September 2014 sign up will begin no sooner than 15 days after ratification and adoption.

Letter of Understanding – Pension Cost-Section 6.2 of MOU: The pension cost sharing implementation includes: (1) employees will pay up to 4% of employer share of pension contribution and for each 1% increase in employee contribution the District will increase employee's salary .7214%; (2) changes accomplished through amendment of District contract with CalPERS; (3) amendment requires member vote of approval; (4)the District shall immediately upon ratification implement the pension contribution by board resolution; (5) if the contract amendment fails, the Board Resolution remains and Section 6.2 continues; and (6) contributions are on a pre-tax basis to the extent the law permits.

*** Section Numbers are subject to change***



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 9/17/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources <i>[Signature]</i> Signature/Date: 9/12/2014	General Counsel <i>[Signature]</i> 9/15/2014 []	Controller/Treasurer <i>[Signature]</i> 9/15/2014 []	District Secretary []	BART <i>[Signature]</i> 9-16-14 []

TITLE:

Resolution Fixing the Employer's Contribution to CalPERS Medical Premium for BPMA and BPOA and Board Requested to Adopt and Sign

NARRATIVE:

PURPOSE

To obtain Board approval to adopt resolutions which are required by the Public Employees' Medical and Hospital Care Act (PEMHCA) in order to implement the District and Employee/Annuitant premium contribution amounts in the event the Board ratifies the collective bargaining agreements with BART Police Management Association ("BPMA") and BART Police Officer Association ("BPOA").

DISCUSSION:

Staff is recommending Board ratification of collective bargaining agreements (CBA) with BPMA and BPOA. The CBAs provide that the maximum that the District will contribute for employee and annuitant medical premiums will be based on the more costly of the CalPERS Bay Area HMO Blue Shield Access+ basic plan or the CalPERS Bay Area HMO Kaiser basic plan for the applicable level of plan participation for the employee (as previously negotiated in 2009), less employee/annuitant new monthly contributions of \$139.01 in calendar year 2014, \$141.86 in calendar year 2015, \$144.79 in calendar year 2016, \$147.82 in calendar year 2017 and \$150.93 in calendar year 2018. Employees and annuitants who choose more costly plans will be responsible for the additional premium cost. For 2014, the earliest this can be effective is November 2014. All future changes will be effective in January of the respective year.

The District Code will be amended to reflect these changes.

FISCAL IMPACT:

For the 290 budgeted BPMA and BPOA operating positions the \$44/month employee contribution increase is estimated to produce a savings of \$561,000 for the term of the agreement. The estimated savings in FY15 will be \$102,000.

ALTERNATIVES:

This is a negotiated benefit for represented employees which staff in a separate item is bringing to the Board for approval.

If the Board does not ratify the collective bargaining agreements for BPOA or BPMA, the monthly medical contribution rate will remain at the same level as adopted at the Board meeting of November 21, 2013.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolutions pertaining to BPMA and BPOA employees and eligible retirees regarding "Fixing the Employer's Contributions under the Public Employees' Medical and Hospital Care Act" and authorize the Board President to sign the resolutions on behalf of the Board.

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

In the Matter of Fixing The
Employer's Contribution Under
the Public Employees' Medical
and Hospital Care Act for
Employees represented
by BPMA:

Resolution No. _____

**RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE
PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

WHEREAS, (1) Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, (2) The San Francisco Bay Area Rapid Transit District, hereinafter referred to as the Public Agency, is a local agency contracting under the Act for participation by its employees who are represented by the BART Police Managers' Association (BPMA); now, therefore be it

RESOLVED, (a) That, effective November 2014, the employer's monthly contribution for each employee/annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$139.01 employee/annuitant share each month for the year 2014, increasing to \$141.86 in January 2015, \$144.79 in January 2016, \$147.82 in January 2017 and \$150.93 in January 2018 plus administrative fees and Contingency Reserve Fund Assessments; and

RESOLVED, (b) That the San Francisco Bay Area Rapid Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ___ day of _____ 2014.

Signed: _____
Board President

Attest: _____
District Secretary

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

In the Matter of Fixing The
Employer's Contribution Under
the Public Employees' Medical
and Hospital Care Act for
Employees represented
by BPOA:

Resolution No. _____

**RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE
PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

WHEREAS, (1) Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, (2) The San Francisco Bay Area Rapid Transit District, hereinafter referred to as the Public Agency, is a local agency contracting under the Act for participation by its employees who are represented by the BART Police Officers' Association (BPOA); now, therefore be it

RESOLVED, (a) That, effective November 2014, the employer's monthly contribution for each employee/annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$139.01 employee/annuitant share each month for the year 2014, increasing to \$141.86 in January 2015, \$144.79 in January 2016, \$147.82 in January 2017 and \$150.93 in January 2018 plus administrative fees and Contingency Reserve Fund Assessments; and

RESOLVED, (b) That the San Francisco Bay Area Rapid Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ___ day of _____ 2014.

Signed: _____
Board President

Attest: _____
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter de lauder</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>9/17/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources <i>Diane Iwata 9/12/2014</i>	General Counsel <i>Gregory 9/17/2014</i>	Controller/Treasurer <i>9/15/2014</i>	District Secretary []	BARC <i>9-16-14</i>
TITLE:				

Resolution Establishing the Retiree Medical Contribution Eligibility Schedule- Board Requested to Adopt and Sign

NARRATIVE:

PURPOSE

To obtain Board approval to adopt the resolutions which are required by the Public Employees' Medical and Hospital Care Act (PEMHCA) in order to establish a Retiree Medical Contribution Schedule for Amalgamated Transit Union Local 1555 ("ATU"), American Federation of State and County Employees ("AFSCME") and Service Employees International Union Local 1021 ("SEIU"), based on collective bargaining agreements that have been previously ratified by the Board, and for non-represented employees. Staff is also requesting Board approval to adopt resolutions to establish a Retiree Medical Contribution Schedule for BART Police Management Association ("BPMA") and BART Police Officer Association ("BPOA") if the Board ratifies the 2013-2018 collective bargaining agreements with BPMA and BPOA.

DISCUSSION:

Under the PEMHCA, BART retirees are eligible for retiree medical benefits if they retire within 120 days from their separation with the District and are receiving a retirement allowance from CalPERS. The District's contribution to retiree medical benefits is required under the PEMHCA to be fixed by resolution of the Board. The District's resolutions currently on file with CalPERS provide that the District will contribute the same amount to medical benefits for retirees as for active employees. Accordingly, BART retirees who meet the minimum eligibility requirements for retirement (at least age 50 and at least five years of CalPERS service credit) receive the same employer contribution towards medical benefits as active employees.

In its 2013-2017 collective bargaining agreements, the District and AFSCME, ATU and SEIU agreed to jointly seek the passage of a bill amending the PEMHCA to increase the number of years of service credit required for BART retirees to be eligible for medical benefits. On August 19, 2014, Governor Brown signed AB 2582 (Bonta), which established a new retiree medical contribution schedule for employees first hired on or after January 1, 2014. Employees first hired on or after January 1, 2014 will now be required to have at least 10 years of BART service credit to be eligible for retiree medical benefits. With 10 years of BART service, the retiree will receive 50% of the District's retiree medical contribution. For each additional year of BART service, the individual will receive an additional 10% contribution, up to 100% of the District contribution at

15 years.

CalPERS requires the District to submit a resolution establishing the contribution schedule for non-represented employees and for each bargaining unit that has agreed to the contribution schedule. For non-represented employees and members of ATU, SEIU, and AFSCME, the effective date of these resolutions will be January 1, 2015 to coincide with the effective date of the law, but the resolutions will apply to employees first hired on or after January 1, 2014. For members of BPOA, the effective date of the resolution will also be January 1, 2015 but, pursuant to the District's agreement with BPOA, the resolution will only apply to BPOA members first hired on or after July 10, 2014. For members of BPMA, the effective date of the resolution will also be January 1, 2015 but, pursuant to the District's agreement with BPMA, the resolution will only apply to BPMA members first hired on or after January 1, 2015.

The resolutions are required to be written in the exact form provided by CalPERS, which includes references to "vesting." The Board's action, however, simply establishes the schedule of eligibility for District contributions for retiree medical benefits in accordance with PEMHCA and does not create a vested benefit.

FISCAL IMPACT:

The District's Actuary has estimated that by implementing this new retiree medical contribution eligibility schedule the District will save \$17.6 million over the next 30 years. The savings are small in the early years but increase in the latter part of the 30 year period.

ALTERNATIVES:

This is a negotiated benefit for represented employees which the Board approved when it ratified the 2013-2017 collective bargaining agreements with AFSCME, ATU and SEIU. If the Board ratifies the 2013-2018 collective bargaining agreements with BPMA and BPOA, this will be a negotiated benefit for members of BPMA and BPOA as well . AB 2582 requires the District to apply the new contribution schedule to non-represented employees first hired on or after January 1, 2014.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolutions pertaining to AFSCME, ATU, SEIU, BPMA, BPOA, and non-represented employees regarding "Establishing the San Francisco Bay Area Rapid Transit District's Contribution under Section 22902 of the Public Employees' Medical and Hospital Care Act" and authorize the Board President to sign the resolutions on behalf of the Board.

**RESOLUTION ESTABLISHING THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S
VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 001 AFSCME LOCAL 3993**

- WHEREAS, (1) Government Code 22902 provides that the **San Francisco Bay Area Rapid Transit District** contracting under the Public Employees' Medical and Hospital Care Act shall establish a post retirement vesting requirement to employees who retire for service, and
- WHEREAS, (2) **San Francisco Bay Area Rapid Transit District** is a local agency contracting under the Act for participation by members of the **American Federation of State, County and Municipal Employees Local 3993 (AFSCME)** and
- WHEREAS, (3) The **San Francisco Bay Area Rapid Transit District** certifies, certain employees are represented by a bargaining unit and subject to a memorandum of understanding, and
- WHEREAS, (4) The contracting agency shall provide to the board in the manner prescribed by the board a notification for the agreement established pursuant to this section and any additional information necessary to implement this section; now, therefore be it
- RESOLVED, (a) That employees **first hired on or after January 1, 2014** shall be subject to the requirements defined in this **vesting resolution**; and be it further
- RESOLVED, (b) The contribution for active employees cannot be less than what is defined in Section 22892(b); and be it further
- RESOLVED, (c) That the employer's contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$132.01 annuitant share each month for the year 2014, increasing to \$134.86 in January 2015, \$137.79 in January 2016, and \$140.82 in January 2017 per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (d) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than 10 years of credited service

with the **San Francisco Bay Area Rapid Transit District**. The percentage of the employer's contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with the **San Francisco Bay Area Rapid Transit District**:

Credited Years of Service	Percentage of Employer Contribution
0-9.99 years	0%
10 years	50%
11 years	60%
12 years	70%
13 years	80%
14 years	90%
15 years	100%

and be it further

RESOLVED, (e) The percentage of the employer's contribution payable for post-retirement health benefits for annuitants who retire for disability shall be 100%; and be it further

RESOLVED, (f) That the **San Francisco Bay Area Rapid Transit District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (g) That coverage under the Act be effective on **January 1, 2015**.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ___ day of _____ 2014.

Signed: _____
Board President

Attest: _____
District Secretary

**RESOLUTION ESTABLISHING THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S
VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 002 POLICE OFFICERS ASSOC**

- WHEREAS, (1) Government Code 22902 provides that the **San Francisco Bay Area Rapid Transit District** contracting under the Public Employees' Medical and Hospital Care Act shall establish a post retirement vesting requirement to employees who retire for service, and
- WHEREAS, (2) **San Francisco Bay Area Rapid Transit District** is a local agency contracting under the Act for participation by members of the **BART Police Officer's Association (BPOA)** and
- WHEREAS, (3) The **San Francisco Bay Area Rapid Transit District** certifies, certain employees are represented by a bargaining unit and subject to a memorandum of understanding, and
- WHEREAS, (4) The contracting agency shall provide to the board in the manner prescribed by the board a notification for the agreement established pursuant to this section and any additional information necessary to implement this section; now, therefore be it
- RESOLVED, (a) That employees **first hired on or after July 10, 2014** shall be subject to the requirements defined in this **vesting resolution**; and be it further
- RESOLVED, (b) The contribution for active employees cannot be less than what is defined in Section 22892(b); and be it further
- RESOLVED, (c) That the employer's contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$139.01 annuitant share each month for the year 2014, increasing to \$141.86.86 in January 2015, \$144.79 in January 2016, \$147.82 in January 2017 and \$150.93 in January 2018, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (d) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than 10 years of credited service with the **San Francisco Bay Area Rapid Transit District**. The percentage of the employer's contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with the **San Francisco Bay Area Rapid Transit District**:

Credited Years of Service	Percentage of Employer Contribution
0-9.99 years	0%
10 years	50%
11 years	60%
12 years	70%
13 years	80%
14 years	90%
15 years	100%

and be it further

RESOLVED, (e) The percentage of the employer's contribution payable for post-retirement health benefits for annuitants who retire for disability shall be 100%; and be it further

RESOLVED, (f) That the **San Francisco Bay Area Rapid Transit District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (g) That coverage under the Act be effective on **January 1, 2015**.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ___ day of _____ 2014.

Signed: _____
President

Attest: _____
District Secretary

**RESOLUTION ESTABLISHING THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S
VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 003 POLICE MANAGERS ASSOC**

- WHEREAS, (1) Government Code 22902 provides that the **San Francisco Bay Area Rapid Transit District** contracting under the Public Employees' Medical and Hospital Care Act shall establish a post retirement vesting requirement to employees who retire for service, and
- WHEREAS, (2) **San Francisco Bay Area Rapid Transit District** is a local agency contracting under the Act for participation by members of the **BART Police Managers Association (BPMA)** and
- WHEREAS, (3) The **San Francisco Bay Area Rapid Transit District** certifies, certain employees are represented by a bargaining unit and subject to a memorandum of understanding, and
- WHEREAS, (4) The contracting agency shall provide to the board in the manner prescribed by the board a notification for the agreement established pursuant to this section and any additional information necessary to implement this section; now, therefore be it
- RESOLVED, (a) That employees **first hired on or after January 1, 2015** shall be subject to the requirements defined in this **vesting resolution**; and be it further
- RESOLVED, (b) The contribution for active employees cannot be less than what is defined in Section 22892(b); and be it further
- RESOLVED, (c) That the employer's contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$139.01 annuitant share each month for the year 2014, increasing to \$141.86.86 in January 2015, \$144.79 in January 2016, \$147.82 in January 2017 and \$150.93 in January 2018, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (d) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than 10 years of credited service with the **San Francisco Bay Area Rapid Transit District**. The percentage of the employer's contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with the **San Francisco Bay Area Rapid Transit District**:

Credited Years of Service	Percentage of Employer Contribution
0-9.99 years	0%
10 years	50%
11 years	60%
12 years	70%
13 years	80%
14 years	90%
15 years	100%

and be it further

- RESOLVED, (e) The percentage of the employer's contribution payable for post-retirement health benefits for annuitants who retire for disability shall be 100%; and be it further
- RESOLVED, (f) That the **San Francisco Bay Area Rapid Transit District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (g) That coverage under the Act be effective on **January 1, 2015**.

**RESOLUTION ESTABLISHING THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S
VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 004 AMALGAMATED TRANSIT UNION**

- WHEREAS, (1) Government Code 22902 provides that the **San Francisco Bay Area Rapid Transit District** contracting under the Public Employees' Medical and Hospital Care Act shall establish a post retirement vesting requirement to employees who retire for service, and
- WHEREAS, (2) **San Francisco Bay Area Rapid Transit District** is a local agency contracting under the Act for participation by members of the **Amalgamated Transit Union Local 1555 (ATU)** and
- WHEREAS, (3) The **San Francisco Bay Area Rapid Transit District** certifies, certain employees are represented by a bargaining unit and subject to a memorandum of understanding, and
- WHEREAS, (4) The contracting agency shall provide to the board in the manner prescribed by the board a notification for the agreement established pursuant to this section and any additional information necessary to implement this section; now, therefore be it
- RESOLVED, (a) That employees **first hired on or after January 1, 2014** shall be subject to the requirements defined in this **vesting resolution**; and be it further
- RESOLVED, (b) The contribution for active employees cannot be less than what is defined in Section 22892(b); and be it further
- RESOLVED, (c) That the employer's contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$132.01 annuitant share each month for the year 2014, increasing to \$134.86 in January 2015, \$137.79 in January 2016, and \$140.82 in January 2017, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (d) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than 10 years of credited service with the **San Francisco Bay Area Rapid Transit District**. The percentage of the employer's contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with the **San Francisco Bay Area Rapid Transit District**:

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RESOLVED, (e) The percentage of the employer's contribution payable for post-retirement health benefits for annuitants who retire for disability shall be 100%; and be it further

RESOLVED, (f) That the **San Francisco Bay Area Rapid Transit District** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further

RESOLVED, (g) That coverage under the Act be effective on **January 1, 2015**.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ___ day of _____ 2014.

Signed:

 Board President

Attest:

 District Secretary

**RESOLUTION ESTABLISHING THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S
VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 005 SEIU LOCAL 1021**

- WHEREAS, (1) Government Code 22902 provides that the **San Francisco Bay Area Rapid Transit District** contracting under the Public Employees' Medical and Hospital Care Act shall establish a post retirement vesting requirement to employees who retire for service, and
- WHEREAS, (2) **San Francisco Bay Area Rapid Transit District** is a local agency contracting under the Act for participation by members of the **Service Employees International Union Local 1021 (SEIU)** and
- WHEREAS, (3) The **San Francisco Bay Area Rapid Transit District** certifies, certain employees are represented by a bargaining unit and subject to a memorandum of understanding, and
- WHEREAS, (4) The contracting agency shall provide to the board in the manner prescribed by the board a notification for the agreement established pursuant to this section and any additional information necessary to implement this section; now, therefore be it
- RESOLVED, (a) That employees **first hired on or after January 1, 2014** shall be subject to the requirements defined in this **vesting resolution**; and be it further
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RESOLVED, (g) That coverage under the Act be effective on **January 1, 2015**.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ____ day of _____ 2014.

Signed: _____
President

Attest: _____
District Secretary

**RESOLUTION ESTABLISHING THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S
VESTING CONTRIBUTION UNDER SECTION 22902
OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
FOR GROUP 006 NON-REPRESENTED EMPLOYEES**

- WHEREAS, (1) Government Code 22902 provides that the **San Francisco Bay Area Rapid Transit District** contracting under the Public Employees' Medical and Hospital Care Act shall establish a post retirement vesting requirement to employees who retire for service, and
- WHEREAS, (2) **San Francisco Bay Area Rapid Transit District** is a local agency contracting under the Act for participation by members who are non-represented and
- WHEREAS, (3) The **San Francisco Bay Area Rapid Transit District** certifies, unrepresented employees are not represented by a bargaining unit and there is no applicable memorandum of understanding, and
- WHEREAS, (4) The contracting agency shall provide to the board in the manner prescribed by the board a notification for the agreement established pursuant to this section and any additional information necessary to implement this section; now, therefore be it
- RESOLVED, (a) That employees **first hired on or after January 1, 2014** shall be subject to the requirements defined in this **vesting resolution**; and be it further
- RESOLVED, (b) The contribution for active employees cannot be less than what is defined in Section 22892(b); and be it further
- RESOLVED, (c) That the employer's contribution for each annuitant subject to this provision shall be the amount necessary to pay the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$132.01 annuitant share each month for the year 2014, increasing to \$134.86 in January 2015, \$137.79 in January 2016, and \$140.82 in January 2017, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (d) Employer contributions for post-retirement health benefits shall not be paid to annuitants with less than 10 years of credited service with the **San Francisco Bay Area Rapid Transit District**. The percentage of the employer's contribution payable for post-retirement health benefits for each annuitant shall be based on the annuitant's completed years of credited service with the **San Francisco Bay Area Rapid Transit District**:

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RESOLVED, (g) That coverage under the Act be effective on **January 1, 2015**.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ____ day of _____ 2014.

Signed: _____
President

Attest: _____
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBongie</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>9/18/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Allison Picard Dept:	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Allison Picard 9/18/14</i>	<i>MB 9/19/14</i>	<i>[Signature]</i>	[]	<i>[Signature] 9-18-14</i>
Status: Routed		Date Created: 09/15/2014		

TITLE:

ACCEPT COLLECTIVE BARGAINING REPORT

NARRATIVE:

PURPOSE

To accept the Collective Bargaining report by Agreement Dynamics Inc.

DISCUSSION

The Board of Directors hired the consulting firm of Agreement Dynamics Inc. to perform an independent review of the 2013 negotiations process to determine lessons learned by interviewing all parties, and provide recommendations to improve the process of labor relations and negotiations to avoid future labor disputes. The 63 recommendations included in the report were summarized for the Board's consideration on September 11, 2014 as an Information Item.

President Keller requested that this report be placed on the September 25, 2014 agenda for action for the Board to accept the report. He also requested that by October 23 staff develop a matrix that lists each recommendation with an implementation strategy that also includes who is the lead party in each area. Additionally he asked for the cost of an outside facilitator be included and that the unions be provided an opportunity to review this document in advance of the presentation to the Board.

Attached is a draft of the requested matrix with the proposed parties involved in implementing each recommendation. If more than one party is needed to implement a particular recommendation, the party proposed as the "lead" is reflected in bold to ensure action is taken and clear accountability is established. For some recommendations, dual parties are bolded as it requires mutual cooperation. A notation has also been made for some recommendations which are sufficiently related topics with the suggestion that they be tracked together. Staff will finalize the implementation plan overview for presentation on October 23 as requested using this matrix format.

FISCAL IMPACT

None at this time. Implementation of specific recommendations may have a fiscal impact and will be presented at a later meeting.

ALTERNATIVES

The Board can choose not to accept the report and modify its direction to staff.

RECOMMENDATION

That the Board accept the report of Agreement Dynamics Inc.

MOTION

Accept the report provided by Agreement Dynamics Inc. on September 11, 2014.



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
1	Direction Setting	Board develops a policy-level vision for a new and improved way of operating agency-wide regarding labor-management relations (cultural change).	16	Board / Staff			
2	Change Plan	The board, at a policy level, outlines a systemic change plan for labor-management relations/process with timelines.	16	Board / Staff			
3	Roles, Oversight, Resourcing	The board determines its role and how members of the board will engage to support successful implementation and oversight of the change effort. They also allocate resources to fund this undertaking.	16	Board / Staff			
4	Teambuilding	A customized teambuilding session for the board is recommended to enhance communication and the board's ability to operate as a consistent, supportive unit, even when all members don't agree.	17	Board / Staff			
5	Board Ground Rules	The board develops ground rules and accountability measures for how the board will operate in supporting constructive day-to-day labor-management relations, contract negotiations and, in so doing, operate at a policy level.	17	Board / Staff			
6	Accountabilities	The board establishes participation expectations and accountability measures for BART management and union representatives for this effort.	17	Board / Staff			
7	Objectives	The board sets measurable quarterly progress objectives.	17	Board / Staff			

Collective Bargaining Report and Recommendations



NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
8	Commitments	<p>a) The board tasks the general manager with responsibility for ensuring managers throughout the agency participate in meeting these objectives.</p> <p>b) The board obtains assurances from the union presidents that they will do the same with their boards, shop stewards and membership.</p>	17	<p>a) Staff</p> <p>b) Board / Unions</p>			
9	Management Participants	The board directs the general manager to ensure that managers with historically combative relationships and/or adversarial styles are removed from strategic involvement with and/or influence over labor-relations at BART. Every effort should be made to engage and utilize managers who are respected by and have credibility with the unions and the workforce. This is not a recommendation that managers must agree or capitulate to union positions. This is about operation-alizing a style of communication and leadership that is constructive and collaborative.	18	Staff			
10	Executive Team	The board establishes an expectation that all the board's direct reports operate as a team in supporting the change effort and that input is regularly solicited by the general manager regarding their views as well as their knowledge and strategic advice about labor-relations issues.	18	Board / Staff			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
11	Consultant(s)	The board retains external consultant(s) to assist the board in developing its vision, change plan, expectations, accountabilities, roles, ground rules and an oversight/reporting process. The consultant(s) are also directed to facilitate labor-management efforts to meet quarterly objectives. The consultant(s) should make monthly reports to the board and/or the board committee chartered with oversight of the change process.	18	Board / Staff			
12	Progress Reports	The board (via the Ad Hoc Committee or other committee so designated) requests and receives monthly progress reports from the general manager, union presidents and the board-retained consultant/facilitator.	19	Board / Staff / Unions			
13	Joint Data Plan and Agreement	<p>a) Develop a "data plan" for determination of data needed for contract negotiations, how to mine it with union involvement, an agreed upon joint labor-management data analysis criteria and procedure, as well as an education and communication strategy for disseminating data and budgetary information.</p> <p>b) Retention of a jointly-selected, third-party analyst (who is or can quickly become well versed in the intricacies of BART finances and its labor contracts) is recommended. This also includes a facilitated process whereby labor and management determine and agree on financial indicators to be used in shaping economic bargaining proposals and agreements. (Examples may include competitiveness data, comparables, COLAs, Consumer Price Index data, legal constraints/ considerations, total compensation evaluations, local economic indicators, funding sources data, system needs information, financial forecasts, etc.)</p>	19	<p>a) Staff</p> <p>b) Staff / Union</p>			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
14	Partnering Workshop	<p>The board and/or board committee members participate with executive management and labor leaders in a partnering workshop to solicit input to:</p> <ul style="list-style-type: none"> - shape the change plan and process - clarify roles - communicate objectives - set timelines - agree on safeguards to prevent a breakdown of 2017 contract negotiations - discuss training needs and other support mechanisms - begin trust, respect and team building - agree on the data plan - determine a consistent agency-wide and union communication strategy 	20	Board / Staff / Unions			
15	Operating Guidelines	<p>In facilitated session(s), labor and management develop operating guidelines for how they will work more effectively together day to day.</p>	20	Staff / Unions			
16	Personnel Policies	<p>The board reviews and revises (at a policy level) the District's personnel policies, programs, metrics, manuals, annual reviews to ensure they support the change process and plan.</p>	21	Board / Staff			
17	Clarify and Align Roles	<p>Develop a comprehensive written document that clarifies and aligns roles, responsibilities, adequate authority and resources for BART's management team and staff to successfully carry out all elements of the board's vision and change plan. Lack of clarity, continuity and communication of roles and responsibilities was a pervasive problem before, during and--to some extent--since 2013.</p>	21	Staff			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
18	Labor Relations Resources	The board requests data and a plan to increase Labor Relations staff and resources to levels that are adequate to support agency needs and the change process.	21	Staff			
19	Labor Relations Role	The role of Labor Relations is clarified and communicated agency wide. It is structured and supported to be the guiding voice of the organization on matters related to union relationships and interpreting the complicated contracts at BART. It should look to partner with the operational divisions of BART to create a "cradle to grave" relationship with the various unions so that BART can demonstrate a proactive and consistent approach to working with the unions and the contracts.	22	Staff			
20	Labor Relations Continuity	Seek stability of Labor Relations staff and managers.	22	Staff	Track with #18		
21	Succession Plan	Ensure Labor Relations has a succession plan so that when Labor Relations staff leave, there are up-to-speed, competent people to take their place who will continue implementing a consistent, long-term strategy for positive change.	22	Staff	Track with #18		
22	Labor Relations Support	Provide support for strong collaborative leaders in Labor Relations who can operate without undue interference or second guessing. Ensure the support is sustainable over time.	22	Staff	Track with #18		
23	Training	Provide training to support the change process in accordance with a training plan that is developed collaboratively by the parties.	22	Board / Staff / Unions			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
24	Data Systems	Update internal data systems. For example, the data we have accessed to date on absenteeism seems incomplete and possibly not wholly accurate. There are many factors that impact attendance. Some things employees and management can influence. Some they cannot. These factors do not appear to have been fully identified or analyzed before conclusions were drawn and published. Anecdotal stories and beliefs appear to have influenced what should have been data-driven conclusions, in some instances. We also recommend reviewing and modifying data systems, as needed, to ensure coordination of relevant data.	23	Staff			
25	Resolution Mechanisms	Set up mechanisms (including training, expectations and a joint labor-management agreement) to resolve issues at their earliest stages, clear up any backlog of grievances and settle cases before arbitration, whenever feasible.	23	Staff / Unions			
26	Grievance Settlement	Seek assurances that "known loser" grievances are not arbitrated and that cases without merit are not taken to arbitration. This is time consuming, inefficient, and further frustrates constructive labor relations. Occasionally, both parties may need to arbitrate non-winnable cases. However, this should be the exception rather than the norm.	23	Staff / Unions	Track with #25		



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
27	User-Friendly Contracts	Work with the unions to develop ways to make the labor contracts more user-friendly. Until this can be discussed and addressed in negotiations, consider other practices used in some industries, such as a "Cliff Notes Contract Version for Operations," a question and answer handbook, and/or videos by labor and management jointly addressing interpretation issues.	24	Staff / Unions			
28	Interest Arbitration Fallback	Discuss and obtain agreement within six months as to how a form of arbitration will be invoked, if necessary, to prevent a strike. See "Safeguards" recommendations on pages 42-44 and 166-168.	24	Board / Staff / Unions			
29	Bargaining Process	Begin exploring various negotiation processes and approaches with the unions. Agree on which process will be used for 2017 negotiations at least one year in advance of the start of these negotiations. Seek agreement on a non-adversarial, problem-solving approach.	24	Board / Staff / Unions			
30	Earlier Negotiations	Begin 2017 contract negotiations at least six (6) months before the contracts expire.	24	Board / Staff / Unions			
31	Negotiation Facilitation	Instead of mediation just before or after impasse, proactively use neutral facilitators to help the parties prepare for bargaining, build trust, facilitate bargaining sessions and do early mediation (if needed) to prevent the threat of and/or initiation of strikes. Over the past 23 years when this approach has been used in public agencies (including transit authorities), not one strike has resulted.	25	Board / Staff / Unions			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
32	Joint Negotiation Training	Even with outside experts brought in to lead a process, it is best if all of the negotiation team members and executive management participate in training to understand behaviors that maximize the probability of a positive and productive process. Not everyone in leadership comes from an extensive contract negotiation background. Training allows for a foundation that is both important and consistent for all users. Consider joint training with labor and management in the negotiation process the parties will be using. Board members should also attend or receive an abbreviated training.	25	Board / Staff / Unions	Track with #23		
33	Release Time	Discuss with the unions (probably in facilitated meetings) various ways release time can be structured for negotiations that begin at least six months before expiration. Reach agreement on this issue no later than four months before the start of those talks.	26	Staff / Unions			
34	Location	Agree on a location for negotiations that is acceptable to both parties at least two months before the start of bargaining.	26	Staff / Unions			
35	Role of Legal	Clarify the role of the Legal Department in bargaining to ensure that labor negotiators have sufficient authority to enter into tentative agreements in a timely and efficient manner. If attorneys from Legal are tasked with responsibilities beyond reviewing language for consistency and legality, then consider having them sit at bargaining tables as members of the team.	26	Staff			
36	Bargaining Team Roles	Clarify the roles and responsibilities of all bargaining team members (along with reporting relationships) in writing prior to forming the teams.	27	Staff			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
37	Bargaining Input	Set up an internal structure to support BART's bargaining teams, receive regular input from members of these teams and provide direction on an ongoing basis.	27	Staff			
38	Media Approach	Begin discussions as soon as possible with the unions about engagement with the media throughout the change process and during labor negotiations. Determine and implement mutually-agreeable and respectful protocols that will be used by all parties. Consider a media "time-out" and/or joint publications in accordance with recommendations made in Section J, pages 124 and 125, as long as negotiations are progressing.	27	Board / Staff / Unions			
39	Negotiation Guiding Principles	Consideration should be given to developing guiding principles and a strategic plan by the board and management of what changes they would like to see over the short- and long-term to ensure the economic viability of BART for the benefit of the region, its ridership and its employees. Those principles should be the basis of each negotiation strategy along with other considerations (see recommendation #13).	27	Board / Staff			
40	Bargaining Priorities	<p>The board and executive management develops a few priorities for 2017 labor negotiations. These priorities should be consistent with and supportive of a criteria that may include such things as:</p> <ul style="list-style-type: none"> -Support for strategic plan guiding principles and priorities referenced in #39 -Relevant data and metrics developed by labor and management -Respect and trust building internally and with all stakeholders -Assessment of pragmatic "realities" in terms of scope of contractual changes in one contract cycle. 	28	Board / Staff			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
41	Reduce "Position-Based" Bargaining	Objectives for changing the labor contracts should be advanced in proposals or other ways that are not "position based" to the extent possible. Position-based proposals advocate for one specific way to address an objective and as such can be polarizing.	28	Staff / Unions			
42	Contract Clarity	Consider making contract clarity and user-friendliness a key objective in 2017 negotiations..	28	Staff / Unions	Track with #27		
43	Mediators	If mediation must be invoked to avoid impasse, cooperate with and listen to the mediators. If mediation efforts appear to be substandard or too passive, request a change of mediator and/or bring in private mediation services.	28	Staff / Unions			
44	Internal Facilitators	As the change process progresses, train management and labor representatives to begin facilitating labor-management change committee meetings. This will reduce the costs of outside consultants and foster stronger internal process buy-in as well as resources.	29	Staff / Unions			
45	Outside Transit Agency Resources	Consult with Transit Operations managers, Labor Relations managers, labor negotiators, and others who have and/or are successfully working day to day and in negotiations with their unions. Consider using their assistance and expertise to expedite change efforts. Such resources currently are available in California and some have had extensive experience working successfully in transit settings with labor unions.	29	Staff			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
46	Negotiation Ground Rules	Use a facilitated process to develop and agree on procedural and behavioral ground rules for 2017 labor negotiations. These ground rules should be signed by executive labor and management representatives, supported by the board, and published to all stakeholders before negotiations commence. They should be signed by all bargaining teams' members as well.	29	Board / Staff / Unions			
47	Employee Survey	Using the 2012-13 employee survey, continue current efforts and develop others to address findings about areas where morale is low. Conduct another survey within a year to chart progress and refocus efforts as necessary.	29	Staff			
48	Documents	Develop and use better systems for document control, for memorializing agreements and for easily accessing them now and in the future.	30	Staff			
49	Failsafe Mechanisms	Establish checkpoints and failsafe mechanisms throughout the bargaining process so that negative trends can be spotted and addressed before an impasse or a labor dispute occurs. Consider using the negotiation facilitator to assist with this.	31	Staff / Unions			
50	Table Expertise	Make sure every bargaining table has labor relations professionals who deal with the unions day in and day out and are able to articulate with real life examples why certain changes to the contract/rules need to take place for the good of management, the workers and the riders.	31	Staff	Track with #18		



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
51	Board Information	Keep the board informed, as a body, regarding the progress of bargaining. Ensure the board is hearing comprehensive updates together and that they are deliberating together about policy level, strategic decisions.	31	Board / Staff			
52	Management Chief Negotiator Candidates	Begin "test driving" potential chief management negotiators now. Use transit bargaining experienced management consultants or attorneys as participants in some of the facilitated labor-management discussions that are needed to implement cultural change. This may be an opportunity to determine who is a good fit for the agency, the desired relationship and who has the best skill set for 2017 negotiations.	31	Staff			
53	Internal Leadership	Also consider using an internal manager to lead negotiations with external consultants providing strategic and advisory support functions.	32	Staff	Track with #52		
54	Safety	Restart and reset the conversation between labor and management about how best they can work together to maximize safety via a facilitated effort; establish a structure, objectives and a collaborative method for joint advocacy and outcomes regarding safety issues and procedures.	32	Staff / Unions			
55	Success Examples	Solicit and share managers' positive labor relations experiences (what has worked for them). Seek out success specifics with respect to labor-management interactions and determine how they may be institutionalized.	32	Staff			
56	Operationalizing Collaboration	Provide training, tools and performance-related expectations to managers in how they should operate in a collaborative way that will contribute to building improved labor-management relations.	32	Staff			



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
57	Celebrate	Communicate and celebrate every success and/or milestone reached between labor and management.	32	Staff / Unions			
58	Communication Strategy	Stop the "bashing by hearsay and the stories of abuse." We heard numerous references to the other parties' bad motives, malicious intent and refusal to be cooperative. With some probing, we often discovered that the individual espousing that view had no first-hand knowledge and was repeating what had been passed down from others, who often did not have first-hand knowledge either. This wasn't always the case, but it was prevalent enough to be concerning.	33	Staff / Unions	Track with #57		
59	Modeling	Every effort should be made to inoculate and insulate new employees, managers and board members from the environment of "We're in the bunker and it's us against them." We heard this over and over. Even the language used repeatedly by both parties tends to perpetuate the situation. This will take time, but can be modeled by the board, executive management and union officers.	33	Staff / Unions	Track with #57		
60	Healthy Advocacy	Champion a new paradigm for advocacy. Management and labor can advocate for their respective interests without alienating or vilifying one another. This can often be accomplished by questioning assumptions, not automatically attributing ill intent, listening for the reasons behind the "ask," clearly articulating concerns, exploring/analyzing a range of options and using jointly-mined data.	33	Staff / Unions	Track with #46		



Collective Bargaining Report and Recommendations

NUMBER	RECOMMENDATION SUMMARY	DESCRIPTION	REPORT PAGE	RESPONSIBLE PARTY	IMPLEMENTATION STRATEGY	COST (if known)	STATUS
61	Arbitrations	Consider hiring non-attorneys in labor relations who can conduct arbitrations in compliance with current ATU contract restrictions. This will provide more resources and options for conducting effective operations in labor relations.	34	Staff	Track with #18		
62	Safeguards	Review and discuss the Safeguards provided on pages 40-45 and 164-169. Seek a joint labor-management agreement on a set of safeguards that will be activated to minimize the potential for labor disputes in 2017.	34	Staff / Unions	Track with #46		
63	Debriefs	Conduct debriefings about this report with stakeholders. Focus on utilizing lessons learned and other suggestions to support the board's direction and vision for change.	34	Board / Staff / Unions			



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marica DelBugno</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/17/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hassen Beshir Dept:	General Counsel <i>Bryan Johnson</i>	Controller/Treasurer <i>Merrill</i>	District Secretary <i>Paul</i>	BARC <i>Beshir</i>
Signature/Date: <i>H Beshir</i> 9/17/14	<i>Bryan Johnson</i> 9/15/14	<i>Merrill</i> 9/15/14	<i>Paul</i> 9/17/14	<i>Beshir</i> 9/17/14
Status: Routed		Date Created: 08/07/2014		
TITLE:				

Change Order No. 07 to Contract No. 01VM-110A, Union City Intermodal Station Phase 2 - BART Station Improvements

NARRATIVE:

PURPOSE:

To authorize the General Manager to Execute Change Order No. 07, additional cost for glass elevator upgrade, in an amount not to exceed \$650,000, to Contract No. 01VM-110A, Union City Intermodal Station Phase 2 - BART Station Improvements with West Bay Builders, Inc.

DISCUSSION:

The Board of Directors authorized the General Manager to award Contract No. 01VM-110A to West Bay Builders, Inc. on August 8, 2013. Included in the Contract scope of work was the installation of two elevators at BART's Union City Station. The District requested an upgrade to one of the elevators adding a glass panel cab and glass panel shaft walls for visibility and safety purposes. The upgrade requires the reconfiguration of the existing structural support to accommodate the new elevator, and includes, among other things, new glass and stainless steel panel elevator cab, and new aluminum storefront with laminated spandrel glass elevator shaft walls.

The increased cost includes the additional work and schedule impacts as the materials have a long lead time for procurement. The Contract, including this Change Order, is funded by the City of Union City. The City is supportive of this upgrade and intends to utilize savings from the Union City Intermodal Station Phase 1 to implement the change.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval. Staff is accordingly requesting Board approval of Change Order No. 07.

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

FISCAL IMPACT:

Funding of \$650,000 for award of Change Order No. 07 will come from project budget

01VM000, Union City Intermodal – Phase 2. The office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the project since January 2011, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

F/G 5905 - State HCD IIG Grant	\$ 6,688,240
F/G 663Q - Alameda CAC VRF, MTC OBAG & Local City	\$ 9,858,965
F/G 3849 - FTA CA-95-X185	\$ 2,999,999
F/G 3848 – FTA CA 04-0169	\$ 867,000
Total	\$ 20,414,204

As of September 3, 2014, \$20,414,204 is available for commitment for this project. BART has expended \$5,051,576 and committed \$12,850,638, and reserved \$0.00 to date for other actions. This action will commit \$650,000 leaving an available fund balance of \$1,861,990.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not authorized, the District will not be able to utilize funding to be provided by Union City to proceed with the upgrade.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 07, additional costs for glass elevator upgrade, in an amount not to exceed \$650,000 to Contract No. 01VM-110A, Union City Intermodal Station Phase 2 - BART Station Improvements with West Bay Builders, Inc.

EXECUTIVE DECISION SUMMARY

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: West Bay Builders, Inc.
Contract No./NTP: 01VM-110A/ November 12, 2013
Contract Description: Union City Intermodal Station Phase 2
Percent Completed To Date: 22.5%

<u>Cost</u>	<u>% of Award</u>	<u>CO total</u>	<u>Contract Amount</u>
Original Contract Award + Option			\$14,843,600
CHANGE OREDERS:			
Other than Board Authorized CO	0.25%	\$36,213.81	
Pending Change Order No. 07	4.38%	\$650,000	
Subtotal of all Change Orders	4.62%	\$686,213.81	\$686,213.81
Revised Contract Amount			<u>\$15,529,813.81</u>

SCHEDULE

Original Contract Duration 730 Days
Time Extension to date 0 Days

SUMMARY REASON FOR THIS CHANGE OREDER

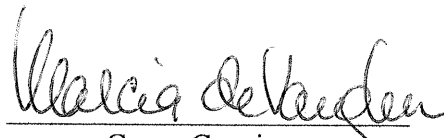
Upgrade elevators with glass panels cab and glass panel shaft walls for visibility and safety purposes at Union City Station.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** September 19, 2014
FROM: General Manager
SUBJECT: E&O Agenda Item #5.B: BART to Oakland International Airport (OAK)
Quarterly Project Update – For Information

The attached presentation for the September 25, 2014 Board meeting provides the quarterly update for the BART to OAK Project. If you have any questions, please contact Tom Dunscombe, Group Manager, Planning and Development at (510) 394-6173.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alberca Delbruden</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/17/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access Signature/Date: <i>[Signature]</i> 9-12-14	General Counsel: <i>Byron K. Jones</i> 9-15-2014 <input type="checkbox"/>	Controller/Treasurer: <i>[Signature]</i> for S. Schmidt <input type="checkbox"/>	District Secretary: <input type="checkbox"/>	BARC: <i>Powers</i> 1/5 Oct 2014 <input type="checkbox"/>
Status: Approved		Date Created: 09/08/2014		

TITLE: Award of Contract No. 91CY-110 Construction of Civic Center Bike Station

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 91CY-110 for the construction of Civic Center Bike Station to LC General Engineering and Construction, Inc. of San Francisco, CA.

DISCUSSION:

The work of this contract includes all labor, materials, equipment and accessories necessary to complete the construction of a Bike Station and other bicycle parking improvements at the Civic Center BART Station. Additional bicycle parking is needed at Civic Center because existing racks are currently at capacity, and demand is anticipated to grow.

The project will provide additional secure bike parking in the free area on the concourse level of the station. The new Bike Station includes a smart card controlled access area with 89 bike rack spaces (similar to the facilities at Embarcadero and Ashby stations) and an adjacent open access area with 60 bike rack spaces. The open access area can be merged with the controlled access area in the future if demand warrants. The project also includes the installation of more space efficient racks inside the paid area which will increase bike parking capacity and improve pedestrian flow. When this project is completed, there will be bike rack spaces for 216 bikes at the Civic Center Station. Civic Center currently accommodates only 63 bicycles.

Advance Notice to Bidders was e-mailed and mailed on July 30, 2014 to sixty-six (66) prospective Bidders. The Contract was advertised on August 1, 2014. Contract Books were mailed to twenty-two (22) plan rooms. A pre-Bid meeting was held on August 13, 2014 with seven (7) prospective bidders attending the meeting. Ten (10) plan holders purchased the Contract Book. No addenda were issued.

The following seven (7) Bids were received on September 2, 2014:

	BIDDER	CA LOCATION	TOTAL BID
1	Joseph Murphy Construction, Inc.	Livermore	\$950,000.00
2	John Pope Construction, Inc.	Fairfax	\$574,000.00
3	LC General Engineering and Construction, Inc.	San Francisco	\$539,680.00
4	CF Contracting, Inc.	San Francisco	\$845,000.00
5	West Bay Builders	Novato	\$640,000.00
6	M. Guterrez, Inc.	Berkeley	\$540,000.00
7	Rodan Builders, Inc.	Burlingame	\$760,000.00
	Engineer's Estimate		\$599,000.00

After review by District staff, the apparent low Bid submitted by LC General Engineering and Construction, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that its Bid of \$539,680.00, which is approximately 9.9% below the Engineer's Estimate, is fair and reasonable.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The apparent low bidder, LC General Engineering and Construction, Inc. (LC General), committed to 59.5% MBE and 20.2% WBE participation. The Office of Civil Rights has determined that LC General has exceeded both the MBE and WBE availability percentages for this contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business prime preference for this Contract for Small Businesses certified by the California Department of General Services. The apparent low Bidder, LC General, is not a certified Small Business making it ineligible for the preference. Three (3) firms that bid on the Contract are eligible for the 5% Small Business prime preference; however, upon application of the Small Business Program, the award to LC General was not altered.

District staff has determined that this Work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations Section 15301 Existing Facilities, because it is a minor alteration of an existing facility involving negligible expansion of use.

FISCAL IMPACT:

Funding of \$539,680.00 for executing this Contract will come from project budget 91CY000, SF Civic Center BART/Muni Bike Station. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since November 2011 and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund	Description	Amount
535A	FY10-11 Prop 1B - PTMISEA	\$480,000.00
6622	Civic Center BART/Muni Bike Station Prop K	\$66,082.55
6701	Civic Center BART/Muni Bike Station Prop AA	\$248,000.00
6702	Civic Center BART/Muni Bike Station Prop K 2nd	\$102,000.00
Grand Total		\$896,082.55

As of September 08, 2014, \$896,082.55 is available. BART has expended \$79,519.26, has committed \$15.99 and has reserved \$0.00 to date for other actions. This action will commit \$539,680.00, leaving an available balance of \$276,867.30.

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

ALTERNATIVE:

The alternatives are to decline to award the Contract, or rebid. Declining to award the Contract would mean that demand for additional secure bike parking at the Civic Center station would not be met. Additionally, more secure bike parking is a key to reducing the number of bikes on trains. 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 is authorized to award Contract No. 91CY 110, Construction of Civic Center Bike Station to LC General Engineering and Construction, Inc. of San Francisco, California for the Bid price of \$539,680.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

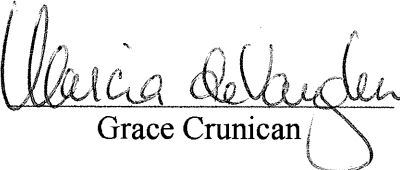
DATE: September 19, 2014

FROM: General Manager

SUBJECT: PPAAL Agenda Item #6.B: 2014 State & Federal Legislative Update – For Information

At the September 25, 2014 meeting, staff will provide the Board of Directors with a state and federal legislative update as outlined in the attached presentation. Because the State Legislature recently finished its 2013-14 two-year session, the update will summarize final outcomes of bills and policies that have been discussed at previous Board meetings - including BART sponsored, supported or opposed bills.

Please contact Kerry Hamill at (510) 464-6153, if you have questions or need additional information.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff