

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

***** REVISED *****
BOARD MEETING AGENDA
November 19, 2015
9:00 a.m.

Please Note: The first business item on the Agenda is Closed Session. The Board will reconvene in Open Session at 10:00 a.m. or immediately following the Closed Session, whichever is later.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, November 19, 2015, 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 (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

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 October 22, 2015.* Board requested to authorize.
- B. Appointments to the Tri-Valley Regional Rail Advisory Group.* Board requested to ratify.
- C. Revision to Board Rule 3-4.1, Agendas, and Board Rule 5-5.1, Contractor/Subcontractor Contributions.* Board requested to authorize.
- D. District Response to Contra Costa County Grand Jury Report.* Board requested to approve.
- E. Grant of Easement for the Purple Lotus Temple in the Cities of Union City and Fremont.* Board requested to authorize.
- F. Lease of Warehouse Space at 800 East 8th Street, Oakland.* Board requested to authorize.
- G. Sole Source Procurement with Giesecke & Devrient America, Inc., for Upgrade of a Currency Processor and Procurement of Associated Equipment.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- H. Award of Contract No. 04SF-160, Construction of East Contra Costa BART Extension Project Antioch Station Parking Landscaping.* Board requested to authorize.
- I. Award of Contract No. 15QH-180, Repave North Parking Lot and Access Road – Walnut Creek.* Board requested to authorize.
- J. Award of Invitation for Bid No. 8971, Chain, Escalator Step.* Board requested to authorize.
- K. Reject All Bids for Contract No. 15PJ-130, BART Earthquake Safety Program Fruitvale Station and Coliseum Station.* Board requested to reject.

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

A. CONFERENCE WITH LABOR NEGOTIATORS; PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Agency Negotiators:	Directors Blalock, Radulovich, and Keller
Titles:	General Manager, General Counsel, Controller/Treasurer, District Secretary, and Independent Police Auditor
Gov't. Code Sections:	54957 and 54957.6

4. OPEN SESSION (**10:00 a.m. or immediately following the Closed Session, whichever is later.**)

A. Compensation and Benefits for General Manager, General Counsel, District Secretary, and Independent Police Auditor. Board requested to authorize.

5. ADMINISTRATION ITEMS

Director Keller, Chairperson

A. Agreement with Data Ticket, Inc., for Parking Citation Processing Services (Agreement No. 6M5096).* Board requested to authorize.

B. Fiscal Year 2015 Year-End Budget Revision.* Board requested to authorize.

6. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

A. Agreement with Nordco Rail Services for Ultrasonic Rail Flaw Detection Testing (Agreement No. 6M3286).* Board requested to authorize.

B. Award of Contract No. 11OG-130A, Balboa Park Station – Phase 2.* Board requested to authorize.

C. Award of Contract No. 15PB-120, BART Earthquake Safety Program Aerial Structures – A Line Lake Merritt to Coliseum.* Board requested to authorize.

D. Increase Authority to Execute Third Party Agreements and Work Authorizations to Support the Hayward Maintenance Complex Project.* Board requested to authorize.

E. Sole Source Procurement with Dailey and Wells Communications for Portable Radio Replacement.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

F. Quarterly Performance Report, First Quarter Fiscal Year 2016 - Service Performance Review.* For information.

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

Director Raburn, Chairperson

- A. Agreement with Alameda Contra Costa Transit District (AC Transit) for Late Night Bus Core Service Enhancements on AC Transit Routes 800 and 801.* Board requested to authorize.
- B. BART Bicycle Advisory Task Force Annual Report.* For information.
- C. BART Bicycle Advisory Task Force and BART Accessibility Task Force Joint Recommendations for Improved Station Circulation.* For information.
- D. Warm Springs/South Fremont Station West Side Access Bridge.* For information.

8. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

9. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer – June 30, 2015.* For information.

10. BOARD MATTERS

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

11. 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 1,743rd Meeting
October 22, 2015

A regular meeting of the Board of Directors was held October 22, 2015, convening at 9:06 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, Keller, and Murray entered the Meeting later.

President Blalock welcomed and introduced Mr. Travis Engstrom, Manager of Information Systems, as the District's 2015 member of the Leadership APTA class. Mr. Engstrom addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 8, 2015.
2. Award of Invitation for Bid No. 8947A, Train Operator Uniforms.
3. Reject All Bids for Contract No. 15TK-180, Station Agent's Booth Dutch Doors.

Director Saltzman requested that Item 2-C, Reject All Bids for Contract No. 15TK-180, be removed from Consent Calendar.

Director Mallett made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous acclamation. Ayes - 6: Directors Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 3: Directors Josefowitz, Keller, and Murray.

1. That the Minutes of the Meeting of October 8, 2015, be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 8947A, for the procurement of Train Operator Uniforms, to Banner Uniform Center, for the bid price of \$724,609.71, including all taxes, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.

President Blalock brought the matter of Reject All Bids for Contract No. 15TK-180, Station Agent's Booth Dutch Doors, before the Board. Mr. Paul Oversier, Assistant General Manager - Operations, presented the item.

Director Josefowitz entered the Meeting.

Director Saltzman moved that the Board reject all Bids for Contract No. 15TK-180, Station Agent's Booth Dutch Doors, and authorize staff to readvertise the work of the Contract. Director Mallett seconded the motion. The item was discussed. The motion carried by unanimous acclamation. Ayes - 7: Directors Josefowitz, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 2: Directors Keller and Murray.

President Blalock called for Public Comment. The following individuals addressed the Board.
Janet Creech
Gita Dev
David Crabbe
Gladwyn d'Souza
Joel Ramos

Director Keller entered the Meeting.

Tracy Choi addressed the Board.

Director Murray entered the Meeting.

President Blalock called for the General Manager's Report. Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of November 18, 2015.

Director Keller, Chairperson of the Administration Committee, brought the matter of Resolution Submitting a Revised List of Projects/Programs for Metropolitan Transportation Commission's Plan Bay Area 2040 Project Update before the Board. Mr. Val Menotti, Department Manager, Planning, presented the item.

The following individuals addressed the Board.
Bob Taylor
Steve Barr

The item was discussed. Director Raburn moved adoption of Resolution No. 5302, In the Matter of Authorizing Actions Necessary to Submit a Revised List of Projects/Programs for Plan Bay Area 2040 to the Metropolitan Transportation Commission. President Blalock seconded the motion.

Jerry Grace addressed the Board.

The motion carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director McPartland, Chairperson of the Engineering and Operations Committee, had no report.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the Strategic Plan Workshop before the Board. Ms. Ellen Smith, Planning Division Manager, and Ms. Carmen Clark, Facilitator, led the discussion on BART Strategic Plan Framework.

The Board Meeting recessed at 12:07 p.m.

The Board reconvened at 12:40 p.m.

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

Absent: None.

Discussion on the BART Strategic Plan Framework continued. Director Murray moved that the Board adopt the Strategic Plan Framework as presented by staff, with the understanding that staff would return to the Board with a specific Strategic Plan, including the processes, timeline, and how the Board would participate and provide input. Director Radulovich seconded the motion. Director McPartland requested an amendment to the motion to rename the document as BART's Strategic Framework. Directors Murray and Radulovich accepted the amendment.

Jerry Grace addressed the Board.

The motion as amended carried by roll call vote. Ayes - 8: Directors Josefowitz, Keller, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain - 1: Director Mallett.

Director Raburn brought the matter of Station Access – Trends, Best Practices, and Discussion, before the Board. Mr. Menotti led the workshop on the topic.

Jerry Grace addressed the Board.

The Board discussed the topic.

President Blalock exited the Meeting, and Vice President Radulovich assumed the gavel.

Discussion continued.

Vice President Radulovich exited the Meeting and Director Keller, as Chairperson of the Administration Committee, assumed the gavel.

Discussion continued.

Director Keller called for Board Member Reports.

Director Josefowitz reported he had visited the Dublin/Pleasanton Station and surrounding transit-oriented developments.

Director Mallett requested a subgroup of the Board discuss the possible consolidation of transportation agencies.

Director Raburn reported he had attended the M-15 barbeque at the Oakland Shops.

Director McPartland reported he had attended two drills with the Berkeley Fire Department.

Director Keller called for Roll Call for Introductions.

Director Murray requested an adjustment to recent schedule changes affecting Concord Station customers, specifically returning at least one train to service at the Concord Station. Director Keller seconded the request.

Director Murray requested a memorandum describing the potential risks posed by recent changes by CalPERS in their estimates for returns on investments, as described in a recent column by Daniel Borenstein in the Contra Costa Times. Director Keller seconded the request.

Director Keller called for In Memoriam. No requests were received.

Director Keller called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, reminded the Board of upcoming events, and reported on open Roll Call for Introduction items.

Director Keller called for Public Comment. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 2:38 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: November 6, 2015

FROM: District Secretary

SUBJECT: Appointments to the Tri-Valley Regional Rail Advisory Group

The Board of Directors has been invited by the Livermore Amador Valley Transit Authority (LAVTA) to appoint a representative to the newly established Tri-Valley Regional Rail Advisory Group (letter of invitation and LAVTA Staff Report attached).

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Blalock is bringing the matter of appointment of a representative and an alternate to the Tri-Valley Regional Rail Advisory Group to the Board Meeting agenda of November 19, 2015.

President Blalock notes:

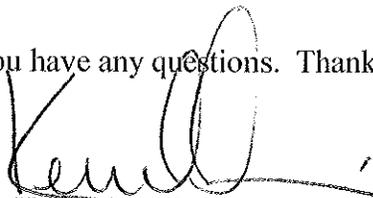
“The appointment of Tom Radulovich reflects his proven leadership and proficient representation in matters concerning regional rail as evidenced by his chairpersonship of the Board’s Regional Rail Committee in the development of the San Francisco Bay Area Regional Rail Plan. John McPartland’s designation as an Alternate ensures effective and consistent representation for the interests of the region and the District in particular.”

MOTION:

That the Board of Directors ratifies the appointment of the following Directors as representatives of the Board of Directors to the Tri-Valley Regional Rail Advisory Group:

Tom Radulovich
John McPartland, Alternate

Please contact President Blalock or me if you have any questions. Thank you.



Kenneth A. Duron

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Livermore Amador Valley Transit Authority

October 10, 2015

Thomas Blalock, President
Board of Directors
SF Bay Area Rapid Transit District
PO Box 12688
Oakland, CA 94604-2688

Dear President Blalock,

Recently the Livermore Amador Valley Transit Authority ("LAVTA") Board of Directors established the Tri-Valley Regional Rail Advisory Group for the purpose of ensuring that regional rail planning in the Tri-Valley leads to project implementation that is fast, cost-effective and responsive to community goals and objectives. Areas of focus will include the review of plans for the interregional rail connection to ACE, the Phase 1 BART to Isabel Avenue/I-580, and improved rail connectivity throughout the Bay Area and Northern California Mega Region.

The Advisory Group will be composed of an elected representative from the cities of Livermore, Pleasanton, Dublin and Tracy, the counties of Alameda and San Joaquin, and the transportation agencies LAVTA, ACE and BART.

The next step for member agencies of the Advisory Group will be to select a representative that will attend the Advisory Group meetings, which are envisioned to take place bi-monthly at the LAVTA administrative offices in Livermore. It would be optimal if you could forward to the LAVTA Executive Director Michael Tree the name of your representative by November 15, 2015. Michael's e-mail address is mtree@lavta.org. I will then work with the selected representatives to schedule the first meeting.

Should you have any questions, please give me a call at 925-828-2827 or e-mail me at don.biddle@dublin.ca.gov. I look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Don Biddle".

Don Biddle
Chairman of the Board

cc: Grace Crunican, General Manager

STAFF REPORT

SUBJECT: Tri-Valley Regional Rail Advisory Group

FROM: Michael Tree, Executive Director

DATE: October 5, 2015

Subject:

Establishment of the Tri-Valley Regional Rail Advisory Group

Action Requested:

The recommendation of the Projects & Services Committee is that the LAVTA Board establish the Tri-Valley Regional Rail Advisory Group.

Background:

In the summer of 2006, the City of Livermore formed the Tri-Valley Regional Rail Working Group (TRWG). Made up of both technical and policy advisory committees, this group met periodically to identify regional rail issues, develop a consensus vision statement for rail priorities, and to ensure cooperative interaction with the efforts of both BART to Livermore and the California High Speed Rail project. The TRWG policy advisory committee was made up of elected officials or directors of all of the Tri-Valley cities, Alameda County, BART, LAVTA, the Altamont Commuter Express (ACE), the Metropolitan Transportation Commission, and others. The TRWG was successful in focusing the California High Speed Rail Authority's attention on planning improvements to ACE train service through the Altamont Corridor to provide faster, more frequent trips, as well as a platform connection to a future BART extension to Livermore. The group ended their meetings in 2009 subsequent to certification of the BART to Livermore Program EIR by the BART Board of Directors.

In September of 2015, a presentation on the ACE Forward planning efforts was provided to the LAVTA Board by Dan Leavitt, Manager of Regional Initiatives at ACE. The presentation outlined many of the opportunities and challenges relating to passenger rail improvements in the near future for the Tri-Valley, including the future intermodal connection of ACE and BART. At the conclusion, Board Member Scott Haggerty ask for a future agenda item that would create a new Tri-Valley Regional Rail Advisory Group (Advisory Group).

Discussion:

As currently envisioned, the goal of the Advisory Group will be to ensure that regional rail planning in the Tri-Valley leads to project implementation that is fast, cost-effective and responsive to community goals and objectives. Areas of focus will include the review of plans for the interregional rail connection to ACE, the Phase 1 BART to Isabel Avenue/I-580 project, and improved rail connectivity throughout the Bay Area and Northern California Mega Region.

Next Steps and Recommendation:

At their September 2015 meeting, the Project & Services Committee recommended the establishment of the Advisory Group with membership consisting of a representative from the cities of Livermore, Pleasanton, Dublin, and Tracy, the counties of Alameda and San Joaquin, and transportation agencies LAVTA, ACE and BART.

Next steps would include the membership selecting their representative and the Advisory Group holding its first meeting where an update on the BART to ACE project can be provided, goals and action items discussed, and a meeting schedule established.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

To: Board of Directors

Date: November 13, 2015

From: District Secretary

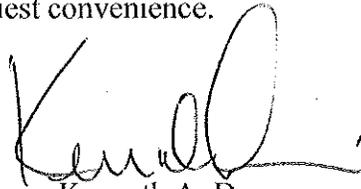
Re: Proposed Revisions to Rules of the Board of Directors – November 19, 2015

Attached are the remaining two Board Rules revisions proposed by the Rules of the Board of Directors Ad Hoc Committee. The Board of Directors adopted proposed revisions in July, August and September. The remaining proposed revisions are scheduled for consideration by the Board of Directors at the November 19 Regular Meeting.

The attachment to this memorandum summarizes revisions proposed by Ad Hoc Committee members.

The revisions in the Board Rules are designated by strikethroughs for deleted language; underlines for new language; red color for revisions proposed by the Ad Hoc Committee. Table of Contents sections affected by the proposed revisions are shaded.

Should you require any additional information, please contact the members of the Ad Hoc Committee, General Counsel or me at your earliest convenience.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers
Deputy General Manager

MOTIONS:

- i. The Board of Directors adopts the revision to Board Rule 3-4.1 Agendas (Attached) and will review the Board Rule revision after six months in effect.
- ii. The Board of Directors adopts the revision to Board Rule 5-5.1 Contactor/Subcontractor Contributions (Attached).

A. AD HOC COMMITTEE PROPOSED REVISIONS:

Chapter III Board Meetings and Committees. Section 4 Meeting Material

35. Board Rule 3-4.1 Agendas. Page III-17. *Inserts proposed new language for introduction of Roll Call for Introductions items and for placement of an item on a future agenda.*

Each regular Board meeting agenda shall contain an item entitled "Roll Call for Introductions," at which time each Director will be afforded an opportunity to introduce a matter for consideration at a future Committee or Board Meeting. Requests to District staff to prepare items or reports may also be made under this agenda item.

An item being introduced requires a 'second' endorsement by another Director to be recorded as a "Roll Call for Introductions" item. An item requested for placement on a future agenda requires a 'third' endorsement by a Director.

If a Director or the General Manager has a concern about a matter introduced under "Roll Call for Introductions," the General Manager may speak directly with the sponsoring Director. If not resolved the Director or General Manager may have the matter placed on the next agenda of the Board or appropriate committee for consideration of whether to proceed with the item. A Director or the General Manager may request that a matter raised during "Roll Call for Introductions" be placed on the Board or committee agenda by notifying the District Secretary, either at the Board Meeting at which the matter was introduced, or at any time up to and including the Friday before the next meeting. When so notified, the District Secretary shall place any such item on the next Board or committee agenda for consideration and possible action.

Chapter V Financial Provisions. Section 5 Financial Contributions Limitation

45. Board Rule 5-5.1 Contractor/Subcontractor Contributions. Page V-12. *Clarifies description of contributor and changes terms for contributions.*

In regard to any contract, or agreement requiring authorization of the Board, no perspective contractor party seeking to do business with the District (hereafter "contractor") or the contractor's proposed first tier subcontractors and subsuppliers whose subcontracts exceed \$100,000 (hereinafter referred to as "subcontractors"), shall provide to any Director, or any candidate for Director, and no Director, or a candidate for Director, shall accept or solicit any monetary or in-kind contribution valued at greater than \$1,000 (including loans) from any contractor or its subcontractors during the time periods from the receipt of that perspective contractor's bid for all contracts and agreements, through award, and shall continue to apply for three months following award in regard to the contractor awarded the contract or agreement and its subcontractors

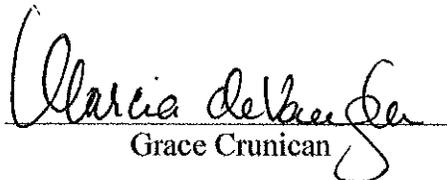
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 13, 2015
FROM: General Manager
SUBJECT: Consent Calendar Item #2.D: District Response to Contra Costa County Grand Jury Report

On September 10, 2015, the Board approved the District's response to the Contra Costa County Civil Grand Jury Report 1504 "Averting Bay Area Rapid Transit District Strikes". In a letter dated October 15, 2015, the Foreperson of the 2015-2016 Contra Costa County Civil Grand Jury, notified the General Manager that BART overlooked Finding #5 when providing its response to Grand Jury Report 1504.

At the Board of Directors meeting on November 19, 2015, the Board will be asked to consider the motion below to approve the District's response to Finding #5 (copy attached). Please feel free to contact me if you have questions.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

MOTION:

That the Board approves the attached response to Finding #5 of the Contra Costa County Civil Grand Jury Report 1504 "Averting Bay Area Rapid Transit District Strikes".

Response to Finding #5 of the Contra Costa County Civil Grand Jury Report 1504

F5. A multi-jurisdictional transit service plan developed and initiated by the MTC Commission during the last BART strike was insufficient to mitigate the impact of the strike. BART agrees with this finding. BART carries approximately 100,000 round trip passengers between the east bay and San Francisco and, in excess of 300,000 daily trips throughout the rest of the system on an average weekday.

Other public transit agencies that provide San Francisco Bay crossing services during peak commute hours, most notably AC Transit, increased their regular service from the east bay to San Francisco during the last BART strike. Additional ferry service was also made available through the efforts of MTC. In an effort to provide commuters with additional transit options to cross the San Francisco Bay Bridge during the strike, BART was able to offer limited lifeline private bus service to serve approximately six percent of BART's regular ridership. In order to meet even this limited threshold, BART contracted with private bus operators from across California to provide transbay service. To alleviate congestion to the extent possible, commuters were encouraged to telecommute or stagger work times.

MTC's role was primarily one of coordination to ensure seamless information flow between agencies. MTC and BART both worked diligently to increase capacity through other modes of transportation during the strike; however, those efforts were insufficient to fully mitigate the impact of the strike because the availability of resources required to do so do not exist.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maecia DeVaugen</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Baumann Dept: Real Estate and Property Development Ext. 7630	General Counsel <i>[Signature]</i> 11/4/15 []	Controller/Treasurer <i>[Signature]</i> 11/4/15 []	District Secretary []	BARC <i>[Signature]</i> 11-6-15 []
Signature/Date: <i>[Signature]</i>				
Status: Approved		Date Created: 10/26/2015		
TITLE:				

Grant of Easement to the Purple Lotus Temple in the Cities of Union City and Fremont

NARRATIVE:

PURPOSE: To request that the Board authorize the grant of an electrical easement to the Purple Lotus Temple across a portion of BART Parcels O-AB74, and O-AB94 and O-AD28 (Fox Avenue) in the Cities of Union City and Fremont.

DISCUSSION: On March 7, 1991, the District granted Mission Peaks Homes an easement for construction, maintenance, repair and replacement of a private road across a portion of Fox Avenue. On July 16, 1999, the Purple Lotus Temple purchased from Mission Peaks Homes the property served by the easement. On July 14, 2011, the BART Board approved the sale of an emergency vehicle access and storm drain easement to the Purple Lotus Temple, a gas line easement to Pacific Gas and Electric (PG&E), and an easement for fire hydrants and appurtenances to Alameda County Water District (ACWD). The Purple Lotus Temple paid \$5000.00 to BART for the previous easements.

Purple Lotus Temple has determined that an electrical easement for the placement of street lights and associated facilities is required to develop the property. This proposed easement is approximately 7,476 square feet (see Exhibit B to the attached Resolution) and within an area of Fox Avenue already encumbered by easements that BART granted jointly to ACWD and PG&E in 2002. Staff has determined that a fee of \$1250.00 is appropriate for the proposed easement. The issuance of a BART permit will be required prior to any construction to ensure that there are no conflicts with BART Operations.

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

FISCAL IMPACT: BART will incur no costs in granting the easement. The Purple Lotus Temple will be paying \$1,250.00 for the electrical easement and it will be deposited in General Fund 030.

ALTERNATIVE: Not convey the requested easement, which could impact the ability of the Purple Lotus Temple to develop its parcel.

RECOMMENDATIONS: Adoption of the following motion.

MOTION:

Adoption of the attached Resolution.

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

In the matter of authorizing the grant of easement to the Purple Lotus Temple
BART Parcels: O-AB74E6 (O-AB94E6 and O-AD28E4)
(Portion of APN 507-0030-014-02 and APN 507-0030-018-03)/

Resolution No. _____

RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT that said Board determines that the grant of easement to The Purple
Lotus Temple substantially as shown on the attached Exhibit "B" is in the best interest of the District,
and hereby authorizes the execution of an easement grant deed by the President or Vice President of
the Board, and the District Secretary or Assistant Secretary, on behalf of the District, in consideration
for the sum of \$1,250.00.

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SECRETARY'S CERTIFICATE

I, KENNETH A. DURON, District Secretary of the SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT, do hereby certify that the foregoing is a true copy of the original
resolution adopted by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT at its meeting regularly called and held on _____ 2015, a majority
of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 2015.

Kenneth A. Duron, District Secretary
San Francisco Bay Area Rapid Transit District

BASIS OF BEARINGS

THE BEARING S74°54'14"E BETWEEN FOUND MONUMENTS ON THE NORTHERLY LINE OF LOT 1 AS SHOWN ON THAT CERTAIN TRACT MAP NO. 7420 FILED IN BOOK 299 OF MAPS AT PAGES 68-69, ALAMEDA COUNTY RECORDS WAS USED AS THE BASIS OF ALL BEARINGS SHOWN UPON THIS MAP.

- C1 R=1016.00' L=62.05' D=3°29'58"
- C2 R=1016.00' L=40.64' D=2°17'31"
- C3 R=2016.00' L=143.66' D=4°04'58"
- C4 R=2016.00' L=122.03' D=3°28'05"

CITY OF UNION CITY
72-117669

PARCEL A116-3
68 MAPS 271
10.00'
ELECTRICAL EASEMENT
7,476 SQ.FT.

STREET LIGHT (TYP.)
N58°31'13"W
157.80'

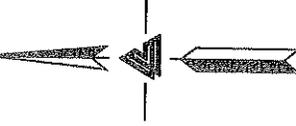
- L1 S86°18'03"E 10.00'
- L2 N31°28'47"E 7.00'
- L3 S58°31'13"E 10.00'
- L4 S31°28'47"W 7.00'
- L5 N27°41'55"E 7.00'
- L6 S62°18'05"E 10.00'
- L7 S27°41'55"W 7.00'
- L8 S27°24'59"W (RAD) 7.00'
- L9 N20°53'59"E 7.00'
- L10 S69°06'01"E 10.00'
- L11 S20°53'59"W 7.00'
- L12 S20°45'27"W (RAD) 7.00'
- L13 S72°42'38"E 46.59'
- L14 N17°17'22"E 7.00'
- L15 S72°42'38"E 10.00'
- L16 S17°17'22"W 7.00'
- L17 S72°42'38"E 5.30'
- L18 S16°05'26"W 10.00'

R=1026.00'
L=113.80'
D=6°21'19"

BART PARCEL
NO. O-AB74E6
(7,476 SQ.FT.) D=7°50'06"

STATE OF CALIFORNIA
70-133157

POINT OF COMMENCEMENT
(NW CORNER LOT 1)
N72°42'38"W 62.09'



SCALE: 1" = 120'

APN:
507-0030-014-02

L14 L15
L16 L17
L18

POINT OF BEGINNING

N16°05'26"E 10.68'

S74°54'14"E 121.72'

S68°59'24"E 140.78'

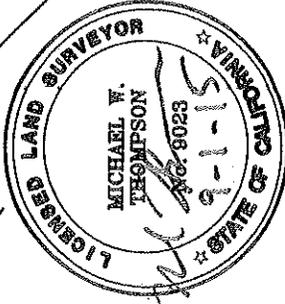
PARCEL A117-6
68 MAPS 273

FOUND IRON PIPE
LS 4493
PER (299 MAPS 68)
(TYP.)

LOT 1

TRACT MAP 7420
299 MAPS 68

CITY OF UNION CITY
CITY OF FREMONT



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS
BAY AREA REGION
2495 INDUSTRIAL PKWY WEST
HAYWARD, CALIFORNIA 94545
(P) (510) 887-4086
(F) (510) 887-3019
WWW.LEABRAZE.COM

EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR AN ELECTRICAL EASEMENT (T4SR1W SEC18, NE1/4 OF THE SE1/4), RANCHO ARROYO DE LA ALAMEDA, FREMONT AND UNION CITY, CALIFORNIA ALAMEDA COUNTY

DRAWN BY: MT

JOB #2120097
AUGUST 2015



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patricia Schuchardt</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patricia Schuchardt Dept: Real Estate and Property Development Department: <i>See Patricia for Patricia Schuchardt</i> Signature/Date: <i>GS</i>	General Counsel <i>Victor...</i>	Controller/Treasurer <i>11/10/15</i>	District Secretary []	BARC <i>11-12-15</i> []
Status: Routed		Date Created: 11/03/2015		

TITLE:

LEASE OF WAREHOUSE SPACE - 800 EAST 8TH STREET, OAKLAND

NARRATIVE:

PURPOSE

To authorize the General Manager, or her designee, to enter into a lease with East 8th Street Associates (Landlord) for approximately 18,200 square feet of warehouse space at 800 East 8th Street, Oakland for a four-year term.

DISCUSSION

As part of the Transbay Tube retrofit, scheduled to commence in 2017, a spur track will be constructed at the existing Oakland Shops facilities. For this construction, some of the existing occupants in the open yard area will need to be temporarily relocated. Some of the departments are to relocate to the Hayward Maintenance Complex, once the construction has been completed.

In order to avoid departments relocating multiple times during the construction of these large projects, the Earthquake Safety Program and Hayward Maintenance Complex project have agreed that leasing a facility in close proximity to the existing Oakland Shops would minimize disruption to daily maintenance activities.

Staff evaluated multiple locations that could meet the District's needs for storage. Five potential properties met the basic storage criteria. After a detailed evaluation of each site based on proximity to the Oakland Shops, cost per square foot, truck and dock access, common area maintenance, tenant improvements' costs, age of facility, building classification and stability of ownership, staff determined that 800 East 8th Street was the most suitable location for the District's need. The average cost per square foot of the four properties considered was \$0.96 per square foot per month.

The property selected at 800 East 8th Street will have a term of forty eight months commencing on December 1, 2015 and expiring on November 30, 2019 with free rent for the first three months.* The lease provides for two options to renew, each for one additional year.

The first year lease payment, including taxes, insurance and common area operating

expenses, excluding gas and water, which will be billed quarterly at a pro-rata share of usage and excluding electricity that is metered separately will be \$93,366.00* or \$0.57 per square foot. The District must also pay, on Lease execution, a deposit equal to the last month's rent, which amount will be credited to the last month's rent payment.** Base rent will escalate annually by three percent in subsequent years.

First year	\$93,366.00* + \$11,335.95** = \$104,701.95
Second year	\$128,222.64
Third year	\$132,069.36
Fourth year	\$124,695.45
Total	<u>\$489,689.40</u>

The lease will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT

Funding of \$489,689 for the lease of warehouse space at 800 East 8th St, Oakland is included in the total project budget for FMS #09AU000 – TBT Retrofit #1 (Underwater). 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 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 801F – ESP GO Bond	\$ 1,690,000
F/G 801J – ESP Unissued GO Bond	\$ 44,500,000
Total	\$ 46,190,000

As of November 4, 2015, \$46,190,000 is the total budget for this project. To date BART has expended \$7,367,465, committed \$1,192,853, and reserved \$11,456,606 for other actions. This action will commit an additional \$489,689 leaving an available fund balance of \$25,683,386 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES

Do not lease the warehouse space at 800 East 8th Street, Oakland and continue to search for another location to temporarily store the equipment and house the personnel impacted by the spur track construction of the Transbay Tube retrofit project.

RECOMMENDATION

Adopt the following motion:

MOTION

That the General Manager, or her designee, is authorized to execute a lease

agreement with East 8th Street Associates for approximately 18,200 square feet of warehouse space at 800 East 8th Street, Oakland for a four-year term for a total lease amount (excluding gas and water, which will be billed quarterly at a pro-rata share of usage and electricity that is metered separately) not to exceed \$489,689.40.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delacruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rose Poblete Dept: Controller-Treasurer's Office Signature/Date: <i>Rose Poblete</i> 11/10/15	General Counsel <i>V. K. [Signature]</i> 11/10/15 []	Controller/Treasurer <i>Rose Poblete</i> 11/12/15 []	District Secretary []	BARC <i>[Signature]</i> 11-12-15 []

TITLE:

AUTHORIZATION FOR 1) SOLE SOURCE CONTRACT WITH GIESECKE & DEVRIENT AMERICA, INC. FOR UPGRADE OF CURRENCY PROCESSING MACHINE AND PROCUREMENT OF ASSOCIATED EQUIPMENT; AND 2) RELATED MAINTENANCE SERVICES AGREEMENT

NARRATIVE:

Purpose:

To obtain Board authorization, in accordance with Public Contract Code Section 20227, for the General Manager or her designee to enter into negotiations and execute a contract with Giesecke & Devrient America, Inc. (G&D) for the procurement of an upgrade to a currency processor, and for associated equipment, for a total amount not to exceed \$750,000. Board authorization is also sought to enter into a separate five-year maintenance services agreement with G&D for two currency processors in an amount not to exceed \$549,930.

Discussion:

High-speed currency systems, located in the Cash Handling Building (CHB), count, sort and band the bills collected from the District's automatic fare collection equipment and other sources six days a week. The District purchased two model BPS 1000 high speed currency processing machines from G&D in 1999 and 2002, respectively. Two machines were procured so that there would always be a backup processor. These processors have exceeded their life expectancy and parts for them are no longer available.

The proposed procurement includes an upgrade to one of the BPS 1000 processors so that it will be equivalent to the latest G&D currency processing machine, a BPS M5. The remaining BPS 1000 processor will be returned to G&D. The return of the second BPS 1000 processor will free up space in the CHB to accommodate Automatic Fare Collection equipment necessary to support capacity expansion and future extensions. The BPS 1000 processor to be returned is no longer necessary because the District purchased a BPS C4 processor to act as a backup to the BPS 1000 machines earlier this year.

The BPS M5 upgrade will allow the District to leverage the most current G&D software solutions to provide additional controls over the currency processing procedures, and to connect with associated equipment to automate current manual functions. Expected improvements

include increased employee safety, accuracy and transparency, and fewer reconciliation errors.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purposed of duplicating or replacing equipment currently in use.

The desired upgraded currency processor can only be provided by G&D. Due to the proprietary nature of the hardware and software components necessary to upgrade the existing processor, any attempt to integrate components by a non-G&D supplier would unreasonably increase costs and extend the time for providing required cash handling services. The District cannot afford any interruption to its cash handling functions.

Staff is now seeking to enter into direct negotiations with G&D in order to execute a sole source contract for procurement and installation of upgraded components to its current BPS 1000 processor, and for the procurement of associated equipment, in an amount not to exceed \$750,000. Staff is also seeking authority to enter into a five-year maintenance services agreement with G&D for the BPS M5 and BPS C4 machines, in an amount not to exceed \$549,930.

The Office of the General Counsel will approve the contract and agreement as to form.

Fiscal Impact:

Funding for the procurement contract in an amount of \$750,000 will come from the FY15 Year-End Budget Allocation, pending approval of the recommended year-end allocations by the Board of Directors. Funding for the maintenance services agreement in an amount not to exceed \$549,930 will be made available from the Treasury Department's annual operating budget.

Alternatives:

Based upon the single source for upgrade of the District's existing BPS 1000 currency processors,, there is no feasible procurement alternative to contracting with G&D. Replacing currency processors through a Request for Proposal (RFP) process would entail prohibitive delays and expense. In the meanwhile, the District would not be able to obtain replacement parts for any failing parts on its current BPS 1000 currency processor.

Recommendation:

Adoption of the following motions.

Motion:

1) Pursuant to Public Contract Code Section 20227, the Board finds that Giesecke & Devrient America, Inc. is the single source for the procurement of equipment and services necessary to upgrade and refurbish a currency processor and associated equipment, and that such purchase is for the sole purpose of duplicating or replacing equipment in use. The General Manager or her designee is authorized to negotiate and execute a contract with Giesecke & Devrient America, Inc. for the upgrade and refurbishment of one currency processor, and associated equipment, in an amount not to exceed \$750,000 (two-thirds vote required), and

2) The General Manager or her designee is authorized to enter into a five-year maintenance agreement for two currency processors in an amount not to exceed \$549,930.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maricia Delacruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the E&O Committee Meeting		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Olga Perez Dept: PDRC	General Counsel	Controller/Treasurer	District Secretary	BART
<i>Johannes Am</i> Signature Date: Nov 9, 2015	<i>MB</i> 11/9/15	<i>[Signature]</i> 11/9/15	[]	<i>[Signature]</i> 11/12/15
TITLE:				

Award of Contract No. 04SF-160 for Construction of East Contra Costa BART Extension Project Antioch Station Parking Landscaping

NARRATIVE:

PURPOSE

To obtain Board authorization for the General Manager to Award Contract No. 04SF-160, Construction of East Contra Costa BART Extension Project (eBART) Antioch Station Parking Landscaping to Empire Landscaping, Inc.

DISCUSSION

Contract No. 04SF-160 is a proposed two and one half year Contract for the construction, planting, irrigation, and maintenance for landscaping and associated features in the parking lot of the proposed Antioch Station currently under construction as part of the East Contra Costa BART Extension Project (eBART). The eBART Project consists of an approximately ten-mile extension of the BART System, using Diesel Multiple Unit (DMU) rail vehicles, from the existing Pittsburg/Bay Point BART Station along the median of State Highway Route 4 (SR4) to the proposed Antioch station located near Hillcrest Avenue.

The work area is an active parking and intermodal facility at the Antioch Station. The work consists of the initial clean-up and weed abatement of planting areas in the parking lot, inspection and testing of existing irrigation facilities, soil preparation, planting and associated work.

This Contract is subject to the requirements of the eBART Project Stabilization Agreement between the District and the Contra Costa Building and Construction Trades Council, which provides for local hire preferences.

The Contract was advertised in various publications and newspapers on August 19, 2015 with a Pre-Bid Meeting held on September 3, 2015. The Bid Documents were purchased by three firms and distributed to 21 plan rooms.

The following Bids were received and publicly opened on September 22, 2015:

BIDDER	TOTAL BID PRICE
Empire Landscaping, Inc., Davis, CA	\$277,500.00
Green Growth Industries, Pleasanton, CA	\$423,377.00
Bortolussi & Watkin, San Rafael, CA	\$352,420.00
Engineer's Estimate	\$261,000.00

The apparent low Bid was submitted by Empire Landscaping, Inc. of Davis, CA for \$277,500.00. This low Bid is 6% above the Engineer's Estimate and staff has determined that the Bid is fair and reasonable based upon adequate price competition and responsiveness to the solicitation. A review of the business experience and financial capabilities resulted in a determination that Empire Landscaping, Inc. is a responsible bidder.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Empire Landscaping, Inc. will not be subcontracting any work and will do all work using its own personnel. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

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, Empire Landscaping, Inc., is a certified Small Business making it eligible for the preference. Since Empire Landscaping, 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 Empire Landscaping, Inc.

FISCAL IMPACT

Funding of \$277,500.00 for the award of Contract No. 04SF-160 is included in the total project budget for FMS #04SF160 – eBART Landscaping. 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 and is included in totality to track funding history against spending authority.

As of September 25, 2015, \$500,000.00 is available for this project from the following source:

Fund No.	Source	Fund Description	Amount
535A	State	FY10-11 Proposition 1B - Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA)	\$500,000

BART has expended \$0, committed \$0, and reserved \$0 to date for other actions. This Board action will commit \$277,500.00 for this Contract, leaving an available fund balance of \$222,500.00. There is

no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE

The Board may decline to authorize award of the Contract and reject all Bids. If this Contract is re-advertised, there is no assurance that new Bids would be lower than the amount of the current Bids received. Failure to award this Contract could delay further construction as well as the completion and opening of the proposed eBART station parking lot.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

The General Manager is authorized to award Contract No. 04SF-160, for the Construction of East Contra Costa BART Extension Project Antioch Station Parking Landscaping to Empire Landscaping, Inc. of Davis, CA for the amount of \$277,500.00, 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>Clarcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the November 19, 2015 E&O Committee meeting	
DATE: <i>11/12/15</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance & Engineering <i>Hamed Tafaghodi</i> Signature/Date: <i>10/26/15</i>	General Counsel <i>W B N...</i> Signature/Date: <i>10/26/15</i>	Controller/Treasurer <i>M...</i> Signature/Date: <i>10/26/15</i>	District Secretary BARC <i>...</i> Signature/Date: <i>11/12/15</i>

TITLE:

Award of Contract No. 15QH-180 Repave North Parking Lot and Access Road- Walnut Creek Station

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15QH-180, Repave North Parking Lot and Access Road- Walnut Creek Station to Golden Bay Construction, Inc. of Hayward, California.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for asphalt repaving and restriping of the north parking lot and access roads of the Walnut Creek Station. The existing pavement has reached the end of its useful life.

The District provided advance notice to seventy one (71) prospective bidders, and plans were sent to twenty-two (22) Plan Rooms. The Contract was advertised on August 27, 2015. A total of four (4) contractors purchased copies of the contract documents. A pre-bid meeting was held on September 9, 2015 with two (2) prospective Bidders in attendance. Bids were publicly opened on September 29, 2015. A total of two (2) Bids were received as follows:

No.	BIDDER	LOCATION	TOTAL BID
1	Golden Bay Construction, Inc.	Hayward, CA	411,999.00
2	Alaniz Construction, Inc.	Fremont, CA	477,507.00
	Engineer's Estimate		\$340,100.00

After review by District staff, Golden Bay Construction's Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of Golden Bay Construction's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$ 411,999.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The bidder committed to 23.2% MBE and 0% WBE. The bidder did not meet the WBE percentage, 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, Golden Bay Construction, is a certified small business. Since Golden Bay Construction is the lowest responsive bidder, the application of the Small Business Program will not alter the award.

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 consists of the repair and minor alterations of existing facilities and involves no expansion of use.

FISCAL IMPACT: Funding of \$411,999 for the award of Contract No. 15QH-180 is included in total project budget for FMS No.15QH000 – Repair Sidewalks SWD. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project 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.

As of October 12, 2015, \$14,611,519 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Fund Source
352U	FY02 CAP ASST PGM CA-9	FTA	878.00
535A	FY2010-11 PROP IB-PTMISEA	State	1,050,000.00
5501	STATE PTA – DC STATION IMP ACCE	State	42,415.00
6219	MTC RM2 Allocation 11396710	Local	196,077.00
6511	CITY OF OAKLAND Agrmt 2-9-11	Local	40,000.00
662B	SFSU MOU – DC Shuttle Stop	Local	49,934.76
850W	FY00-06 CAPITAL ALLOC	BART	145,630.46
850Z	CAPITAL MAINTEN. ALLOC	BART	31,659.25
851W	FT07-11 CAPITAL ALLOC	BART	2,919,497.76
8524	FY 2012 OPERATION CAPITAL ALLOC	BART	3,212,000.00
8525	FY 2013 OPERATION CAPITAL ALLOC	BART	2,393,427.33
8529	FY 2015 OPERATION CAPITAL ALLOC	BART	4,530,000.00
Total			14,611,519.56

BART has expended \$7,090,924 committed \$554,938 and reserves \$7,850 to date for other action. This action will commit \$411,999 leaving an available fund balance of \$6,545,808 in this project. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may reject all Bids and readvertise the work. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay the repaving work.

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

MOTION: The General Manager is authorized to award Contract No. 15QH-180, Repave North Parking Lot and Access Road-Walnut Creek Station to Golden Bay Construction, Inc. for the Bid Price of \$411,999.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Michael Lemon</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors		
DATE: 11/13/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: Power / Mechanical: Elevator / Escalator Signature/Date: <i>Michael Lemon 11/27/15</i>	General Counsel <i>[Signature]</i> 10/27/15	Controller/Treasurer <i>[Signature]</i> 11/27/15	District Secretary []	BART <i>[Signature]</i> 11/26/15

TITLE:

Chain, Escalator Step

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation for Bid No. 8971 to Precision Escalator, Kenilworth, New Jersey in the amount of \$130,086.00. (Includes all taxes) for the purchase of Chain, Escalator Step.

DISCUSSION:

This is a one (1) year estimated quantity contract for Westinghouse Escalator Step Chain, furnished in accordance with BART Engineering Specification BA-ENG/ES-02/EM 025, rev 2. These items must be replaced regularly when worn. 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% the contract bid price, subject to availability of funding.

A notice requesting bids was published on June 1, 2015, and bid requests were mailed to nine (9) prospective bidders. Bids were opened on June 23, 2015, and two (2) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total Including 9.5% sales tax</u>
Precision Escalator	\$990.00 each	\$130,086.00
Kettenwulf	\$1141.35 each	\$149,973.39

Independent cost estimate by BART staff: \$231,000.00

Staff has determined that the apparent low bidder, Precision Escalator, submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on prior purchase history and the Staff's independent cost estimate. The District's Non-Discrimination in Subcontracting Program does not apply to emergency contracts, sole source, contracts under \$50,000 or any Invitation for Bids. Pursuant to the Program, the Office of Civil Rights did not set any

Chain, Escalator Step

availability percentages.

Delivery shall be a minimum of 120 matched pairs beginning twelve (12) weeks after the District awards the Contract.

FISCAL IMPACT:

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

ALTERNATIVE:

The alternative is to reject all bids. District Staff does not believe that re-bidding would result in more competitive bids.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award IFB No. 8971, an estimated quantity contract, for Chain, Westinghouse Escalator Step to Precision Escalator, Kenilworth, New Jersey in the amount of \$130,086.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patricia DeBurger</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept. Planning and Development	General Counsel	Controller/Treasurer	District Secretary	BART
Signature/Date: <i>Thomas Horton</i> 11/2/15	<i>[Signature]</i> 11/2/15	<i>[Signature]</i> 11/2/15	[]	<i>Paul Overholser</i> 11/12/15

Status: Approved	Date Created: 10/19/2015
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TITLE:
Reject All Bids for Contract No. 15PJ-130, Earthquake Safety Program Fruitvale Station and Coliseum Station

NARRATIVE:

PURPOSE:

To reject all Bids for Contract No. 15PJ-130, Earthquake Safety Program, Fruitvale Station and Coliseum Station.

DISCUSSION:

Contract No. 15PJ-130 is intended to provide life safety retrofits of the Fruitvale and Coliseum Stations as part of BART's Earthquake Safety Program. The proposed work consists of the structural retrofit of pile caps, columns and bent caps and the associated architectural and mechanical/electrical components impacted by the retrofit.

An Advance Notice to Bidders was e-mailed on June 29, 2015 to 128 firms and 22 plan rooms. The Contract was advertised on June 29, 2015, and 28 planholders purchased the Contract Book. A Pre-Bid meeting was held on July 10, 2015, with 23 prospective bidders attending the meeting. Three Bids were received and publicly opened on August 25, 2015. As discussed below, staff is recommending rejection of all Bids to allow a re-advertisement of the Contract.

Below is a tabulation of the Bids. The Bid submitted by USS Cal Builders (USS Cal) was determined to have arithmetical errors in the Bid Item totals and/or in the total Bid Price. Paragraph 16.B, Evaluation, of the Instructions to Bidders in the Contract provides that item totals are provided by the Bidder for the convenience of the District, and that the District will independently calculate such prices based on the unit or lump sum prices bid. Accordingly, the tabulation below reflects the District's calculation of USS Cal's Bid. The tabulation of the corrected Bids, including the Engineer's Estimate, follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT</u>
Gordon N. Ball, Inc.	Alamo, CA	\$15,388,200.00
USS Cal Builders Inc.	Stanton, CA	15,690,150.00

Disney Construction, Inc.	Burlingame, CA	16,152,600.00
Engineer's Estimate		\$13,960,000.00

All three Bids are substantially greater than the Engineer's Estimate. Staff has identified some design elements of the Contract that it believes can be modified to bring bids closer to the Engineer's Estimate. Staff also will attempt to increase the number of Bidders thus increasing competition.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

ALTERNATIVE:

Award the Contract to the lowest responsive and responsible Bidder, which will involve expenditures beyond the Engineer's Estimate.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

All Bids for Contract No. 15PJ-130, Earthquake Safety Program, Fruitvale Station and Coliseum Station, are rejected and the General Manager is authorized to re-advertise the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Justin Morgan Dept: BART POLICE DEPARTMENT <i>[Signature]</i> Signature/Date: 11/11/15	General Counsel <i>[Signature]</i> 11/12/15	Controller/Treasurer <i>[Signature]</i> 11/12/15	District Secretary []	BARC <i>[Signature]</i> 11-12-15 []
Status: Routed		Date Created: 10/01/2015		

TITLE:

Award of Agreement No. 6M5096 to Provide Parking Citation Processing Services for the BART Police Department

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M5096 to Data Ticket, Inc., a small woman-owned business, to provide parking citation processing services for citations issued by the BART Police Department.

DISCUSSION:

The District currently does not have the in-house capability to provide parking citation services and has contracted for those services since 1993. The Sponsoring Department, BART Police, has determined that these services are necessary and are not duplicative of any duties performed by District employees.

The BART Police Department currently issues approximately 70,000 parking citations annually. Parking citations are issued for twenty types of violations, with fines ranging from \$35 to \$275.

The General Services to be provided by the selected Contractor include providing the BART Police Department with the electronic ticket writers with software used to issue parking citations; receipt of parking citations issued; interface with the DMV to obtain registration information; handling of all noticing requirements; collection and reconciliation of fine revenue including interface with the DMV to initiate and remove vehicle holds; as well as other available means of collection.

The selected Contractor will insure that all funds are properly accounted for, and that funds are distributed to the Counties and the District on at least a monthly basis. The selected Contractor will be required to provide sufficient data to provide the BART auditors with verifiable information.

The District currently retains Data Ticket, Inc. for all District parking citation processing

services, pursuant to an Agreement entered into on October 1, 2009. This Agreement terminated on September 30, 2015. However, an interim Agreement is in place until such time as a new Agreement is approved by the Board of Directors.

Advance Notice to Proposers for Request for Proposals (RFP) No. 6M5096, Provide Parking Citation Processing Services for the BART Police Department was issued on July 27, 2015. On July 29, 2015, the District advertised the RFP in eleven publications including minority targeted publications. The RFP was issued to 17 prospective firms and a Pre-Proposal Meeting and Networking Session were held on August 12, 2015, attended by 10 firms.

On September 1, 2015 one proposal was received from Data Ticket, Inc. of Newport Beach, CA. The proposal was opened and reviewed by a Selection Committee chaired by Contract Administration with representatives from the Police Department, Customer Access, and Office of Civil Rights. The Selection Committee reviewed the technical proposals for responsiveness to the RFP solicitation requirements and compliance with the five (5) minimum technical requirements set forth in the RFP. Data Ticket met the 5 minimum technical requirements and was determined to be responsive to the RFP requirements.

The Selection Committee evaluated Data Ticket's initial price proposal in the amount of \$2,014,300.00, for the five-year base period and option year. After the evaluation and analysis of Data Ticket's Price Proposal of \$2,014,300, for the five-year base period and the option year, the Selection Committee developed a Best and Final Offer Price Proposal Form, adding six (6) new line items to each of the 6 years to fully reflect the equipment and services that would be required in the performance of the Agreement. Subsequently, the District received a Best and Final Offer (BAFO) Price Proposal of \$2,399,850 for the five-year base period and the option year from Data Ticket. After evaluation of Data Ticket's BAFO Price Proposal, the Selection Committee determined that its price of \$2,399,850 is fair and reasonable. Staff has also determined that Data Ticket Inc. is a financially responsible firm.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this proposal are 16% for Minority Owned Businesses (MBEs) and 20% for Women Owned Businesses (WBEs). The Proposer's sole sub consultant was neither an MBE nor a WBE. Therefore, staff requested additional information to determine if the Proposer was in compliance with the Non-Discrimination for Subcontracting Program. Based on the review of the information submitted by the Proposer, 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 Proposal for Small Businesses certified by the California Department of General Services. Data Ticket, Inc. is a certified Small Business making it eligible for the preference; however since they were the only firm submitting a Proposal, it was not necessary to apply the preference.

FISCAL IMPACT:

The BART Police Department currently issues approximately 70,000 parking citations per year. After the annual processing fee is paid by the District, the BART General Fund realizes annual revenues of up to \$1,600,000.00 per year from parking fines and forfeitures. Over the term of this proposed Contract, including a one year option, total District revenue from parking citations is estimated to be up to \$9,600,000.00.

ALTERNATIVES:

- (1) Reject the proposal and solicit new proposals. Re-issuing the RFP would not likely result in competition from firms who specialize in providing these services or in more competitive pricing, as was discovered by BART Police, Contract Administration, and Office of Civil Rights who all, prior to the issuance of the RFP, conducted extensive market research including the use of the California Unified Certification Program (CUCP) database of vendors, resulting in 17 prospective proposers.
- (2) Not having this Agreement in place would also result in BART foregoing additional revenue, currently estimated at \$9,600,000.00 for the duration of the Agreement.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Agreement No. 6M5096 to Data Ticket, Inc. to provide parking citation processing services, for a total compensation amount not to exceed \$ 2,399,850.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Place on the November 19, 2015 Board of Directors Agenda		
DATE: 11/13/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept: Budget Department	General Counsel 	Controller/Treasurer 	District Secretary 	BARC
Signature/Date: R. Umbreit 11/12/15	[] 11/12/15	[] 11/13/15	[] 11/13/15	[] 11-12-15

TITLE:

Fiscal Year 2015 Year-End Budget Revision

NARRATIVE:

PURPOSE: To amend the Fiscal Year 2015 (FY15) Budget for year-end adjustments.

DISCUSSION: The District finished FY15 favorable by a net of \$10.5 million (M). Sources were \$37.3M (4%) favorable to budget and total uses were \$10.0M (-1%) unfavorable, less non-cash accounting adjustments net variance of \$16.9M. The results are summarized below, with more detail provided in the Background section and Attachments 1 and 2.

FY15 Operating Results		Budget	Actual	Var.	%
(\$ million)					
Sources	Operating Revenue	487.2	514.7	27.5	6%
	Sales Tax	228.7	233.1	4.4	2%
	Other Assistance	136.3	141.6	5.4	4%
	Total Sources	852.2	889.5	37.3	4%
Uses	Labor	420.5	436.2	(15.7)	-4%
	OPEB Unfunded Liability ⁽¹⁾	2.4	2.0	0.4	16%
	Pension - GASB 68 Adjustment ⁽²⁾	-	(16.5)	16.5	
	Non-Labor	176.2	175.4	0.8	0%
	Total Expense	599.1	597.1	2.0	0%
	Extraordinary Exp.-MTC Rail Car Fund Swap	77.0	74.2	2.8	
	Debt Service	56.0	56.0	0.0	0%
	Capital Allocations	66.1	78.7	(12.6)	-19%
	State of Good Repair - Rail Cars	45.0	45.0	-	0%
	Other Allocations	11.3	13.6	(2.3)	-20%
	Total Debt Service & Allocations	178.4	193.3	(14.8)	-8%
	Total Uses	854.5	864.6	(10.0)	-1%
	OPEB Unfunded Liability ⁽¹⁾	(2.4)	(2.0)	(0.4)	
	Pension - GASB 68 Adjustment Offset		16.5	(16.5)	
	Net Result	0.1	10.5	10.4	

⁽¹⁾OPEB Unfunded Liability: Other Post Employment Benefits, primarily life insurance (non-cash adjustment)

⁽²⁾GASB 68 requires restating of pension expense (non-cash adjustment)

BACKGROUND: The favorable result in operating sources included \$27.5M in operating revenue and \$9.8M from sales tax and other financial assistance. The \$27.5M operating revenue

variance consisted of passenger revenue (\$22.8M) and other operating revenue (\$4.7M). Passenger trips in FY15 totaled 126.0M (3.2% favorable) and average weekday ridership was 423,120 (4.4% favorable).

Of the \$4.7M favorable result in other operating revenue, \$2.2M is from parking revenue and \$2.5M from a variety of other sources. In the financial assistance category, sales tax exceeded the budget by \$4.4M, growing 5.4% over last year (budgeted growth was 3.4%). Other financial assistance was a net of \$5.4M favorable, including \$9.4M in 5337 federal funds that were originally designated to support capital projects. The federal funds were expended to eligible operating expenses and were recognized as revenue in the General Fund in order to draw down the federal funding in a timely manner. The federal funds received in the General Fund were then allocated back to capital to restore the funding for the capital projects (primarily Train Control). The remaining \$4.0M unfavorable result in other financial assistance was mainly driven by State Transit Assistance (STA) coming in \$3.8M below budget due to the decline in diesel fuel prices and the resulting impact on STA funds, as had been projected.

Operating expense was \$2.0M (0.3%) favorable for the year. Net labor and benefits were \$1.2M (0.3%) under budget, however, included in this variance is \$0.4M lower expense for Other Post Employment Benefits (OPEB) unfunded liability, and a net \$16.5M favorable variance from a smaller pension expense recognized under Governmental Accounting Standards Board (GASB) Statement 68, both of which are non-cash entries and do not affect the net operating result. Attachment 2 provides an explanation of GASB 68. Other than these non-cash entries, labor and benefits were \$15.7M (3.7%) unfavorable to budget, mainly due to overtime, which totaled \$47.0M, 23% higher than last year and \$32.5M over budget. While a good deal of the increase is due to expenses related to increasing ridership, service and maintenance, overtime continues to be a concern. Non-labor expenses were \$0.8M favorable, so without the non-cash accounting adjustments the District finished \$15.0M (2.5%) unfavorable to budget in total expense. Non-labor was \$0.8M (0.4%) favorable to budget overall, although certain categories such as material usage were over budget due to increasing maintenance efforts and cost. These were offset by savings in other categories such as electric power and rental expense.

Capital allocations were \$12.6M over budget for the year, and other allocations were \$2.3M over budget. The variance in capital allocations of \$12.6M was mainly due to the \$9.4M allocation of federal grant funds to capital projects, as previously described in the financial assistance variance discussion. Other variances netting to \$3.2M consisted of \$0.6M for the allocation of fare increase revenue to the "Big 3" capital projects, because revenue from the fare increase came in higher than budgeted; \$1.6M to stations and access capital projects due to higher than budgeted parking revenue and carrying forward funding for the Pleasant Hill Bike Station project; \$1.4M due to software licenses that were budgeted as operating expense but are actually capital; less a reverse allocation of \$0.4M for reclassifying non capitalizable planning related project expenses from capital to operating. Other Allocations were \$2.3M over budget, because the allocation of SFO extension net result of \$11.0M to the MTC rail car fund was higher than budgeted.

SUMMARY OF PROPOSED YEAR-END ALLOCATIONS:

Of the \$10.5M favorable result, \$3.5M will be allocated to reserves, consistent with the change

adopted to the Financial Stability Policy during FY15 that requires increasing the reserve goal to 15% of operating expense (from the previous goal of 5%) and allocation of half of a positive operating result up to \$3.5M. This will increase the District's Operating Reserve to about \$42.6M, or 6.5% of the FY16 operating expense budget.

In addition, staff recommends that \$0.5M be allocated to capital to replenish the capital fund for several small allocations that were made during the year for Board Room equipment, maintenance equipment for stations projects, dedicated vehicles for parking enforcement and capital expenses related to the ADA Paratransit office move. Capital project funds were used to make the purchases, and operating budget savings were to be used to replenish that fund.

Staff recommends using the remaining **\$6.5M** positive year-end result to fund critical state of good repair projects. These consist of \$2.5M for hardware and services to upgrade the existing facilities and off-site data hosting in order to prevent administrative computer system outages, \$1.0 to develop an in-house capital software management system to meet FTA requirements regarding tracking of payments under professional services work plans, \$0.75M to rehabilitate the obsolete currency processing machine in the Cash Handling Building, \$0.2M to continue funding for the primary Asset Management Program consultant, \$1.0M for engineering of new car lifts to enable maintenance of the new rail car fleet, and \$1.0M for providing station agent booths with Dutch Doors and initiate installation of bullet resistant glass at some booths.

In addition to the proposed capital allocations and operating reserve contribution discussed above, the budget revision also requests Board approval for other adjustments that conform the final budget to Board Rules. These adjustments increase or decrease categories of expense, revenue and allocations and offset each other. For example, the budgets for operating revenue and various categories of financial assistance are increased, and a number of allocations are increased, as described in the Background section of this document.

FISCAL IMPACT: Board approval of the proposed allocations closes the fiscal year and results in a balanced FY15 Budget.

ALTERNATIVES: If the Board does not approve the recommended allocations, the District would end the year with a favorable result of \$10.5M. Alternatively the Board could specify other uses for the funding.

RECOMMENDATION: Approval of the motion below.

MOTION: Approval of the attached resolution "In the Matter of Amending Resolution No. 5262 regarding Fiscal Year 2015 Annual Budget."

Attachment 2
Explanation of GASB 68

Governmental Accounting Standards Board (GASB) Statement No. 68 establishes accounting and financial reporting standards and requirements related to pension liability and expense for State and Local government employers for fiscal years beginning with FY15. Cash flow and contribution rates are not impacted by the standards, which represents a shift from the “funding based approach” to an “accounting based approach”, and are intended to provide standardization and additional transparency for public agency pension reporting. What this means is that the expense reported in the District’s financial statements, which is reported on accrual basis, will be different than the amount required to be paid to CalPERS annually to fund the pension plans. The District will still need to plan its budget to meet the CalPERS payment, but a different expense will be calculated according to GASB 68 provisions and reported on the income statement. For budgeting purposes, because the expense determined under GASB 68 is considered a non-cash transaction, the pension expense recognized will then be backed out in non-expense allocations and therefore will not impact the net operating result.

The main changes to financial statements are that employers will now report the pension liability on their balance sheet, and expenses are calculated in a different manner than the payments required to fund the plan. Local governments will now receive two actuarial reports for each plan, one for funding contributions and a second valuation for financial reporting. The actuarial report for GASB 68 uses new fiscally conservative pension measurements, and investment gains and losses will be amortized over an accelerated period. For example investment returns are amortized over five years vs. the CalPERS actuarial method of a fixed thirty year period.

For FY15, the implementation of GASB 68 resulted in a net credit of \$16.5M to pension expense, because it is based on fiscal year 6/30/14 data and at that time PERS had an investment return of 18.4%, vs. the assumption of 7.5%. The result of an expense credit is probably atypical; in most years it is likely that the pension expense reported under GASB 68 will be higher than the funding contribution expense. As discussed above, since the adjustments to pension for GASB 68 are based on accrual basis of accounting, not cash basis, the Net Operating Result for budgeting purposes is not impacted and the effects are reversed, similar to the treatment of expense recognized for the Other Post-Employment Benefits (OPEB) unfunded liability .

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

In the matter of amending Resolution No. 5262 regarding Fiscal Year 2015 Annual Budget

Resolution No. _____

RESOLVED, that Resolution No. 5262 is amended by changing the following line items in Exhibit A thereof:

<u>Fund Source Line Item:</u>	<u>Current Amount</u>	<u>Increase/ (Decrease) In This Resolution</u>	<u>Amended Amount</u>
Operating Revenue	\$ 487,166,685	\$ 27,541,891	\$ 514,708,576
Sales Tax	\$ 228,718,986	\$ 4,429,147	\$ 233,148,133
Property Tax	\$ 33,691,648	\$ 632,883	\$ 34,324,531
State Transit Assistance	\$ 21,865,897	\$ (3,785,301)	\$ 18,080,596
San Mateo Financial Assistance - Prop 42	\$ -	\$ 801,024	\$ 801,024
Measures B & J Paratransit Assistance	\$ 1,762,363	\$ 145,279	\$ 1,907,642
Other Financial Assistance	\$ 884,540	\$ 701,063	\$ 1,585,603
Federal Preventive Maintenance & Other Grants	\$ 1,070,261	\$ 9,693,996	\$ 10,764,257
MTC Rail Car Fund Swap	\$ 77,000,000	\$ (2,831,850)	\$ 74,168,150
<u>Fund Use Line Item:</u>			
Net Labor Expense	\$ 422,897,189	\$ (1,190,332)	\$ 421,706,857
Non Labor Expense	\$ 176,184,255	\$ (775,183)	\$ 175,409,072
MTC Rail Car Fund Swap - Expense	\$ 77,000,000	\$ (2,831,850)	\$ 74,168,150
Bond Debt Service	\$ 55,987,840	\$ (3,030)	\$ 55,984,810
Allocations to Capital - Rehabilitation*	\$ 42,978,040	\$ 16,396,316	\$ 59,374,356
Reverse Capital Allocations		\$ (411,334)	\$ (411,334)
Allocations to Capital - Parking Funds to Stations/Access Projects	\$ 4,343,757	\$ 1,595,986	\$ 5,939,743
Allocation - Priority Capital Programs	\$ 18,796,012	\$ 590,908	\$ 19,386,920
Allocation to Rail Car Project from SFO Net Result	\$ 8,679,470	\$ 2,319,009	\$ 10,998,479
Allocations to Capital - Other	\$ 2,660,834	\$ 1,314,007	\$ 3,974,841
Allocations to Operating Reserves	\$ -	\$ 3,500,000	\$ 3,500,000
Other Post Employment Benefits Unfunded Liability	\$ (2,422,269)	\$ 390,139	\$ (2,032,130)
PERS Employer Current Year Contrib - Reversal Offset (GASB 68)		\$ 42,267,805	\$ 42,267,805
PERS Pension Expense - Offset (GASB 68)		\$ (25,780,776)	\$ (25,780,776)

*Amendment of \$16,396,316 includes the recommended increase to Capital Rehabilitation Allocations of \$6,964,000 plus the allocation of \$9,432,316 in order to replace funding for projects whose funding was used for a Federal operating preventive maintenance grant.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregory Shivy Dept: <i>[Signature]</i> Signature/Date: <i>[Signature]</i> 10/27/15	General Counsel <i>[Signature]</i> 10/28/15	Controller/Treasurer <i>[Signature]</i> 11/2/15	District Secretary []	BARC <i>[Signature]</i> 11/12/15
Status: Routed		Date Created: 09/03/2015		

TITLE: AGREEMENT NO. 6M3286 ULTRASONIC RAIL FLAW DETECTION SERVICES

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Agreement No. 6M3286 to Nordco Rail Services to provide the biannual internal rail defect testing of the District's running rail for a term of five (5) years.

DISCUSSION:

Current California Public Utilities Commission (CPUC) requirements, District safety standards and industry practice require the running rail to be tested twice per year for hidden defects. Using the ultrasonic process, the present day industry standard, extremely small cracks and defects can be located inside the rail. These small defects are the precursors to broken rails and are undetectable through visual inspections. Periodic ultrasonic inspection of the rail locates these defects at an early growth stage and allows appropriate action to be taken to enhance safety and minimize delays to revenue service. Request for Proposals (RFP) No. 6M3286 was issued to engage a firm to conduct ultrasonic rail flaw detection of BART's running rail.

Advance Notice to Proposers was e-mailed on June 10, 2015, to seven (7) prospective proposers. Request for Proposals (RFP) No. 6M3286 was advertised on June 10, 2015, in several Bay Area newspapers and publications. A Pre-Proposal Conference was held on July 7, 2015, at 300 Lakeside Drive, 17th Floor, and was attended by representatives from one company and BART staff. Three (3) proposals were received: one from the incumbent service provider Sperry Rail Service, the second from Herzog Service Inc. and the third from Nordco Rail Services. The Source Selection Committee began its evaluation of the technical proposals on August 13, 2015, and concluded its review on August 24, 2015. The Source Selection Committee discussed and evaluated the merits of each technical proposal and determined that no clarifications were necessary.

The price proposals from the proposers were opened, and evaluated on August 24, 2015. In accordance with the RFP, the selection is based on the lowest-priced technically acceptable proposal methodology. Price Proposals received are summarized as follows:

PROPOSER	BASE (5) YEARS
Nordco Rail Services	\$ 709,646.80

Herzog Services, Inc	\$1,147,539.72
Sperry Rail Services	\$ 878,642.80

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The bidder will not be subcontracting any work and will do all work with its own forces.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this contract. The responsive bidder is not a certified small business and therefore is not eligible for the 5% small business preference.

A review of the Price Proposal submitted by Nordco revealed minor mathematical errors. When corrected, the total Price was determined to be \$709,650.00. The Source Selection Committee determined that the Price Proposal submitted by Nordco, was fair and reasonable and therefore recommends Nordco Rail Services for award.

FISCAL IMPACT:

This five (5) year agreement covers the District's current 230 track miles, and provides for 30 additional track miles of extensions as they come on-line. The Agreement is structured such that the District will only pay for the miles tested which may be plus or minus 30% of the proposed mileage. The funding requirements below reflect the cost of track mileage testing that the District plans to have performed by the Firm under this Agreement.

The Fiscal Impact is estimated to be as follows:

- FY16 \$130,500.00
- FY17 \$142,462.80
- FY18 \$144,001.80
- FY19 \$145,557.00
- FY20 \$147,128.40

Funding for FY16 expenditures is included in the adopted FY16 Track & Structures, Cost Center 0802831 operating budget. Funding for FY17 to FY20 will be requested in future Track & Structures operating budgets and expenditures will be subject to certification by the Controller-Treasurer that funds are available.

ALTERNATIVE:

The District could reject Proposals and re-advertise the RFP. However, ultrasonic testing is required for the safe operation of the BART system. State safety regulations require such testing as part of the maintenance of rail in order to ensure safety for the BART system. There is no assurance that new Proposals would be lower than the amount of the current Proposals received.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M3286 to Nordco Rail Services LLC of Beacon Falls, Connecticut for Rail Flaw Detection Testing Service, for an amount not to exceed \$709,650.00, 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>Marcia de la Torre</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the November 19, 2015 E&O Committee Meeting		
DATE: 11/13/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Dennis Ho Dept: Stations P, D&C	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARTS <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 11/12/15	<i>[Signature]</i> 11/12/15	<i>[Signature]</i> 11/12/15	[]	<i>[Signature]</i> 11/12/15
Status: Routed		Date Created: 10/27/2015		

TITLE:
Award of Contract No. 11OG-130A, Construction of BART Balboa Park Station East Side Connection Improvements Phase 2

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 11OG-130A BART Balboa Park Station East Side Connection Improvements Phase 2, to Proven Management, Inc. of Berkeley, CA.

DISCUSSION: This is the second phase of the proposed work to connect the new BART Balboa Park Station Eastside plaza entrance with a San Francisco Municipal Transit Agency ("MUNI") boarding area on the east side of the BART Station, while updating the existing Station architecture to suit its new role as a major entrance with improved lighting and access on the concourse level.

Contract No. 11OG-130A will modernize BART's Balboa Park Station and consists of a base Contract and four Option items, which the District could exercise, subject to availability of funding. The base Contract scope of work will connect the west side walkway to the new east side walkway and San Francisco MUNI's train platform and includes construction of a new east side glazed head house over the north entrance. The Option items for Balboa Park Station improvements include, among other things, new lighting, ceiling treatment, wall finishes and a 5 foot high separation barrier between the free and paid areas. The District has 320 Days from the Notice to Proceed to exercise the Option items.

On September 3, 2015, the Advance Notice to Bidders was mailed to 125 prospective Bidders, and Contract Documents were sent to 20 plan rooms. The Contract was advertised on September 11, 2015 in local publications. A total of 10 firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour was conducted on September 16, 2015, with five prospective Bidders attending. One Addenda was issued on October 9, 2015. Bids were publicly opened on October 20, 2015. Pursuant to the Instructions to Bidders, Bids were to be evaluated based on the Total Bid Price for the Base Bid (Items 1 through 26 inclusive). The Bids received and the Engineer's Estimate are shown below:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BASE BID</u>	<u>OPTIONS</u>	<u>BASE BID & OPTIONS</u>
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Arntz Builders, Inc.	Novato, CA	\$6,250,397	\$3,309,829	\$ 9,560,226
Thompson Builders Corp.	Novato, CA	\$8,189,300	\$2,717,900	\$10,907,200
Rodan Builders, Inc.	Burlingame, CA	\$8,454,000	\$2,069,000	\$10,523,000
Proven Management, Inc.	Berkeley, CA	\$8,762,000	\$3,890,000	\$12,652,000
<u>Engineer's Estimate:</u>		\$9,145,016	\$2,804,466	\$11,949,482

The apparent low Bidder, Arntz Builders, Inc. (Arntz) requested to be relieved of its Bid on October 22, 2015 for clerical errors. Based on a review by staff, the request from Arntz was found to meet the terms of the Contract and State Codes to be relieved of its Bid due to a mistake. The next apparent low Bidder's Total Base Bid was submitted by Thompson Builders Corp. (Thompson). After review by District staff, the Bid submitted by Thompson has been deemed to be non-responsive to the solicitation due to failure to properly complete the mandatory Statement of Qualifications and Business References for Construction. The next apparent low Bidder's Total Base Bid was submitted by Rodan Builders, Inc. (Rodan). After review by District staff, the Bid submitted by Rodan has been deemed to be non-responsive to the solicitation due to failure to properly complete the mandatory Designation of Subcontractors and M/WBE Participation Form. The next apparent low Bidder's Total Base Bid was submitted by Proven Management, Inc. (Proven). After review by District staff, Proven's Bid was determined to be responsive to the solicitation. Examination of Proven's business experience and financial capabilities has resulted in a determination that the Bidder is responsible and its Total Base Bid of \$8,762,000 is fair and reasonable.

Staff has determined that this action, involving safety and public access improvements along with other minor repairs and modifications to an existing facility, is exempt from the requirements of the California Environmental Quality Act (CEQA), as provided in CEQA Guidelines Sections 15301 (c) and (e).

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Bidder committed to 8.7% MBE and 9.4% WBE. The Office of Civil Rights has determined that Proven did not meet either the MBE or WBE Availability Percentages. As such, Proven was required to provide the District with information to determine if they had discriminated on the basis of race and gender. 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% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services (DGS). It was determined that there were no certified Small Businesses certified by the DGS among the responsible Bidders and therefore the Small Business Prime Preference is no applicable.

FISCAL IMPACT:

Funding of \$8,762,000.00 is included in the total budget for Project 11OG001 – Balboa Park Station East Side Improvements. 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 March 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.

Fund Source Group Description	Amount Awarded
State Prop 1B-PTMISEA (535A, 535X)	\$ 10,958,610.00
State Transp Assistance Lifeline SF	\$ 747,440.00
Local SFCTA-Proposition K (6703, 6704)	\$ 2,230,000.00
Grand Total	\$ 13,936,050.00

As of November 6, 2015, \$13,936,050.00 is the total budget for this project. BART has expended \$2,393,083.13, and has committed \$168,080.65 to date for other actions. This action will commit \$8,762,000.00, thus leaving an available balance of \$2,612,886.22 remaining in fund resources for this project.

The four Options will only be exercised subject to future certification by the Controller/Treasurer that funding is available.

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

ALTERNATIVE: The Board may decline to authorize award of the Contract, in which case the balance of the remaining grants may need to be canceled. In such a case, BART's Balboa Park Station would remain in its current condition. If the Contract is not awarded, BART may lose its opportunity to access the MUNI yard for future BART work in the east side as MUNI's current construction contracts would be completed. BART may also forfeit the funding for the project due to timeliness of expenditures prior to expiration.

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

MOTION: The General Manager is authorized to award Contract No. 11OG-130A, Construction of BART Balboa Park Station East Side Connection Improvements Phase 2 to Proven Management, Inc. for the Bid price of \$8,762,000.00 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

The General Manager is further authorized to exercise the four Options for a combined total of \$3,890,000.00, subject to funding availability.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Fuente</i>		GENERAL MANAGER ACTION REQD:		
DATE: 11/13/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Emilia Sanchez Dept: PD&C/ESP	General Counsel <i>W. B. Mc...</i> 11/12/15	Controller/Treasurer <i>...</i> 11/13/15	District Secretary	BARC <i>Paul...</i> 11/13/15
Signature/Date: <i>ES</i>				
Status: Approved		Date Created: 10/30/2015		

TITLE:
Award of Contract No. 15PB-120, Earthquake Safety Program Aerial Structures - A Line Lake Merritt to Coliseum

NARRATIVE:

PURPOSE:

To request Board authorization to award Contract No. 15PB-120, Earthquake Safety Program Aerial Structures – A Line Lake Merritt to Coliseum to Brosamer & Wall, Inc.

DISCUSSION:

Contract No. 15PB-120 will provide for life safety retrofits of A Line aerials as part of BART's Earthquake Safety Program. The base Contract work includes the retrofit of over 200 piers from Lake Merritt Station to the Coliseum Station. The work consists of the structural retrofit of pile caps, columns, and bent caps.

The Contract was advertised on June 12, 2015 and Contract Books were sent to 24 plan rooms. A total of 31 firms purchased copies of the Bid Documents. A Pre-Bid meeting and site tour were conducted on June 24, 2015 with a total of 23 potential Bidders in attendance. Ten Bids were received and publicly opened on July 28, 2015.

Listed below is a tabulation of the Bids. The Bids submitted by Alten Construction, Inc., RGW Construction, Inc., USS Cal Builders, Inc. and McGuire & Hester, were determined to have arithmetical errors in the Bid Item totals and/or in the total Bid Price. Paragraph 13.B, Evaluation, of the Instructions to Bidders in the Contract provides that item totals are provided by the Bidder for the convenience of the District, and that the District will independently calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations shall govern. The Bid amounts listed below are based on the District's calculations.

Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

BIDDER	LOCATION	TOTAL AMOUNT
1. Brosamer & Wall, Inc.	Walnut Creek, CA	\$12,958,770.00
2. DMZ Builders, Inc.	Concord, CA	\$13,517,215.00

3. Atkinson Contractors, LP	Irvine, CA	\$13,863,370.00
4. Robert A. Bothman, Inc.	Santa Clara, CA	\$13,898,000.00
5. Alfen Construction, Inc.	Richmond, CA	\$14,653,602.62
6. Disney Construction, Inc.	Burlingame, CA	\$15,310,800.00
7. RGW Construction, Inc.	Livermore, CA	\$16,220,330.00
8. Shimmick Construction.	Oakland, CA	\$16,971,000.00
9. USS Cal Builders, Inc.	Stanton, CA	\$17,244,422.00
10. McGuire & Hester	Oakland, CA	\$22,273,755.00
Engineer's Estimate		\$15,200,000.00

The apparent low Bidder, Brosamer & Wall, Inc. was deemed responsive to the solicitation. The Bid Price has been determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program and the Federal Highway Administration (FHWA) funding requirements, the Office of Civil Rights reviewed the scope of work for this Contract and determined that there were subcontracting opportunities and a DBE participation goal of 14% was set. The Office of Civil Rights initially determined that the apparent low Bidder, Brosamer & Wall, attained 13.44% DBE participation, thus falling short of the DBE goal. Therefore, it was determined that the apparent low Bidder, Brosamer & Wall, did not meet the DBE goal requiring Brosamer & Wall to submit Good Faith Efforts documentation to the District. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that Brosamer & Wall did not make sufficient good faith efforts to meet the DBE goal, which would render the Bid non-responsive. At Brosamer & Wall's request, and in accordance with the Contract's DBE participation provisions, a good faith efforts hearing was held on September 30, 2015, before an independent hearing officer. The hearing officer concluded that Brosamer & Wall made sufficient good faith efforts. Accordingly, Brosamer & Wall's Bid is deemed responsive.

FISCAL IMPACT:

Funding of \$12,958,770 for award of Contract No.15PB-120 is included in the total project budget for 15PB001, ESP Aerial Structures –A Line North. 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 June 2014, 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 3850 – FHWA	\$ 3,695,805
F/G 801J – ESP GOB	\$15,000,000
Total	\$ 18,695,805

As of October 29, 2015, \$18,695,805 is the total budget for this project. BART has expended \$112,318 and committed \$145,299 to date. This action will commit \$12,958,770 leaving an

available fund balance of \$5,479,418 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the A Line aerial structures at this time. The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the Contract and obtain new Bids. This would result in additional cost and time to execute the required retrofits, and there is no assurance that the Bids on a re-solicitation would be lower than those now available for award.

RECOMMENDATION:

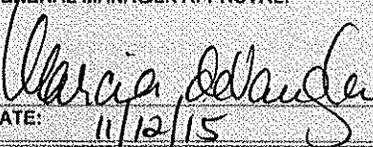
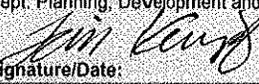
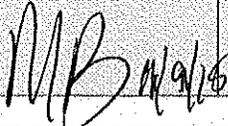
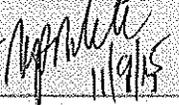
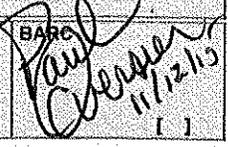
It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PB-120, Earthquake Safety Program Station Structures - A Line Lake Merritt to Coliseum, to Brosamer & Wall, Inc. for the Bid amount of \$12,958,770.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FHWA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Authority to execute Agreements and Work Authorizations for the Hayward Maintenance Complex Project	
DATE: 11/12/15		BOARD INITIATED ITEM: No	
Originator/Prepared by: Tim Kempf Dept: Planning, Development and Construction Signature/Date:  11.9.15	General Counsel 	Controller/Treasurer  11/9/15	District Secretary BART  11/12/15
Status: Approved		Date Created: 10/16/2015	

TITLE:

Increase in Authority to Execute Third Party Agreements and Work Authorizations to support the Hayward Maintenance Complex Project

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to approve an increase of \$750,000 in authority to execute Third Party Agreements and Work Authorizations with various public and private utilities including cities, agencies, special districts and the Union Pacific Railroad (UPRR), in order to support the Hayward Maintenance Complex Project (HMC Project). Third Party Agreements and Work Authorizations drawing from the Agreements will provide support services. The work performed by the third parties includes, but is not limited, to design, installation, minor construction, relocation, permit and inspection fees required in support of the HMC Project.

DISCUSSION: The HMC Project was adopted by the BART Board of Directors on May 26, 2011. The HMC Project will provide for expanded and enhanced maintenance complex facilities necessary to support, in part, BART's future system demands, including the new BART revenue vehicles and the Silicon Valley Extension Project. Improvement elements include a new Vehicle Overhaul and Heavy Repair Shop, a new Component Repair Shop, an enhanced Central Warehouse, an enhanced Non-Revenue Vehicle Shop, as well as new trackwork providing access to these facilities.

The Board previously authorized \$1,000,000 in November 2012, for the authority to execute Third Party Agreements in support of the HMC Project. Since November 2012, the scope and aggregate cost of various executed Third Party Agreements and Work Authorizations has increased. Further, the anticipated cost of Third Party Agreements and Work Authorizations that have yet to be executed is projected to exceed the previously authorized \$1,000,000. An additional \$750,000 will capture all currently anticipated remaining costs for Third Party Agreements and Work Authorizations that have yet to be executed, for future services to be performed by private and public utilities, cities, agencies, special districts, UPRR and other third parties, in support of the HMC Project. The Office of the General Counsel will approve new agreements as to form prior to execution.

FISCAL IMPACT: The total amount of \$750,000 for an Amendment to Third Party Agreements

and Work Authorizations in support to the HMC Project is included in the total project budget for 01RQ003, Hayward Maintenance Complex (HMC) Project. 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 December 2014, 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 8529 - FY15 Operating Allocation to Capital	\$ 1,522,633
F/G 8526 - FY14 Operating Allocation to Capital	\$ 4,477,367
F/G 656K - Santa Clara Valley Transportation Authority (VTA)	\$ 49,710,000
F/G 5602 - Prop 1A High-Speed Passenger Train Bond Fund (HSPTBF)	\$ 68,389,000
Total	\$ 124,099,000

As of October 21, 2015, \$124,099,000 is the total budget for this project. BART has expended \$2,385,189 and committed \$98,390,000 and reserved \$358,000 to date for other actions. This action will commit additional \$750,000 leaving an available fund balance of \$22,215,811 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: If the Board does not grant this requested increase in authority, it will be necessary to obtain individual Board authorization for every new Third Party Agreement prior to performance of support services. This will likely result in construction delays to the HMC Project construction contracts, and may result in an impact to the overall HMC Project schedule.

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

MOTION: The General Manager or her designee is authorized to increase authority for an additional \$750,000 to execute Third Party Agreements and Work Authorizations with various public and private utilities including cities, agencies, special districts, other third parties and the UPRR to perform support services including, but not limited to design, installation, minor construction, relocation, permit and inspection fees required in support of the HMC Project.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/12/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Melvin Ellis Jr Dept: <i>Melvin Ellis Jr</i> 11/4/15	General Counsel <i>[Signature]</i> 11/4/15 []	Controller/Treasurer <i>[Signature]</i> 11/4/15 []	District Secretary []	BARC <i>Paul [Signature]</i> 11/12/15 []
Signature/Date:				
Status: Routed		Date Created: 09/22/2015		

TITLE:

Sole-Source Procurement For Project 79LS001 Portable Radio Replacement

NARRATIVE:

PURPOSE: To obtain a Board finding by two-thirds member vote that Dailey and Wells Communications is the sole source of supply for Harris portable radios and that the purchase of this equipment is for the purpose or replacing outdated equipment in use at the District; and for the Board to authorize the General Manager to enter into negotiations and execute a sole source contract with Dailey and Wells Communications, in accordance with Public Contract Code Section 20227, to purchase portable radios pursuant to the requirements of Project 79LS001, Portable Radio Replacement.

DISCUSSION: BART currently operates with several models of portable radios. Under the Rebanding Project funded by Sprint, three of the oldest models of portable radios were replaced through Project 79LS000, along with a number of other radio models plagued by high failure rates. Due to mandates for an increase in the number of portable radios being made available to BART personnel, many of the portable radios intended to be replaced had to be placed back into service despite their high failure rates. Project 79LS001 will replace those older radios and will therefore improve overall radio communications reliability for field personnel.

BART's existing 800 MHz radio system uses an operating format known as EDACS (Enhanced Digital Access Communications System). It is proprietary, uses unique protocols, and was manufactured solely by Ericsson, Inc. In 2009, Harris Corporation acquired the EDACS radio design rights and manufacturing company. Harris is the sole manufacturer of the radio equipment compatible with BART's radio system. There are no other radio protocols that will work with the EDACS protocol and no other manufacturers that produce radio equipment that will work with the EDACS protocol. Dailey and Wells Communications is the only authorized distributor of Harris parts and equipment on the West Coast and is the sole source for Harris radio equipment.

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

With this EDD, staff is proposing to purchase approximately 50 units of Harris portable radio "system" model XG-75 and approximately 250 units of Harris portable radio "scan" model XG-75.

The Office of the General Council will approve the contract as to form.

FISCAL IMPACT: Funding of \$910,000 for PR #0000011317 will come from project budget 79LS-001 Portable Radio Replacement. The following table depicts funding assigned to the referenced project since 04/18/2014, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the source listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of October 8, 2015 \$981,500.00 is available for this project from the following fund source:

Fund	Description	Amount
8525	FY 2013 Operating Cap Alloc	981,500.00

BART has expended \$37,564.21 and committed \$0.00 to date for other actions. This action will commit an additional \$910,000.00 leaving an uncommitted balance of \$ 33,935.79 in this fund source.

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

ALTERNATIVES: The only alternative is to not replace the outdated portable radios. This would subject the District to operational delays and potential safety issues due to lack of proper communications.

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

MOTION: The Board finds that in accordance with Public Contract Code 20227, Dailey and Wells Communications is the single source of supply for Harris radio equipment, the only equipment which is compatible with the BART 800 MHz radio system, and that this procurement is for the purpose of replacing old and outdated equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations with Dailey and Wells Communications and to execute a contract, in a form acceptable to the General Counsel, with Dailey and Wells Communications to provide approximately 50 units of "system" model XG-75 portable radios and approximately 250 units of "scan" model XG-75 portable radios pursuant to the requirements of Project 79LS001, for a total price not to exceed \$949,801.00, including applicable taxes.

(Two-thirds vote required)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaugen</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/10/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mariana R. Parreiras Dept. Customer Access Signature/Date: <i>M. Parreiras</i> 11-10-15	General Counsel <i>[Signature]</i> 11/10/15	Controller/Treasurer <i>[Signature]</i> 11/12/15	District Secretary []	BARC <i>[Signature]</i> 11-12-15 []
Status: Routed		Date Created: 11/05/2015		

TITLE:

Late Night Bus Update - Service and Marketing Options

NARRATIVE:

PURPOSE

Authorize the General Manager to execute a one-year agreement with AC Transit for the Late Night Bus Core Service.

DISCUSSION

In October 2014, the Board authorized the execution of an agreement with AC Transit to fund one year of enhanced Late Night Bus Service. The enhanced regional Late Night Bus Pilot project has been operating since December 7, 2014 and will continue through December 6, 2015. Pilot project service enhancements consist of the following:

- Route 800 San Francisco (24th St/Mission St) to Richmond trips with 20-minute frequencies late Friday and Saturday nights.
- Route 801 downtown Oakland to Bay Fair trips are at 20-minute frequencies late Friday and Saturday nights. In September 2015, Route 801 trips between Bay Fair and Fremont were returned to 60 minute headways.
- Route 822 (San Francisco-Pittsburg/Bay Point) trips start at 24th St/Mission St, with three runs per night on late Friday and Saturday nights at 30-minute frequencies.

In May 2015, staff presented options to the BART Board for the late night bus service following the one-year pilot. The Board expressed interest in continuing enhanced service on Routes 800 and 801 (henceforth called the "Late Night Bus Core Service"). The Board also requested the exploration of options for late night bus service similar to the 822 Pittsburg/Bay Point line. These options are discussed below.

Pilot Project Ridership Summary (per weekend)

Route	January-March Total Ridership				April-June			
	2014	2015	Change	% Change	2014	2015	Change	% Change
800	1,370	1,510	140	10%	1,571	1,927	356	23%
801	1,408	1,468	60	4%	1,099	1,389	290	26%
Core (800 & 801)	2,778	2,978	200	7%	2,670	3,316	646	24%
822	N/A	75	N/A	N/A	N/A	52	N/A	N/A

Of the riders using the 822 service, 60% have destinations in Oakland. Only 4-5 riders per run continue on to Contra Costa County. If trips that end in Oakland are not counted, Route 822 trips cost approximately \$175/trip (Trips ending in Oakland can be served by AC Transit Routes 800 and 851). For new trips in the core (Routes 800 and 801), the cost is approximately \$23/trip.

Given the cost and complexities with Route 822 extending outside AC Transit's service area, AC Transit declined to continue the Route 822 service.

OPTIONS FOR FUTURE SERVICE

Late Night Bus Core Service

The Late Night Bus Core Service will provide 20-minute frequency service on Routes 800 (San Francisco/Mission to Richmond) and 801 (downtown Oakland to Bay Fair) from approximately 12:30 am to approximately 7:30 am on late Friday and Saturday nights.

This service has an annual cost of approximately \$510,000 (including AC Transit administrative costs). BART would enter into an agreement with AC Transit with the same key provisions as those contained in the Late Night Bus Service Pilot Project Agreement, previously approved by the BART Board in October, 2014, with the following modifications:

- Service enhancements would be extended from 2:30 am to 7:30 am.
- The Rate per Bus Trip would change from \$456 to \$367.
- The agreement would include an allowance for administrative costs of approximately \$2,000 per quarter.
- The agreement would have an added provision for an option to extend service beyond the first year. Staff would seek Board approval prior to any extension.

The Agreement would be approved as to form by the Office of the General Counsel.

Assuming a total 20% increase in ridership over 2014, this option would result in fare revenue recovery between \$30,000 and \$40,000. Assuming the same increase in ridership, the cost per new trip (not including fare revenue recovery) would be \$18.

The remaining \$240,000 would be used to cover the shortfall in the Late Night Bus Pilot project (between \$10,000 and \$20,000) and to implement an aggressive marketing campaign for the Late Night Bus Core Service option.

AC Transit has conducted California Environmental Quality Act (CEQA) and Title VI analyses and a public hearing on the Late Night Core Service. AC Transit's Title VI analysis found that continuing the 800 and 801 would not result in a disparate impact on minority populations. In September 2015, the AC Transit Board passed and adopted AC Transit Resolution No. 15-039 approving the Late Night Core Bus Service, effective on December 7, 2015 and subject to BART Board approval of the continued funding.

BART would hire a full-service Marketing/Communications agency to handle the logistics and the outreach involved in the Late Night Core Service campaign. It would also continue to use in-house strategies such as Digital Sign System (DSS), social media, etc. For a complete sample marketing plan, please see Appendix A. The plan is scalable based on budget. If \$220,000 is spent on marketing of the Late Night Bus Core Service and the campaign results in a 30% ridership increase, the cost per new trip would drop to \$17.

Late Night Yellow Line Shuttle

BART staff explored options for service similar to the 822 discontinued by AC Transit. Transdev Transportation Services Inc. (Transdev) could provide similar service to the 822 service ("Late Night Yellow Line Shuttle"), but with the starting pickup location in downtown Oakland. Service would be free of charge; service frequencies would be 40 minutes; and the shuttle could drop passengers off at any of the seven East Contra Costa County BART stations, based on demand.

The cost for a 9-month pilot of this service would be approximately \$200,000. Assuming ridership remains at current levels, trips to East Contra Costa County would cost \$197/trip, leaving less (between \$50,000 and \$70,000) for marketing of the Late Night Core Service. Although a Title VI analysis was not required for discontinuing the 822 pilot, 2015 ridership and Title VI data collected for the pilot showed that discontinuing the 822 would not result in a disparate impact on minority populations.

After exploration of the options, staff recommends continuing only the Late Night Bus Core Service (800 and 801) lines because they provide the most rider benefit for the smallest cost during the hours when BART is not running. This option best addresses the common request that BART trains remain in service all night, which is not possible due to maintenance needs.

Given the low ridership of Route 822 and the cost per trip of providing service to East Contra Costa County, staff recommends that the funds remaining from the implementation of the Late Night Bus Core Service be used for the marketing campaign. In addition, staff recommends that a portion of those funds be used to conduct market research of East Contra Costa County BART riders to find out why Route 822 did not achieve better utilization and what type of late

night/early morning bus service would attract more riders.

FISCAL IMPACT

In June 2015, the BART Board adopted the FY16 Budget, including \$750,000 for the Late Night Bus Funding, pending decisions on the details of the service provision. The maximum fiscal impact is \$750,000 from BART's operating budget.

ALTERNATIVES

Decline the motion. This would return AC Transit Routes 800 and 801 to pre-pilot service levels (i.e. 30-minute frequencies); or, both adopt the motion and also authorize an amendment to the existing Transdev contract (EAST BAY PARATRANSIT CONSORTIUM ADA PARATRANSIT SERVICES FOR AC TRANSIT AND BART, executed on July 1st, 2013) not to exceed \$200,000 to allow for the provision of the Late Night Yellow Line Shuttle Service for a period of 9 months.

RECOMMENDATION

Adopt the following motion:

MOTION

“The General Manager is authorized to execute an Agreement with AC Transit for the Late Night Bus Core Service enhancements on AC Transit Routes 800 and 801 for one year.”

APPENDIX A

BART/AC Transit Late Night Bus

Draft Marketing Plan January 2016-December 2016

Background: From December 2014-present the BART Access Department in coordination with BART Marketing and BART Communications and with the input of AC Transit, has been executing a 24-point Marketing and Communications plan to publicize the Late Night Bus Pilot Program.

Below are recommended tactics to continue to publicize Late Night Bus Service in 2016.

Estimated budget \$250,000

Recommendation is that BART Marketing hire a full-service marketing agency to produce and distribute materials, develop additional materials (e.g., stylized map), place media, perform outreach, coordinate social media, provide monthly project reports and organize monthly project meetings with BART and AC Transit.

Note: costs are estimated, pending selection of marketing agency, agency recommendations and agency fees, etc. Also, all tactics are scalable.

Assumptions: current Late Night Bus design/creative (BART IN, BUS OUT) will continue to be used (agency will not need to recreate Late Night Bus brand look and feel).

Estimated fee for Marketing Agency

Unit cost	Frequency	Total
\$50,000 for 12 months	1x	\$50,000
	Total	\$50,000

Recommended tactics:

Street teams

Street teams to distribute post cards in and around 16th Street Mission and 24th Street Mission, Downtown Oakland and UC Berkeley on Friday and Saturday nights

Unit cost	Frequency	Total
1500 per weekend	1x monthly = 12	\$18,000
T-shirts for ambassadors		\$1,000
Postcards for distribution		\$10,000
	Total	\$29,000

Late night weekend radio

:30 radio spots in English and Spanish to run Thursday-Saturday evenings and nights

Unit cost	Frequency	Total
20000 per weekend	3x	\$60,000
Radio production		\$5,000
	Total	\$65,000

Web/Mobile ads

Unit cost	Frequency	Total
\$3,000 per weekend	1x monthly=12	\$36,000
	Total	\$36,000

Out-of-home advertising

Table tents and coasters at bars/restaurants within .5 mile radius of 16th Street Mission (26 locations)

Unit cost	Frequency	Total
25000 for three months	1x	\$25,000
	Total	\$25,000

Website development

Unit cost	Frequency	Total
\$20,000	1x	\$20,000
	Total	\$20,000

Research

Unit cost	Frequency	Total
\$20,000	1x	\$20,000
	Total	\$20,000

Misc. outreach to bar/restaurant/hotel/community groups/associations and employers/employees

Unit cost	Frequency	Total
TBD	TBD	\$5,000
	Total	\$5,000

Estimated project total for agency fees and tactics as recommended	\$250,000
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Note: certain low-cost tactics currently in use will be continued. These include: Social Media, DSS at all stations served, sandwich boards at stations served, monthly project meetings.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 13, 2015
FROM: General Manager
SUBJECT: PPAAL Agenda Item # 7.B: BART Bicycle Advisory Task Force Annual Report -
For Information

At the Board of Directors meeting on November 19, 2015, the chair of the BART Bicycle Advisory Task Force (BBATF) will provide the Board with an update on the activities and accomplishments of the BBATF in 2015.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**BART BICYCLE ACCESSIBILITY TASK FORCE (BBATF)
REPORT TO BART BOARD OF DIRECTORS**

Highlights of major accomplishments and activities during 2015
November 19, 2015

- 1. New BBATF member: Mary Ann Blackwell nominated by Bike East Bay to replace Mike Jones.**
(February 2015)
- 2. Elected officers for 2015: David Favello, Chair; Shirley Johnson, Vice Chair; Rick Goldman, Secretary.**
(February 2015)
- 3. Collaborated with the BART Accessibility Task Force:**
 - Finalized recommended language for bike rules for walking bikes in all BART pedestrian areas with Alan Smith, Chair of the BARTF.
 - BBATF and BARTF joint meeting (in July 2015) where common-interest topics were discussed (e.g., wide fare gates, elevators, vertical circulation, etc.) .
 - Letter sent to BART Board (dated October 5, 2015) -- "Subject: Joint Recommendations for Improved Station Circulation".
 - Reviewed revised rail car design and made recommendations to BART staff to better accommodate disabled passengers
 - Letter sent to BART Board (dated February 17, 2015) -- "RE: Recommendation for New Rail Car Design".
- 4. Two (2) new Bike Stations opened: 19th Street station (February 2015) & Civic Center station**
(August 2015)
- 5. BART Blue Sky Festival: Jon Spangler and Craig Hagelin tabled at the event.** (April 2015)
- 6. Recommendations made to add green bike lanes to Warm Springs Station adopted by BART.**
- 7. Recommended that BART add straps to secure bikes to rails inside BART cars.**
Letter sent to BART Board (dated August 3, 2015) -- "RE: "Subject: Request to test securing straps for bicycles on trains"
- 8. Expressed our pleasure about the favorable customer survey results regarding bikes onboard.**
Letter sent to the BART Board (dated April 6, 2015) - "Subject: Thank you for supporting bicycle access to and from BART"

David Favello
BBATF Chair

Representing San Francisco: Shirley Johnson, Rick Goldman
Representing Alameda County: Jon Spangler, Mary Ann Blackwell
Representing Contra Costa County: Dave Favello, Craig Hagelin

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

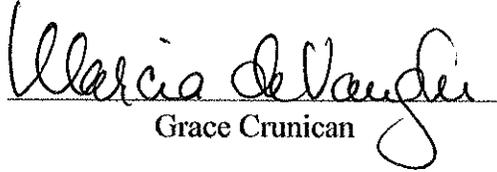
MEMORANDUM

TO: Board of Directors **DATE:** November 13, 2015

FROM: General Manager

SUBJECT: PPAAL Agenda Item # 7.C: BART Bicycle Advisory Task Force and BART Accessibility Task Force Joint Recommendations for Improved Station Circulation - For Information

At the Board of Directors meeting on November 19, 2015, the Chair of the BART Accessibility Task Force and the Chair of the Bicycle Advisory Task Force will provide the Board with joint recommendations for improved station circulation. The enclosed letter prepared and adopted by both Task Forces addresses wide fare gates, elevators and vertical circulation.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

October 5, 2015

BART Board of Directors
300 Lakeside Dr.
Oakland, CA 94604

Subject: Joint Recommendations for Improved Station Circulation

Dear Board President Blalock and Members of the BART Board of Directors,

Executive Summary

The BART Accessibility Task Force (BATF) and BART Bicycle Advisory Task Force (BBATF) held a joint meeting on July 23, 2015 to develop recommendations in areas of mutual interest regarding BART station access. Our recommendations focus on wide fare gates, elevators, and vertical circulation. Implementation would greatly improve the ingress and egress from the stations.

Wide Fare Gates

Wide fare gates exist in all stations, but there is often only one wide gate for the many customers with bicycles, wheelchairs, and other large objects (luggage, strollers, etc.) who need to use this type of gate. Wide fare gates sometimes close too soon, and if customers try to force or keep them open, the gates can suffer damage. Additionally, the wide gates are bidirectional and the directional light remains green in both directions until used. During busy periods, there can be many people trying to enter and exit at the same time. Once the gate is being used in one direction, those needing to use it the other direction often have a long, frustrating wait.

Recommendations

- Each entrance should have at least one wide fare gate.
- Wide fare gates should stay open longer to allow passengers with wheelchairs, luggage, or bikes to pass through without the gate closing and "trapping" the rider.
- Two wide fare gates at each entrance would allow for unidirectional use.

Elevators

All wheelchair users are limited to using only elevators, and bicycle riders who do not have the strength to carry bikes safely up or down the stairs are also reliant on elevators. This causes delays when there is only one small, non-ADA-compliant, and slow elevator at each station.

Recommendations

- Design all new stations with two or more larger, ADA-compliant elevators (e.g., Warm Springs/South Fremont) and retrofit existing stations with multiple elevators. (BART's busiest stations may need more than two.)
- Elevators need to be clean and remain operational longer between repairs. We thank you for accelerating the current floor replacement project schedule.
- Elevators should be larger to hold more wheelchairs and bikes at the same time.
- All elevators should be within the paid area of each station.
- Improve the signs/wayfinding to elevators. Indicate elevator location with lights.
- The pathways to the elevators should be unobstructed by signage, bike racks, displays, or other objects.
- Consider increasing the elevator speed to increase vertical capacity.
- Develop a courtesy campaign to encourage customers to allow the disabled to have priority access.

Vertical Circulation

Improving vertical circulation would help all passengers to access BART faster and more safely.

Recommendations

- Narrow stairways need to be wider (e.g., street level at Market and Montgomery).
- Increase the number of escalators and stairways.
- Develop ramps that could be used by both bicycles and wheelchairs.
- Improve wayfinding signs that are consistent throughout all stations.

Conclusion

We believe every attempt should be made to implement the above recommendations at every station, especially those not originally designed with ADA standards or BART's increasing passenger loads in mind.

The members of the BATF and BBATF recognize that these recommendations are costly and could take an extended period of time to accomplish. Some (adding and widening stairways and escalators) may not even be possible due to engineering limitations, land ownership, and other issues, but they should be included in upcoming capital improvement programs and bond measures whenever possible as they will benefit all BART passengers.

Both the BATF and BBATF are available to meet and discuss these recommendations with the BART Board and staff to assist in their implementation.

Thank you in advance for your consideration.

Respectfully submitted,



Alan B. Smith
925.825.5575
alanbsmith@sbcglobal.net



David Favello
925.939.9462
davevelo@mac.com

cc: Grace Crunican
BATF members
BBATF members

ADOPTED AT THE BATF MEETING ON SEPTEMBER 24, 2015 BY THE FOLLOWING VOTE:

AYES: Abelson, Amigo-Brown, Bunn, Crockwell, Diaz-Alvarez, Dratell, Fischer, Glock, Hastings, Newell, O'Brien, Queen, Smith, Wong, Young, Zucas

NAYS: None

ABSTENTIONS: None

ABSENT: None

ADOPTED AT THE BBATF MEETING ON OCTOBER 5, 2015 BY THE FOLLOWING VOTE:

AYES: Blackwell, Favello, Goldman, Hagelin, Johnson, Spangler

NAYS: None

ABSTENTIONS: None

ABSENT: None

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: November 13, 2015

FROM: General Manager

SUBJECT: PPAAL Agenda Item #7.D: WSX West Side Access Bridge - For Information

At the November 19, 2015 Board meeting, BART staff will be joined by the City of Fremont's Assistant City Manager, Jessica von Borck, to present an item on the proposed West Side Access Bridge at the new Warm Springs/South Fremont BART Station. The presentation will showcase the collaboration between BART and the City of Fremont to facilitate implementation of the Warm Springs Extension, and the creative community planning process led by Fremont to capitalize on this public transit investment.

In January 2016, staff will seek Board approval of a cooperative agreement between the District and the City of Fremont for funding, ownership, maintenance and operation of the West Side Access Bridge as a centerpiece of the City's already approved Innovation District. If you have any questions, please contact Bob Powers, AGM, Planning, Development and Construction at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: November 10, 2015

FROM: Independent Police Auditor

SUBJECT: Citizen Review Board Proposed Name Change

DISCUSSION:

With the intention of being more descriptive and accessible to the public, the BART Citizen Review Board (CRB) decided via a majority vote of its members to recommend to the Board of Directors that the name of the CRB be changed to "BART Police Citizen Review Board" (BPCRB). This recommendation was recently presented to the Board of Directors by the CRB Vice-Chairperson, who discussed the importance of having the name specifically indicate that the CRB oversees BART Police.

Subsequent to the recent presentation of this recommendation, the BART General Counsel issued a memorandum to the Board of Directors verifying its authority to effect such a name change at its discretion. Such a name change may be effected via an amendment to the BART Citizen Oversight Model, which established the Citizen Review Board.

MOTION:

The Citizen Review Board shall be renamed the "BART Police Citizen Review Board," and the BART Citizen Oversight Model shall be amended to reflect this change.



Mark P. Smith

Independent Police Auditor

cc: Board Appointed Officers