

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

October 25, 2007

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, October 25, 2007, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 11, 2007.* Board requested to authorize.

- B. Sale and Grant of Easement at the Colma BART Station.* Board requested to authorize.
- C. Award of Contract No. 20LR-301, Station Program Stop and Train Identification Equipment and Commissioning Support.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

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

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. Fiscal Year 2008 Budget Revision.* Board requested to authorize.
- A-2. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. Agreements for Construction Management Services for the Earthquake Safety Program.
 - A. Agreement with URS Corporation for Aerial Stations (Agreement No. 6M8014).*
 - B. Agreement with The Allen Group/Cooper Pineda Management, a Joint Venture, for Parking Structures (Agreement No. 6M8015).* Board requested to authorize.
- B-2. Award of Contract No. 15TD-201, Rail Grinding Train.* Board requested to authorize.
- B-3. Change Order to Contract No. 47BC-110, Procurement of Automatic Fare Collection Equipment, to Revise Translink Ticket Vending Machine (TVM) Implementation Schedule (C.O. No. 129).* Board requested to authorize.
- B-4. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Radulovich, Chairperson

- C-1. Teen Extreme Student Discount Program – Removal of Annual Sales Limit.* Board requested to authorize.

C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

A-1. Fiscal Year 2008 Budget Revision.* Board requested to authorize.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Agreements for Construction Management Services for the Earthquake Safety Program.

A. Agreement with URS Corporation for Aerial Stations (Agreement No. 6M8014).*

B. Agreement with The Allen Group/Cooper Pugeda Management, a Joint Venture, for Parking Structures (Agreement No. 6M8015).* Board requested to authorize.

B-2. Award of Contract No. 15TD-201, Rail Grinding Train.* Board requested to authorize.

B-3. Change Order to Contract No. 47BC-110, Procurement of Automatic Fare Collection Equipment, to Revise Translink Ticket Vending Machine (TVM) Implementation Schedule (C.O. No. 129).* Board requested to authorize.

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

C-1. Teen Extreme Student Discount Program – Removal of Annual Sales Limit.* Board requested to authorize.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

A. Report of the District Security Advocacy Ad Hoc Committee. For information.

B. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property: Oakland Airport Connector
District Negotiators: Teresa E. Murphy, Assistant General
Manager – Administration; and Kathleen
Mayo, Deputy Executive Manager – Transit
System Development
Negotiating Parties: Port of Oakland and San Francisco Bay
Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS – PUBLIC
EMPLOYEE PERFORMANCE EVALUATION:

Agency Negotiators: Directors Franklin, Murray, and Sweet
Titles: Controller/Treasurer, District Secretary
Gov't. Code Sections: 54957 and 54957.6

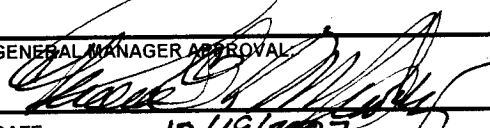
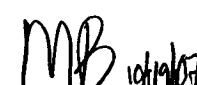
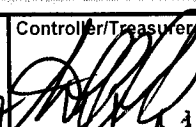
9. OPEN SESSION

A. Agreements with the City of Oakland Acting by and through Its Board of
Port Commissioners (Port of Oakland) in Connection with the Oakland
Airport Connector Project.*

1. Use, Operations, and Maintenance Agreement.
2. Development Agreement.

Board requested to authorize.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board		
DATE: 10/19/2007		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Property Development	General Counsel  10/19/07	Controller/Treasurer  10/19/07	District Secretary []	BARC []
Signature/Date:				

TITLE:

Sale and Grant of Easements at the Colma BART Station

NARRATIVE:

PURPOSE: To request Board approval for the grant of easements by the San Francisco Bay Area Rapid Transit District (BART) to Scala Development LP, a California Corporation, and Northpoint Housing, Inc., a non-profit public benefit corporation (collectively the Developers). The easements lie within BART Parcel D-1016, which contains the BART Parking Garage and Train yard, and Parcel D-1012, which contains the BART train tracks. The project proposed by the Developers, the El Camino Transit Village, consists of a 2.7-acre mixed-income housing development bordered on the east by El Camino Real and on the south by F Street in the City of Colma, California.

DISCUSSION: The El Camino Transit Village (Transit Village), which is in conformance with the San Mateo County Specific Plan developed in 1994, will increase housing and services to the area immediately adjacent to the Colma BART Station. The Transit Village, which is immediately adjacent to the Colma BART Station parking garage, is part of a service-rich neighborhood located conveniently close to schools, supermarkets, shopping malls, medical clinics and emergency services. The San Mateo County Transit District (SamTrans) provides eight bus lines that adequately service the immediate area and provide necessary connectivity to BART. The combined transit service provided by BART and SamTrans provides residents with quick access to regional job centers north to San Francisco and south to the Peninsula.

The Transit Village will consist of 155 units of housing on the 2.7-acre lot at F Street and El Camino Real. Northpoint Housing, a subsidiary of Bridge Housing Corporation, will construct 123 units of rental apartments, all of which will be affordable housing, and Scala Development will construct 32 for-sale entry level townhomes. The development will also provide a childcare facility.

The Developers propose to acquire from BART, subject to the Federal Transit Administration's concurrence, four easements that will provide pedestrian access, utility, landscaping and irrigation amenities to the Transit Village. The attached Exhibit A depicts the project area and proposed easements:

Easement One is for an approximate 8,896 square-foot non-exclusive landscape, utility, and access easement that will provide pedestrian access to both the apartment and for-sale parcels;

Easements Two and Three (combined area of approximately 6,427 square-feet) are non-exclusive landscaping and maintenance easements that will enable the Developers to conduct maintenance, landscaping and irrigation improvements benefiting the for-sale units of the project; and

Easement Four is an approximate 6,729 square-foot non-exclusive landscaping and maintenance easement that will enable the Developers to conduct maintenance, landscaping and irrigation improvements benefiting the rental apartment component of the project.

BART will primarily benefit from the sale of the easement interests by being relieved of all maintenance responsibility and liability for the easement areas on BART land. The Developers will landscape and maintain the easement areas. The Developers will pay BART a negotiated fair market value of \$48,000 for the easements. Staff has determined that this value is fair and reasonable.

In accordance with the California Environmental Quality Act (CEQA), San Mateo County prepared an Initial Study/Mitigated Negative Declaration for the Transit Village project that was adopted and certified by the San Mateo County Board of Supervisors on January 23, 2007. BART staff has determined that there will be no significant effect on the environment from granting of these easements and that the action is exempt from the provisions of the CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

BART's District Surveyor will approve the easement documents. The Office of the General Counsel will approve the documents as to form.

FISCAL IMPACT: Based on a Fair Market Value appraisal, the Developers will pay BART a one-time fee of \$48,000, which will be used in accordance with federal regulations (49 CFR 18.25) and FTA Circular 5010.1C (Grant Management Guidelines). Staff has concluded that this price is fair and reasonable.

ALTERNATIVES: Take no action, resulting in BART retaining liability and maintenance responsibility over the easement property.

RECOMMENDATION: Adoption of the following motion.

MOTION: Adopt 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 easements to Scala Development
and Northpoint Housing at the Colma BART Station
Easements D-1016E1, D-1016E2, D-1012E1 (D-1016E3) and D-1012E2

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 easements substantially as shown on the attached Exhibit A, is in the best interests of the District, and hereby authorizes, subject to Federal Transit Administration concurrence, the execution of deeds by the President or Vice President of the Board and Secretary or Assistant Secretary of the District on behalf of the District in exchange for the sum of \$48,000.

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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 _____ 200_, a majority of the members of said Board being present and voting therefor.

Dated this ____ day of _____, 200_.

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

BART:

Station

Garage

Yard



**Easement #3
For Benefit of
Lot 2
(D-1012E1)**

**Easement #1:
For Benefit of
Lot 1 and Lot 2
(D-1016E1)**

**Easement #4
For Benefit of Lot 1
(D-1012E2)**

**LOT 2: 32
Condominium
Units**

**LOT 1: 123 Rental
Apartments**


**Easement #2:
For Benefit of
Lot 2
(D-1016E2)**


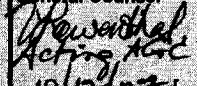

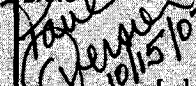
F Street

Exhibit A



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 09/21/2007	GENERAL MANAGER ACTION REQ'D: BOARD INITIATED ITEM: <input type="checkbox"/>
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Originator/Prepared by: William R Kearney Dept. Maintenance & Engineering, X-6484  Signature/Date: 10/12/07	General Counsel  Signature/Date: 10/12/07 []	Controller/Treasurer  Signature/Date: 10/15/07 []	District Secretary []	BARC  Signature/Date: 10/15/07 []
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Status: Routed	Date Created: 09/21/2007
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TITLE:

Procurement of Station Program Stop and Train Identification (PS & ID) Equipment

NARRATIVE:

Award Contract No. 20LR-301, Procurement of Station Program Stop and Train Identification (PS & ID) Equipment.

PURPOSE:

To authorize the General Manager to award Contract No. 20LR-301, for the Procurement of PS & ID Equipment with commissioning support for the rehabilitation of the thirty-three (33) legacy stations.

DISCUSSION:

Station program stop and train identification equipment is located in each BART station. The equipment sends signals to the antennae located near each station platform. The antennae communicate instructions to arriving and departing trains. The above-station equipment controls all automatic functions once the train enters the station platform, such as slowing the train to a stop, opening and closing the train doors, receiving each train's Identification and Destination Code, and dispatching the train from the platform.

This Contract is part of the greater Train Control Rehabilitation Program, and serves to replace the original aging (35 year-old) and obsolete Station Program Stop and Train Identification equipment with state-of-the-art microprocessor-based equipment providing a more efficient and reliable train platform operation.

Advance Notice to Bidders was mailed on June 12, 2007, to all interested prospective bidders, and advertised in local publications. The Bid was advertised as a two-step (qualification and price) process on June 15, 2007. A Pre-Bid Meeting and Site Inspection Tour were scheduled on July 10, 2007. Four (4) prospective bidders attended the meeting, and all bidders in attendance purchased copies of the Contract Documents. Of the four (4) bidders who purchased copies of the Contract Documents, one Bidder submitted a Bid. On August 28, 2007, the Qualification Bid

was publicly opened and subsequently evaluated. It was determined that the Bidder met the Qualifications requirements. On September 11, 2007, the Price Bid was opened. The Bid received and the Engineer's Estimate are shown below:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
B & C Transit Consultants, Inc.	San Leandro, CA	\$1,750,000
Engineer's Estimate		\$1,800,000

District staff has determined that the Bid submitted by B & C Transit Consultants, Inc. is responsive to the solicitation. The Bidder's business experience and financial capabilities indicate that the Bidder is responsible. Staff has also determined that the Bid of \$1,750,000, which is approximately 3% below the Engineer's Estimate of \$1,800,000, is fair and reasonable.

FISCAL IMPACT:

Funding of \$1,750,000 for contract 20LR-301 is included in the total project budget for the FMS#20LR – Program Stop and ID Equipment Replacement. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

<u>CA-03-0729 FY05</u>	<u>47W</u>	<u>\$773,543</u>
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As of 09/24/07, \$1,080,000 is available for commitment from this fund source for this project, and BART to date has committed \$306,457. There is \$0 pending commitment in BART's financial management system. This action will commit an additional \$773,543, leaving an uncommitted balance of \$0 in this fund.

<u>CA-05-0211 FY06</u>	<u>47X</u>	<u>\$901,022</u>
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As of 09/24/07, \$2,076,022 is available for commitment from this fund source for this project, and BART to date has committed \$545,000. There is \$0 pending commitment in BART's financial management system. This action will commit an additional \$901,022, leaving an uncommitted balance of \$630,000 in this fund.

<u>FY 00-06 Capital Allocation</u>	<u>50W</u>	<u>\$ 18,564</u>
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As of 09/24/07, \$18,564 is available for commitment from this fund source for this project, and BART to date has committed \$0. There is \$0 pending commitment in BART's financial management system. This action will commit an additional \$18,564, leaving an uncommitted balance of \$0 in this fund.

<u>CA-90-Y054 FY01</u>	<u>52T</u>	<u>\$ 42,442</u>
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As of 09/24/07, \$42,442 is available for commitment from this fund source for this project, and BART to date has committed \$0. There is \$0 pending commitment in BART's financial management system. This action will commit an additional \$42,442, leaving an uncommitted balance of \$0 in this fund.

CA-90-Y111 FY02

52U

\$ 14,429

As of 09/24/07, \$14,429 is available for commitment from this fund source for this project, and BART to date has committed \$0. There is \$0 pending commitment in BART's financial management system. This action will commit an additional \$14,429, leaving an uncommitted balance of \$0 in this fund.

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

ALTERNATIVES:

The alternative is to continue to "patch" the aging and obsolete legacy equipment, and endure the inevitable failures resulting in delays to revenue service. These types of failures could result in severe delays.

RECOMMENDATION:

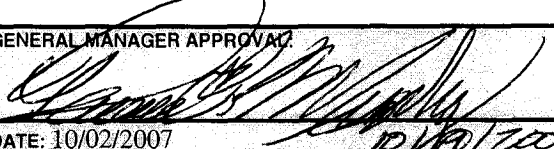
On the basis of analysis by staff, and certification by the Controller / Treasurer that funds are available for this procurement, adoption of the following motion.


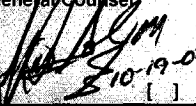


MOTION:

The General Manager is authorized to award Contract No. 20LR-301, Procurement of Station Program Stop and Train Identification (PS and ID) Equipment, to B & C Transit Consultants, Inc., for the Bid price of \$1,750,000.00, plus applicable taxes, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Place on the October 25, 2007 Administration Committee Agenda	
DATE: 10/02/2007		BOARD INITIATED ITEM: No	

Originator/Prepared by: Robert Umbreit Dept: Operating Budgets and Analysis  Signature/Date: 10/19/07	General Counsel  Signature/Date: 10/19/07	Controller/Treasurer  Signature/Date: 10/18/07	District Secretary []	BARC  Signature/Date: 10/19/07
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Status: Approved	Date Created: 10/02/2007
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TITLE:

Fiscal Year 2008 Budget Revision

NARRATIVE:

PURPOSE: To amend the Fiscal Year 2008 (FY08) Annual Budget

DISCUSSION: Board approval is requested for amendments to the FY08 operating budget for additional State Transit Assistance (STA) funding, new operating expenses, capital rehabilitation allocations, and technical corrections to the operating budget. The revision also incorporates items that have been previously approved by the Board, but were not included in the adopted FY08 budget.

Operating Sources

The Metropolitan Transportation Commission (MTC) estimates that FY08 STA funds from the final State budget are **\$5.9 million (M)** higher than the adopted budget. As discussed with the Board during the FY08 budget development, **\$12.1M** in spillover-generated additional FY07 STA funds will also be received in FY08, which we plan to put into operating reserves to help fund the FY09 retiree medical back-payments for FY06 and FY07. Two additions to operating sources are from items previously approved by the Board: an allocation from reserves generated from FY07 year-end results to fund **\$4.4M** in one-time projects, and **\$0.25M** in revenue is added for the West Bay long-term parking program. In total, these revision items add **\$22.6M (3.7%)** to the FY08 operating sources budget.

Operating Uses

New operating expenses of **\$2.7M** are proposed:

- Rail car maintenance expense - AC traction motor replacement, sub-floor replacement, auxiliary power supply driver boards, communication control panel replacement (\$1.7M)
- Operations Training - two staff positions and program development expenses for Power & Mechanical and communications technician training (\$0.4M)
- Labor Day CalTrans Bay Bridge mitigation - service expenses for overtime and maintenance materials (\$0.3M)
- District benefits program - functional review (\$0.2M)
- New paramedic program - revised, slightly higher cost for program designed to mitigate Transbay Tube delays due to ill customers and increase on-time performance (\$0.1M)

New capital allocations of **\$2.1M** are also proposed:

- New Rail Car procurement - contract development work (\$0.6M)
- Demonstration and testing of limited-use smart card (\$1.1M)
- Parking smart card program - additional funding (\$0.1M)
- Diesel exhaust scrubbers - second year of a multi-year effort to install on non-revenue vehicles (\$0.3M)

Finally, **\$0.3M** is recommended to be added to operating reserves related to power, to be available to supplement market uncertainty reserves. In total, proposed new expenses and allocations add \$5.1M to the FY08 operating uses budget.

Budget operating expense corrections of \$1.4M are necessary to correct errors in the labor budget related to capital credits and in non-labor for the building lease budget. These increases are partially offset by \$1.0M in budget savings, including lower debt service (\$0.9M) due to FY07 over-collections of premium fare revenue that will be credited back to BART in FY08, and a reduction in budgeted capital allocations (\$0.1M) for parking equipment that was paid off in the FY07 year-end Board action. In total, the budget corrections net to a \$0.4M increase in operating uses.

Two items that were previously approved by the Board are also in the FY08 budget revision: a Bart Police Managers' Association (BPMA) side letter revising step progression rates (\$0.4M), and the West Bay long-term parking program. The parking program adds a small amount of vendor fees (less than \$0.1M) to the expense budget, with the remaining net revenue (\$0.2M) allocated to reserves for SFO operations.

Year-end results of **\$4.4M** from FY07 were also approved by the Board and were set aside in reserves. They are allocated in this budget revision for one-time projects in FY08. These include \$3.4M in operating expenses to address demagnetized tickets, develop the scope of an information technology strategic plan, develop strategies and initiatives related to greenhouse gas reduction programs, traction motor replacement, survey BART property for solar project development (or pursuing other sustainable energy) and real-time metering of traction power. Also included is an allocation of \$1.0M for funding the District's share in a new high-efficiency power plant. The agreement to participate in the power plant environmental review and design phases has "off-ramps" at various phases of the project, and is planned to come to the Board for approval later this year.

FISCAL IMPACT: The revenue, expense and allocation items discussed above are summarized in Attachment 1 and the attached resolution. These revisions will produce a balanced budget for FY08, including a \$12.6M allocation to operating reserves.

ALTERNATIVES: Staff recommends the proposed revisions to implement the available funding. Alternatively, the Board may wish to direct staff to develop different proposals for the available funds.

RECOMMENDATION: Approval of the motion below.

MOTION: Adoption of the attached resolution.

ATTACHMENT 1

Fiscal Year 2008 District Operating Budget Sources and Uses Detail

SOURCES	FY08 ADOPTED	Revisions	FY08 REVISED
Rail Passenger Revenue	\$ 297,600,000		\$ 297,600,000
ADA Passenger Revenue	585,000		585,000
Parking Revenue	9,389,813	250,000	9,639,813
Other Operating Revenue	20,518,755		20,518,755
Sub-Total Operating Revenue	328,093,568	250,000	328,343,568
Sales Tax Proceeds	203,404,746		203,404,746
Property Tax Proceeds	29,256,000		29,256,000
STA & TDA Assistance	3,747,753	17,978,722 ⁽¹⁾	21,726,475
Measure B	1,992,969		1,992,969
Federal 5307 Preventive Maintenance	5,143,942		5,143,942
Federal 5307 Grant - Rail Car MTC Fund Swap	22,681,000		22,681,000
Millbrae Use, Operating & Maint. Agreement	700,000		700,000
Allocation from SFO Reserve Account	10,355,119		10,355,119
Allocation from Operating Reserves	1,252,500	4,380,000 ⁽²⁾	5,632,500
Sub-Total Financial Assistance & Allocations	278,534,029	22,358,722	300,892,751
TOTAL SOURCES	606,627,597	22,608,722	629,236,319
USES			
Labor	357,405,943	1,459,137	358,865,080
OPEB Unfunded Liability	22,072,574		22,072,574
ADA Paratransit	11,100,000		11,100,000
Purchased Transportation	2,728,367		2,728,367
Power	34,746,000		34,746,000
Other Non-Labor	83,122,267	6,459,863	89,582,130
Extraordinary Expense - Rail Car Fund Swap	22,681,000		22,681,000
Sub-Total Operating Expense	533,856,151	7,919,000	541,775,151
Debt Service	60,262,270	(859,641)	59,402,629
MTC Loan Debt Service	6,410,000		6,410,000
Allocation - To SFO Reserves	17,501,349		17,501,349
Allocation - To Operating Reserves	-	12,609,363 ⁽³⁾	12,609,363
Allocation - Capital Rehabilitation	9,915,401	2,070,000	11,985,401
Allocation - Access Programs	625,000		625,000
Allocation - Parking Capital Equipment	130,000	(130,000)	-
Allocation - Power Generation		1,000,000	1,000,000
Sub-Total Allocations	94,844,020	14,689,722	109,533,742
TOTAL USES	628,700,171	22,608,722	651,308,893
OPEB Unfunded Liability	(22,072,574)		(22,072,574)
NET RESULT	\$ -	\$ -	\$ -
Operating Ratio	64.2%		63.3%
Rail Farebox Recovery Ratio	59.8%		58.9%
Farebox Recovery Ratio	58.3%		57.4%

⁽¹⁾ Includes \$12,062,317 of carry-over FY07 STA plus \$5,916,405 of FY08 STA from final State budget

⁽²⁾ Funding from FY07 year-end results, allocation funds \$4.4M in one-time FY08 operating projects

⁽³⁾ Includes \$339,046 reserves for power, \$208,000 West Bay parking SFO operating reserve fund, and \$12,062,317 to fund FY09 back-year retiree medical funding payment for FY06 and FY07

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

In the matter of amending Resolution No. 5017 regarding Fiscal Year 2008 Annual Budget

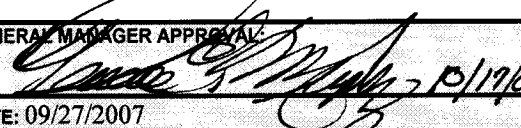
Resolution No. _____

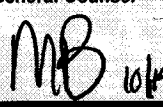


RESOLVED, that Resolution No. 5017 is amended by changing the following line items in Exhibit A thereof:

	<u>Current Amount</u>		<u>Increase/ (Decrease) In This Resolution</u>	<u>Amended Amount</u>
<u>Fund Source Line Item:</u>				
STA/TDA	\$ 3,747,753	\$	17,978,722	\$ 21,726,475
Allocations from Operating Reserves	\$ -	\$	4,380,000	\$ 4,380,000
Operating Revenue	\$ 328,093,568	\$	250,000	\$ 328,343,568
<u>Fund Use Line Item:</u>				
Net Labor Expense	\$ 379,478,517	\$	1,459,137	\$ 380,937,654
Non-Labor Expense	\$ 131,696,634	\$	6,459,863	\$ 138,156,497
Revenue Bond Debt Service	\$ 60,262,270	\$	(859,641)	\$ 59,402,629
Allocations to Operating Reserves	\$ -	\$	12,609,363	\$ 12,609,363
Allocations to Capital Rehabilitation	\$ 9,915,401	\$	2,070,000	\$ 11,985,401
Allocations - Access & Other	\$ 755,000	\$	(130,000)	\$ 625,000
Allocations - Power Generation	\$ -	\$	1,000,000	\$ 1,000,000



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 09/27/2007	GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors BOARD INITIATED ITEM: No
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Originator/Prepared by: Shirley J Ng Dept: TSD Signature/Date:	General Counsel 	Controller/Treasurer 	District Secretary []	BARC  10/15/07
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Status: Routed	Date Created: 09/27/2007
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TITLE:

**AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M8014
FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE
EARTHQUAKE SAFETY PROGRAM AERIAL STATIONS**

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M8014 in an amount not to exceed \$10,000,000 with URS Corporation (URS) for Construction Management Services in support of aerial station retrofits as part of the Earthquake Safety Program (Program). The term of the Agreement will run through December 31, 2011, and the District shall be able to extend the Agreement for two additional one-year periods, at its option.

DISCUSSION:

Preliminary design of retrofits for the aerial stations is complete, with the first station contract anticipated to advertise in December 2008. Construction management services are needed for constructibility reviews during the design phase. These retrofit contracts may involve enlarging or thickening the existing foundation, jacketing columns, and strengthening the pier caps with shear keys or seat extenders. Program staff will require assistance to manage the construction and coordinate the construction activities.

Accordingly, RFP No. 6M8014, to procure a consultant to conduct construction management activities for the aerial stations, was released on July 6, 2007. Advance notices were mailed on June 29, 2007 to 64 prospective proposers. RFP No. 6M8014 was advertised in nine publications both locally and nationally. A pre-proposal meeting was held on July 20, 2007 that was attended by 52 prospective proposers.

Six proposals were received on August 14, 2007, from the following firms:

Firm	Location
PGH Wong Engineering, Inc.	San Francisco, CA
URS Corporation	San Francisco, CA
Anil Verma Associates, Inc.	Oakland, CA
CMTS	Oakland, CA
TRS Consultants, Inc./F.E. Jordan Associates, Inc., Joint Venture	San Ramon, CA
PB Americas, Inc./Don Todd Associates, Inc., Joint Venture	Oakland, CA

The proposals were evaluated by a Source Selection Committee chaired by BART Contract Administration and composed of representatives from BART's Transit System Development department, Maintenance and Engineering department, Office of Civil Rights and the ESP General Engineering Consultant, Bechtel Infrastructure Corp. Proposals were first reviewed to determine if the proposals were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the proposing firms and the project team. As a result of the technical evaluation, four proposers were short-listed to participate in the oral presentations (PGH Wong, URS, TRS/Jordan, and PB/Don Todd). Oral presentations were conducted on September 11-12, 2007.

The Source Selection Committee recommends the award of Professional Services Agreement No. 6M8014 for Construction Management Services for the Earthquake Safety Program Aerial Stations to URS based on its highest cumulative technical evaluation and oral presentation scores. Staff determined that the rate structure for a cost-plus-fixed-fee Agreement is fair and reasonable and that URS is a responsible organization. BART's internal audit department is working with Caltrans' requirement for a pre-award audit, the results of which will be incorporated into the executed Agreement, as appropriate.

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

FISCAL IMPACT:

Agreement No. 6M8014 has a not-to-exceed cost limit of \$10,000,000. District financial obligations under the Agreement will be subject to Annual Work Plans (AWPs). Each AWP will have a defined scope of services and separate schedule and budget. Any AWP assigned for funding under a State or federal grant will include State or federal requirements. AWP's will be approved only if BART Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each AWP.

BART's Manager, Earthquake Safety Program, will have the authority to issue AWP's and to administer Agreement No. 6M8014.

Funding for individual AWP's will be provided from BART's Capital Budget accounts as evidenced by the issuance of related work orders.

ALTERNATIVE:

Not to authorize award of the proposed Agreement. If the Agreement is not awarded, BART would have to seek other means of furnishing the required construction management services, adding cost and time to the Program.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute Agreement No. 6M8014 with URS Corporation of San Francisco, CA for Construction Management Services for the Earthquake Safety Program Aerial Stations in an amount not to exceed \$10,000,000 for a term ending December 31, 2011 with two, one-year options to extend the term, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and subject to notification by BART's General Manager and compliance with the District's protest procedures and FHWA's requirements related to protests.

CONSTRUCTION MANAGEMENT SERVICES FOR EARTHQUAKE SAFETY PROGRAM AERIAL STATIONS

• Introduction

The San Francisco Bay Area Rapid Transit District requires construction management services to oversee BART construction contracts for the seismic retrofits of the aerial stations.

Request for Proposal (RFP) No. 6M8014 was issued to provide the District with the required services.

The RFP described the selection process in detail and indicated the criteria to be used for making the selection.

• Scope of Work

- Resident, field and office engineering
- Inspection services
- Constructibility reviews
- Hazard and safety analyses
- Surveying services
- Environmental monitoring
- Construction safety oversight
- Independent quality assurance oversight
- Project communications/recordkeeping
- Cost and schedule management
- Coordination with other entities
- Progress reporting and project closeout

• Selection Process

Followed California Government Code and Federal Brooks Act regulations related to the procurement of Architectural/Engineering services in which:

- Proposers are first evaluated on the basis of their qualifications utilizing both written and oral presentations
- Upon determining the most qualified proposer, the terms and conditions of the Agreement are then negotiated.

RECOMMENDED AWARD

- **Agreement No. 6M8014**

Recommended award to URS Corporation for a term ending 12/31/2011, with two, one-year options to extend the term, with a not-to-exceed value of \$10 million.

Subconsultant Name, Location – Services

Cooper Pugeda Management, Inc., San Francisco, CA – Office Engineering
Ghirardelli Associates, Oakland, CA – Resident Engineering, Office Engineering, Inspection
Larano & Associates, Redwood City, CA – Scheduling
Quality Engineering, Inc., Oakland, CA – Quality Assurance
The Hanna Group, Burlingame, CA – Constructibility Review and Inspection

- **Reasons for Selection**

- Strong experience in construction management and construction in an operating environment
- Strong experience in retrofit of aerial structures and stations
- Strong technical knowledge of project issues
- Strong qualifications of project team
- Strong performance in orals


FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM


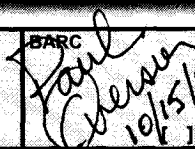
PROJECT ELEMENT	Baseline Budget	Current Forecast as of 9/30/07	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$176,650,003	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$176,650,003	
CM	\$61,498,000	\$53,339,000	
Environmental	\$1,042,796	\$2,671,285	
TOTAL E, E & CM	\$249,018,796	\$232,660,288	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,173,000	
Oakland Landside	\$17,970,000	\$12,672,339	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$15,122,000	
Marine Vibro Demo	\$101,285,000	\$209,439,000	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$132,254,000	
Fremont	\$178,224,000	\$159,046,000	
Concord	\$36,500,000	\$37,185,000	
Richmond	\$80,155,000	\$76,811,000	
San Francisco/Daly City	\$36,590,000	\$50,032,000	
Stations (#)	\$126,961,000	\$104,427,000	
Other Structures			
LMA	\$5,529,000	\$6,363,925	
Yds & Shops	\$12,436,000	\$12,305,000	
Parking Structures	\$14,437,000	\$16,252,000	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$6,221,000	
TOTAL CONSTRUCTION	\$909,469,000	\$839,303,264	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$203,340,448	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$78,196,000	
TOTAL PROGRAM COSTS	\$191,998,204	\$281,536,448	
TOTAL FUNDING	\$1,350,486,000	\$1,353,500,000	Funding may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43.5m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL  DATE: 09/27/2007	GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors BOARD INITIATED ITEM: No
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Originator/Prepared by: Shirley J Ng Dept: TSD x 4927 Signature/Date:	General Counsel MB 10/15/07	Controller/Treasurer  10/15/07	District Secretary []	BARC  10/15/07
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Status: Routed	Date Created: 09/27/2007
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TITLE:

**AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENT NO. 6M8015
FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE
EARTHQUAKE SAFETY PROGRAM PARKING STRUCTURES**

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M8015 in an amount not to exceed \$2,000,000 with The Allen Group/Cooper Pineda Management, a Joint Venture, for Construction Management Services in support of parking structure retrofits as part of the Earthquake Safety Program (Program). The term of the agreement will run through December 31, 2009 and the District shall be able to extend the agreement for one additional one-year period, at its option.

DISCUSSION:

Preliminary design of retrofits for the parking structures is complete, with an anticipated contract advertisement in June 2008. Construction management services are needed for constructibility reviews during the design phase. This retrofit contract may involve foundation strengthening, column jacketing, connection strengthening and addition of shear walls. Program staff will require assistance to manage construction and coordinate activities.

Accordingly, Statement of Qualifications (SOQ) No. 6M8015, to procure a consultant to conduct construction management activities for the parking structures was released on August 1, 2007. Advance notices were mailed on August 1, 2007 to 62 proposers. SOQ No. 6M8015 was advertised in 13 publications both locally and nationally. A pre-submittal meeting was held on August 13, 2007 that was attended by 51 prospective proposers.

Nine SOQs were received on August 28, 2007 from the following firms:

<u>Firm</u>	<u>Location</u>
1) 4 Leaf, Inc.	Pleasanton, CA
2) CMTS	Oakland, CA
3) Don Todd Associates, Inc.	Oakland, CA
4) Harris & Associates	Concord, CA
5) Luster National Inc.	San Francisco, CA
6) PGH Wong Engineering, Inc.	San Francisco, CA
7) The Allen Group/Cooper Pugeda Management, a Joint Venture	San Francisco, CA
8) TRS Consultants, Inc.	San Ramon, CA
9) Turner Construction Company	San Francisco, CA

The SOQs were evaluated by a Source Selection Committee chaired by BART Contract Administration and composed of representatives from BART's Transit System Development department, Maintenance and Engineering department, Office of Civil Rights and the Program's General Engineering Consultant, Bechtel Infrastructure Corporation. SOQs were first reviewed to determine whether they were considered responsive to the requirements of the SOQ request. Subsequently, the SOQs were evaluated and scored on the basis of the criteria contained in the SOQ request with respect to the qualifications of the proposing firms and the project team. As a result of the technical evaluation, six proposers (Don Todd Associates, Inc.; Harris & Associates; Luster National Inc.; PGH Wong Engineering, Inc.; The Allen Group/Cooper Pugeda Management, a Joint Venture; and TRS Consultants, Inc.) were short-listed to participate in the oral presentations. Oral presentations were conducted on September 26-27, 2007.

The Source Selection Committee recommends the award of Professional Services Agreement No. 6M8015 for Construction Management Services for the Program's parking structures to The Allen Group/Cooper Pugeda Management, a Joint Venture, based on its highest cumulative technical evaluation and oral presentation scores. Staff determined that the rate structure for a cost-plus-fixed fee agreement is fair and reasonable and The Allen Group/Cooper Pugeda Management, a Joint Venture, is a responsible proposer.

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

FISCAL IMPACT:

Agreement No. 6M8015 has a not-to-exceed cost limit of \$2,000,000. District financial obligations under the Agreement will be subject to Annual Work Plans (AWPs). Each AWP will have a defined scope of services and separate schedule and budget. Any AWP assigned for funding under a State or federal grant will include State or federal requirements. AWP's will be approved only if BART Capital Development and Control certifies the eligibility of identified funding sources and the Controller/Treasurer certifies the availability of funding prior to execution of each AWP.

BART's Manager, Earthquake Safety Program, will have the authority to issue AWP's and to administer Agreement No. 6M8015.

Funding for individual AWP's will be provided from BART's Capital Budget accounts as evidenced by the issuance of related work orders.

ALTERNATIVE:

Not to authorize award of the proposed Agreement. If the Agreement is not awarded, BART would have to seek other means of furnishing the required construction management services, adding cost and time to the Program.

RECOMMENDATION:

Staff recommends that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute Agreement No. 6M8015 with The Allen Group/Cooper Pineda Management, a Joint Venture, of San Francisco, CA for Construction Management Services for the Earthquake Safety Program parking structures in an amount not to exceed \$2,000,000 for a term ending December 31, 2009 with one, one-year option to extend the term, subject to notification to be issued by BART's General Manager and compliance with the District's protest procedures.

CONSTRUCTION MANAGEMENT SERVICES FOR EARTHQUAKE SAFETY PROGRAM PARKING STRUCTURES

• Introduction

The San Francisco Bay Area Rapid Transit District requires construction management services to oversee the BART construction contract for the seismic retrofit of parking structures.

Statement of Qualifications (SOQ) No. 6M8015 was issued to provide the District with the required services.

The SOQ described the selection process in detail and indicated the criteria to be used for making the selection.

• Scope of Work

- Resident, field and office engineering
- Inspection or testing services
- Constructability reviews
- Hazard and safety analysis
- Construction safety oversight
- Independent quality assurance oversight
- Project communications/recordkeeping
- Cost and schedule management
- Coordination with other entities
- Progress reporting and project closeout

• Selection Process

Followed California Government Code and Federal Brooks Act regulations related to the procurement of Architectural/Engineering services in which:

- Proposers are first evaluated on the basis of their qualifications, utilizing both written and oral presentations
- Upon determining the most qualified proposer, the terms and conditions of the Agreement are then negotiated.

RECOMMENDED AWARD

- **Agreement No. 6M8015**

Recommended award to The Allen Group/Cooper Pineda Management, a Joint Venture, for a term ending 12/31/2009, with one, one-year option to extend the term, with a not-to-exceed value of \$2 million.

Subconsultant Name, Location – Services

None are proposed.

- **Reasons for Selection**

- Strong experience in construction management of parking structures
- Strong knowledge of project issues and solutions
- Strong qualifications of project team
- Excellent utilization of team personnel

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM


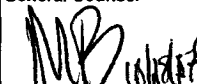

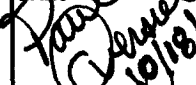
PROJECT ELEMENT	Baseline Budget	Current Forecast as of 9/30/07	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$176,650,003	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$176,650,003	
CM	\$61,498,000	\$53,339,000	
Environmental	\$1,042,796	\$2,671,285	
TOTAL E, E & CM	\$249,018,796	\$232,660,288	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,173,000	
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Richmond	\$80,155,000	\$76,811,000	
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Parking Structures	\$14,437,000	\$16,252,000	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$6,221,000	
TOTAL CONSTRUCTION	\$909,469,000	\$839,303,264	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$203,340,448	Includes Bond Cost & OCIP
Contingency	\$32,104,000	\$78,196,000	
TOTAL PROGRAM COSTS	\$191,998,204	\$281,536,448	
TOTAL FUNDING	\$1,350,486,000	\$1,353,500,000	Funding may increase w/Caltrans providing local match. Match will not be included in budget until formally received from Caltrans.

(Funding includes \$43.5m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 10/18/07	GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board BOARD INITIATED ITEM: No
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Originator/Prepared by: Michael O Brown Dept: Maintenance & Engineering x6505 Signature/Date:  10/18/07	General Counsel 	Controller/Treasurer 	District Secretary []	BARC  10/18/07
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TITLE:

AWARD OF CONTRACT NO. 15TD-201 PROCUREMENT OF A RAIL GRINDING TRAIN

NARRATIVE:

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15TD-201 to Loram Maintenance of Way, Inc., Hamel, Minnesota ("Loram"), in the amount of \$4,377,770 plus applicable taxes, for the procurement of one Rail Grinding Train, for use by the District's Maintenance & Engineering Department.

DISCUSSION:

Rail corrugation continues to be the primary cause of noise complaints at BART. Rail grinding is the only method available to BART, and the rail industry, for mitigating rail corrugation. Additional benefits of rail grinding include increased rail and fastener life and a reduction in rail defects.

In the past, BART only had one rail grinding train. BART has grown in size and also increased the number of trains, resulting in a decrease in our ability to keep up with noise causing rail corrugations. Increased housing near BART and increased parking under BART elevated tracks has increased the expectations of our neighbors and created challenges that impact BART's ability to grind the rail. With this procurement, staff will be better able to implement efforts to reduce noise on the BART system.

BART staff originally planned to rebuild the existing 17-year-old rail grinding train, but changes in the rebuilding market, non-availability of repair parts, the high production rate of the new rail grinding train, availability of funding, and the fact that BART would lose the production capacity of the old train during rebuilding led staff to decide to procure a second rail grinding train. As described further below, in January 2006, the Board approved award of Contract No. 79BJ-2FH for a new rail grinding train to Loram. Now, with the award of Contract No. 15TD-201 for a second new rail grinding train, staff expects a minimum of a 33% increase in production capacity for rail grinding on the BART system.

Procurement History

In 1989, BART procured a rail grinding train at a cost of \$1,095,000. Later, BART rebuilt and upgraded the train for an additional \$875,000, for a total investment of \$1,970,000.

In January 2006, the Board authorized the General Manager to award Contract No. 79BJ-2FH to Loram Rail Equipment LLC, Hamel, Minnesota, in the amount of \$2,635,012.50 for the purchase of a new rail grinding train. In August 2006, the Board authorized the General Manager to execute Change Order No. 1 to Contract No. 79BJ-2FH, to increase the capacity of the train and add additional features, in the amount of \$931,226. This increased the total value of this Contract to \$3,566,238.50. The cited amounts include applicable taxes.

Thereafter, staff concluded that it would be in the District's interest to purchase a second new rail grinding train.

Advance Notice to Bidders was mailed to 3 prospective bidders and Contract No. 15TD-201 for the procurement of a Rail Grinding Train was advertised on September 20, 2007. A pre-bid meeting was held on September 28, 2007 and was attended by one prospective bidder. One Bid was received from Loram on October 2, 2007, as follows:

<u>Name of Firm</u>	<u>Bid Amount</u>	<u>Total Including 8.75% Sales Tax</u>
Loram Maintenance of Way, Inc. Hamel, Minnesota	\$4,377,770	\$4,760,825
Engineer's Estimate	\$4,300,000	

After review by District staff, the Bid submitted by Loram has been determined to be responsive to the solicitation and the Bidder's business experience, and financial capabilities indicate that the Bidder is responsible. Staff has also concluded that Loram's Bid price of \$4,377,770 is fair and reasonable. Two factors weighed heavily on staff in making the determination: Loram's Bid is only \$77,770 (0.018%) more than the sealed Engineer's Estimate. Furthermore, there is an additional economic benefit to the District from this Bid, in that since the rail grinding train offered is identical to that just received under Contract No. 79BJ-2FH, long term training, maintenance and operational costs will be reduced.

FISCAL IMPACT:

Funding for the \$4,760,825 for the award of this Contract is included in the total project budget for the FMS# 15TD, Wayside Equipment. The Controller/Treasurer certifies that funds are currently available to meet this obligation. Eighty percent (80%) of the funds for the Contract will come from Federal Transit Administration (FTA) funding sources and twenty percent (20%)

from local Bridge Toll Funds, as follows:

CA-90-Y421 – FY06 Capital Improvement	52Y	\$4,305,413
	FTA Portion	\$3,444,330
	Bridge Toll Funds Portion	\$861,083

As of 8/26/07, \$4,607,429 is available for commitment from this fund source for this project, and \$0 has been committed by BART to date. There is \$0 of pending commitment in BART's financial management system. This action will commit \$4,305,413, leaving an uncommitted balance of \$302,016 in this fund source.

CA-05-0211 – FY06 Capital Improvement	47X	\$455,412
	FTA Portion	\$364,330
	Bridge Toll Funds Portion	\$91,082

As of 8/26/07, \$3,534,722 is available for commitment from this fund source for this project, and \$218,819 has been committed by BART to date. There is \$2,270,000 of pending commitment in BART's financial management system. This action will commit an additional \$455,412, leaving an uncommitted balance of \$590,491 in this fund source.

There is no fiscal impact on available unprogrammed District Reserve.

ALTERNATIVE:

Three alternatives have been identified:

1. Cancel this Bid and Re-Bid another Contract. With this option it is expected by staff to take an additional 6 months to 1 year to receive a second rail grinding train; this beyond the current expected 8 month delivery after the execution of the current Contract.
2. Rebuild the old rail grinding train. With this option it would most likely cost less but will provide less production capacity. There will be no gain to train operation, training and maintenance efficiencies. It will also increase the time it will take to have two rail grinding trains.
3. Continue rail grinding efforts without rebuilding the old rail grinding train and with one new rail grinding train. With this alternative we will expect an increase in operational costs and dwindling production from the old train.

All of these options will leave the District with less available capacity to mitigate noise complaints.

RECOMMENDATION:


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

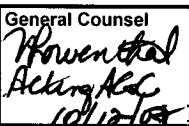
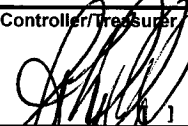
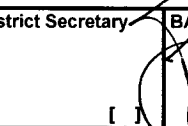


MOTION:

The General Manager is authorized to award Contract No. 15TD-201 for the procurement of a Rail Grinding Train to Loram Maintenance of Way, Inc., Hamel, Minnesota, in the amount of \$4,377,770 plus applicable taxes, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 	GENERAL MANAGER ACTION REQ'D: Approve and forward to October 25, 2007 E&O Committee
DATE: 09/11/2007	BOARD INITIATED ITEM: No

Originator/Prepared by: Chris Quinn Dept: Transit System Development	General Counsel  Acting AGC 10/12/07	Controller/Treasurer 	District Secretary 	BARC  10/17/07
Signature/Date:  10/11/07				

TITLE:

CHANGE ORDER NO. 129 TO CONTRACT NO. 47BC-110 PROCUREMENT OF AUTOMATIC FARE COLLECTION EQUIPMENT

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to execute Change Order No. 129 (Revise TransLink TVM Implementation Schedule) to Contract No. 47BC-110, Procurement of Automatic Fare Collection (AFC) Equipment.

DISCUSSION: Award of Contract No. 47BC-110 to Cubic Transportation Systems, Inc. (Cubic) in the amount of \$30, 791, 366 was authorized by the Board of Directors on January 14, 1999. Two contract options were exercised after contract award to bring the total base contract value to \$44,250,317.

Change Order No. 129 will compensate Cubic in the amount of \$1,493,196 for modification of the delivery schedule for TransLink regional smart card integration on BART's Ticket Vending Machines (TVMs). Pursuant to Board Rule 5-2.4, except for construction and procurement contracts greater than \$200 million, any Change Order involving an expenditure greater than \$200,000 requires Board approval.

Integration of Translink smart card load capability into BART's TVMs was a condition established by BART for its participation in the regional TransLink program, memorialized in the Memorandum of Understanding for TransLink Implementation executed by BART and the Metropolitan Transportation Commission (MTC) in 2003. TVM TransLink integration was contemplated in the original scope of BART Contract No. 47BC-110 with Cubic and in MTC's TransLink contract with Motorola, Inc. (MOT/ERG), both executed in 1999; however at that time the integration requirements could not be furnished to MOT/ERG or Cubic because system designs were not sufficiently developed. In 2004, the preliminary design requirements for TVM TransLink integration were completed and a system architecture was established that could serve as a basis for directing Cubic and MOT/ERG to proceed with TransLink integration in BART's TVMs. To that end, the District issued Change Order No. 87 (CO No. 87) to Cubic in late 2004, and MTC issued its own Change Order No. 67 to MOT/ERG in mid-2005. The Contract completion date specified in BART CO No. 87 to Cubic was March 31, 2006. Cubic

commenced work immediately upon execution of CO No. 87, and by late 2005 had completed final design on its portion of the TVM integration effort. However, MOT/ERG, had not performed substantive work on TVM integration as of that time and it was necessary for the District to issue a stop work notice to Cubic in early 2006 on the work specified in CO No. 87 until such time as MOT/ERG could apply the necessary resources to its portion of the development process. Since expiration of the Cubic Contract completion date specified in BART CO No. 87, the District has issued a series of temporary Contract time extensions awaiting MOT/ERG availability to recommence work on BART TVM integration and an updated completion schedule for the work that could be incorporated into a new Contract completion date.

In late 2006, MOT/ERG commenced work on its scope related to TVM TransLink integration and by mid-2007, a new joint TVM integration completion schedule was developed and agreed to by all parties. This new schedule forecasts BART TVM TransLink integration work to be completed by March, 2009. Change Order No. 129 incorporates the new TVM TransLink completion schedule with a new Contract completion date of March 31, 2009 into the requirements of Contract No. 47BC-110. The scope of work required for TVM TransLink integration is not substantively changed; however, Cubic is entitled to compensation for costs incurred in the three-year increase to the Contract duration. These costs consist of ramp-up of engineering staff for performance of work remaining in TVM TransLink integration scope, as well as management and oversight costs for the extended duration, in the total agreed-upon amount of \$1,493,196. MTC has recently reconfirmed its commitment to fund BART TVM TransLink integration, including costs associated with this Change.

The Office of General Counsel will approve Change Order No. 129 as to form prior to execution. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines.

FISCAL IMPACT: Funding for the \$1,493,196 change order is included in the total project budget for the FMS# 47BL, Translink -Vending. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

RM2 Regional Traffic Relief

61T

\$1,493,196

As of month ending 8/26/07, \$9,680,000 is available for commitment from this fund source for this project, and BART to date has committed \$5,410,581. There is \$629,116 pending commitment in BART's financial management system. This action will commit an additional \$1,493,196, leaving an uncommitted balance of \$2,147,107 in this fund source.

There is no fiscal impact on available unprogrammed District Reserve.

ALTERNATIVES: Do not approve the recommendation. This will defer deployment of TVM TransLink integration in the BART system indefinitely.

RECOMMENDATION: Adoption of the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 129 to Contract No. 47BC-110, Procurement of Automatic Fare Collection Equipment, with Cubic Transportation Systems, Inc. for Revision of TransLink TVM Implementation Schedule, in the amount of \$1,493,196.00, plus applicable sales tax.

Attachments

CHANGE ORDER SUMMARY FORM

BACKGROUND

Name of Supplier: Cubic Transportation Systems, Inc.
Contract No./NTP Date: 47BC-110 / February 16, 1999
Contract Description: Procurement of Automatic Fare Collection Equipment
Percent Complete (thru 9/1/07): 96%

COST (Not incl. sales tax or escalation)

Original Contract Amount including Options Exercised after Award: \$44,250,317

Change Orders:

Board Authorized CO's No. 1, 15, 31, 63, 64, 66, 67, 87, 102, 125	58.2%	\$25,755,202	
Other than Board Authorized Change Orders	9.7%	\$ 4,309,209	
Change Order No. 129	<u>3.4%</u>	<u>\$ 1,493,196</u>	
Subtotal:	71.3%	\$31,557,607	<u>\$31,557,607</u>

Revised Contract Amount: \$75,807,924

SCHEDULE

Original Contract Duration:	1,808 days
Time Extension to Date:	1,068 days
Time Extension Due to this Change Order:	578 days
Revised Contract Duration:	3,454 days

SUMMARY REASON FOR THIS CHANGE ORDER

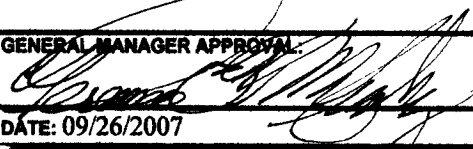
Modify Contract completion date and compensate the Supplier for TransLink TVM Integration Schedule .

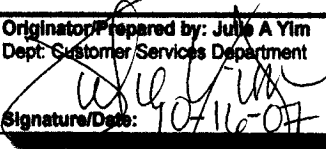
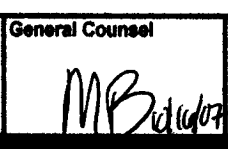
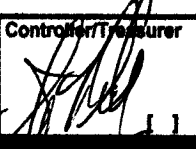
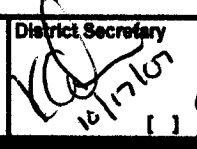
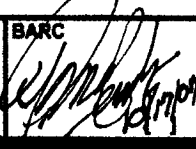
ROUTING AND APPROVAL

Created by/for Chris Quinn on 09/11/2007



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 	GENERAL MANAGER ACTION REQ'D: Forward to PAAL Committee
DATE: 09/26/2007	BOARD INITIATED ITEM: No

Originator/Prepared by: Julie A Yim Dept: Customer Services Department  Signature/Date: 10-16-07	General Counsel  10/16/07	Controller/Treasurer  10/16/07	District Secretary  10/17/07	BARC  10/17/07
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TITLE:

Teen Extreme Teenage Student Discount Program--Remove Annual Sales Limit

NARRATIVE:

Purpose:

To remove the sales limit on the amount of Student Teenage Discount tickets that can be sold in the Teen Extreme Program.

Discussion:

In 1998, the District implemented a pilot program to offer students between the ages of 13 and 18 a discounted fare. A ticket was created to support middle and high school students who needed to take public transit to school and school-related activities on weekdays only. In June, 2000 the Board of Directors reviewed the merits of the pilot program and adopted the program with some modifications. The Board authorized revisions to the teenage student discount program that increased the discount rate for students from 25% to 50%, streamlined the schools reporting requirements in administering the program, and limited the total sales of the program to \$300,000 per year. The imposition of the sales limit was to minimize revenue loss in the event that the District could not control fraudulent sale and use of the new discounted ticket. However, restricting sales to the school system appears to have created the desired effect in that fraudulent use of the ticket does not appear to be rampant. From Fiscal Years 2001 through 2005, ticket sales continued to grow but remained within the annual sales limit. However, FY 2006 and FY 2007 both recorded ticket sales exceeding the limit. Sales results are listed below.

<u>Fiscal Year</u>	<u>Net Sales</u>	<u>Increase</u>
2001	\$69,504	
2002	\$128,228	84%
2003	\$160,528	25%
2004	\$201,888	25%
2005	\$244,816	21%
2006	\$316,816	29%
2007	\$380,848	20%

Staff projects that sales will continue to increase within enrolled schools as more parents and students become aware of the benefits of the program. Last year staff engaged in targeted outreach activities to enroll more schools in the program. Twenty five (25) schools were

Teen Extreme Teenage Student Discount Program—Remove Annual Sales Limit

contacted over a six (6) week period and two (2) new schools were enrolled. Staff concluded that cold calling was not an effective enrollment method and that word of mouth was the most effective way to get new schools to join the program. Currently there are 152 schools participating in the program, an increase of 9 schools since the end of FY2006. (See attached list of participating schools.)

Fiscal Impact:

The program as revised in 2000 created an annual sales limit of \$300,000. Staff projects that sales will grow at a reasonable rate and staff is confident that restricting sales to schools only will continue to keep fraudulent use of the ticket to a minimum.

Alternatives:

Maintain the present \$300,000 annual sales limit which would require the District to impose a limit on the numbers of tickets that a school could sell per month. The number of enrolled schools would also have to be limited.

As a second alternative, the Board could reduce the discount rate and make more tickets available within the \$300,000 limit.

As a third alternative, the Board could raise the sales limit to a higher amount but still impose a sales limit.

Recommendation:

It is recommended that the Board adopt the following motion.

Motion:

The Board authorizes the General Manager to remove the sales limit on the Teenage Student Discount Program and to continue to sell the discounted ticket only through schools enrolled in the program.

TEEN X-TREEM SCHOOLS

<u>DISTRICT</u>	<u>NAME OF SCHOOL</u>	<u>CITY</u>
#1	Carondelet High School	Concord
	Clayton Valley High School	Concord
	Crossroads High School	Concord
	De La Salle High School of Concord	Concord
	Diablo Valley School	Concord
	Mt. Diablo High School	Concord
	Olympic High School	Concord
	Wood Rose Preparatory School	Concord
	Bentley Upper School	Lafayette
	Springstone School, The	Lafayette
	Athenian School (The)	Danville
	Campolindo High School	Moraga
	Orion Academy	Moraga
	Holden High School	Orinda
	Miramonte High School	Orinda
	Orinda Academy as N Bay Orinda School	Orinda
	Contra Costa County Off. Of Educ. Youth Svcs.	Pleasant Hill
	Pleasant Hill Christian Sch/PH Adventist Acad.	Pleasant Hill
	Sequoia Middle School	Pleasant Hill
	Contra Costa Christian Schools	Walnut Creek
	Springs Academy	Walnut Creek
#2	Hilltop Christian School	Antioch
	Mt Diablo Unified School Dist./Sch. Linked Svcs	Bay Point
	Mt Diablo Unified School Dist. (Nuestra Casa)	Bay Point
	East Bay Waldorf School	El Sobrante
	Hercules Middle School/High School	Hercules
	Pittsburg High School	Pittsburg
#3	Arrowsmith Academy	Berkeley
	Berkeley High School	Berkeley
	East Bay Sciences & Arts Mdl-Sch	Berkeley
	Maybeck High School	Berkeley
	New Age Academy	Berkeley
	St. Mary's College H.S.	Berkeley
	The Crowden School/Crowden Music Center	Berkeley
	Alameda Co. Office of Education (CALSAFE)	Hayward
	Moreau Catholic High School	Hayward
	Tennyson High School	Hayward
	Mt. Eden High School	Hayward
	Golden Gate Apple School	Kensington

TEEN X-TREEM SCHOOLS

	Castro Valley Unified School District	Castro Valley
	Bay View Academy	San Leandro
	Chinese Christian School	San Leandro
	Lincoln High School	San Leandro
	San Leandro High School	San Leandro
	San Leandro Unified School District	San Leandro
	Kipp King Collegiate High School	San Leandro
#4	Encinal High School	Alameda
	St. Joseph Notre Dame High School	Alameda
	Beacon High School	Oakland
	Bishop O'Dowd High School	Oakland
	Bret Harte Middle School	Oakland
	Candell's College Preparatory School	Oakland
	College Preparatory School	Oakland
	Dao Shen Academy	Oakland
	Envision Academy of Arts/Technology	Oakland
	Head-Royce School	Oakland
	Holy Names High School	Oakland
	Life Academy High School	Oakland
	Lionel Wilson College Prep Academy	Oakland
	MetWest High School	Oakland
	Oakland School for the Arts	Oakland
	Oakland Technical High School	Oakland
	Oakland/Emiliano Zapata Street Academy	Oakland
	Oasis High School	Oakland
	Pacific Boychoir Academy	Oakland
	Peralta Creek Middle School	Oakland
	Redwood Day School	Oakland
	St. Elizabeth High School	Oakland
	St. Paul's Episcopal School	Oakland
	The Oakland Military Institute	Oakland
	Warith Deen Mohammed H. S.	Oakland
	Millennium High School	Piedmont
#5	Dublin High School	Dublin
	Valley High School	Dublin
	Livermore Valley Joint Unified School District	Livermore
	Pleasanton Unified School District	Pleasanton
	Venture School	San Ramon

TEEN X-TREEM SCHOOLS

#6	Centerville Junior High School	Fremont
	Fame Public Charter School	Newark
	James Logan High School	Union City
	New Haven Unified Sch. Dist.	Union City
#7	Albany High School	Albany
	Albany Unified School District	Albany
	Community Learning Svcs. (REGENERATION)	Albany
	Emery High School	Emeryville
	Emery Unified School District	Emeryville
	Bates Avenue School	El Cerrito
	Windrush School	El Cerrito
	Faith Christian Academy	Richmond
	Family Christian Academy	Richmond
	Making Waves Educational Program	Richmond
	Salesian High School	Richmond
	Youth Chance High School	S.F.
#8	International Studies Academy H. S.	S.F.
	Cathedral School for Boys	S.F.
	Bay High School	S.F.
	Galileo Academy of Science & Tech.	S.F.
	Sacred Heart Cathedral Prep.	S.F.
	Archbishop Riordan High School	S.F.
	Balboa High School	S.F.
	City Arts & Tech High School	S.F.
	Leadership High School	S.F.
	Lick-Wilmerding High School	S.F.
	San Francisco Christian School	S.F.
	Mission Dolores School	S.F.
	Convent of the Sacred Heart	S.F.
	Drew College Preparatory School	S.F.
	Jewish Community High School	S.F.
	San Francisco University High Sch.	S.F.
	Town School for Boys	S.F.
	St. Ignatius High School	S.F.
	Urban School of San Francisco	S.F.
	Hebrew Academy	S.F.
	Lycee Francais La Perouse	S.F.

TEEN X-TREEM SCHOOLS


#9	Civic Center Secondary School	S.F.
	De Marillac Middle School	S.F.
	French-American International Schl	S.F.
	San Francisco Unified School District	S.F.
	San Francisco Waldorf High School	S.F.
	Leadership Public Schools, Inc.	S.F.
	Metropolitan Art/Tech School	S.F.
	Immaculate Conception Academy	S.F.
	Independence High School	S.F.
	Mission High School	S.F.
	School of the Arts	S.F.
	Chinese-American International School	S.F.
	George Washington High School	S.F.
	Lawton Alternative School (K-8)	S.F.
	Woodside International School	S.F.
	Gateway High School	S.F.
	The Bay School of San Francisco	S.F.
	Life Learning Academy	S.F.
	School of the Arts	S.F.
	Bridgemont Jr High/High School	S.F.
	Lowell High School	S.F.
	Mercy High School (SF)	S.F.
	Francisco Middle School	S.F.
	Cornerstone Academy	S.F.

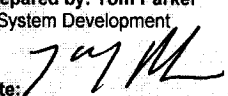
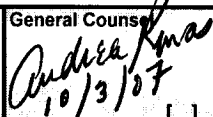
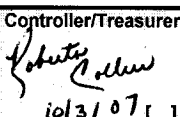
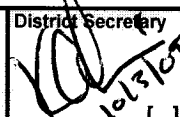
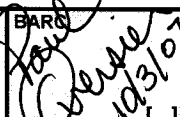
TEEN X-TREEM SCHOOLS

SAN MATEO	Mercy High School	Burlingame
	Jefferson High School	Daly City
	Jefferson Union H.S. District	Daly City
	Westmoor High School	Daly City
	Crystal Springs Uplands School	Hillsborough
	Mid-Peninsula High School	Menlo Park
	Mills High School	Millbrae
	Summit Preparatory High School	Redwood City
	Capuchino High School	San Bruno
	St. Thomas Moore School	San Jose
	Roger Williams Academy	So. SF
	South S.F. High School	So. SF
	El Camino High School	So. SF



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 09/12/2007	GENERAL MANAGER ACTION REQ'D: Approve and forward to the October 11, 2007 E & O Committee Meeting BOARD INITIATED ITEM: No
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Originator/Prepared by: Tom Parker Dept: Transit System Development  Signature/Date: 7/11/07	General Counsel:  10/3/07 []	Controller/Treasurer:  10/3/07 []	District Secretary:  10/3/07 []	BART:  10/3/07 []
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Status: Routed	Date Created: 09/12/2007
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TITLE:

AGREEMENT WITH THE PORT OF OAKLAND FOR THE OAKLAND AIRPORT CONNECTOR PROJECT

NARRATIVE:

Purpose:

To authorize the General Manager or her designee to enter into two separate agreements with the Port of Oakland (Port) for the on-Airport portion of the OAC Project (OAC, or Project):
1) the Development Agreement and 2) the Use Operations and Maintenance (Use) Agreement

Discussion:

On March 28, 2002, the BART Board of Directors (Board) certified the Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) and adopted the BART-Oakland International Airport Connector Project. The Project consists of an Automated Guideway Transit (AGT) system connecting the Coliseum BART station to Oakland International Airport (OIA) by a 3.2 mile long exclusive guideway with two intermediate stations. On February 22, 2007 the BART Board of Directors adopted an Addendum to the FEIR/FEIS which included five changes to the AGT alignment including: a revised Airport AGT Station location, relocation of the maintenance and storage facility, elimination of the Edgewater intermediate station stop, Hegenberger median alignment change between Coliseum Way and the Elmhurst Channel and changes to the Coliseum AGT Station.

On May 2, 2007, BART issued a request for proposal (RFP) to the group of three prequalified teams with the intent of receiving proposals for a long-term thirty-five (35) year Concession Agreement for the design, construction, financing and operation of the OAC with the successful proposer (Concessionaire). The District must complete and enter into the Development and Use Agreements with the Port prior to award of the Project.

Since 2002, BART and Port staff have participated in a series of meetings to address the

funding, development, construction, use, operation and maintenance of the on-Airport portion of the OAC. The parties have now reached agreement on all key terms which will be integrated into the Development Agreement and the Use Operation and Maintenance Agreement. The highlights of the agreements are as follows:

Key Development Agreement Terms

- Port contributes \$35.5M which escalates to approximately \$41.5M in 2009 for on-airport civil facilities that will be owned by the Port. (\$1.5M has already been contributed for preliminary design). Port contributions will be made as on-airport civil facilities are verified complete.
- Parties have agreed regarding on-airport work requirements and restrictions, including work hours, black-out dates, traffic control, staging, and access issues.
- Port will be liable for all direct damages following a Port action which impacts the OAC.
- Port will be liable for consequential damages in the event of 1) any Port-proposed change and/or 2) any Port action causing BART to be in material breach of the Concession Agreement resulting in termination of that agreement.
- BART will require that the Concessionaire maintain builders risk insurance (including coverage for earthquake, terrorism and flood) for both BART and Port-owned facilities and at least \$50M liability insurance on an occurrence basis.
- BART agrees to maintain maximum headway of 20 minutes.

Key Use Agreement Terms

- Allows BART to use Port Property for the purposes of the Project. Port will lease to BART all Port-owned facilities at \$1/year, and agrees to allow BART to provide rights to the Concessionaire to use or lease said facilities.
- Initial Term of the lease (following completion of construction) is 40 years. During the last 5 years of the lease, Port and BART agree to seek regional funding to rebuild or refurbish the system, and if successful, will enter into another Use Agreement for an extended term, for \$1/year or other nominal amount.
- Port will provide a minimum service level between the AGT station and the airport terminals by maintaining an average maximum walk time of 6 minutes.
- Should the Port construct a new terminal or renovate an existing terminal, the Port will provide a minimum service level between the AGT station and the airport terminals by maintaining an average maximum walk time of 6 minutes.

Walkways must be weather protected and, to the extent reasonably possible, separated from vehicular traffic.

- Port will not directly compete with OAC via bus or shuttle service or any other mode. Port agrees to maintain minimum daily parking rate of \$10 (starting in 2011 escalating per CPI-0.5%) for all on-airport parking.
- BART will maintain insurance of at least \$50M in property damage insurance (including earthquake and flood coverages) subject to a deductible of not more than 10% for earthquake and \$5M for all other perils, plus at least one year of business interruption insurance (with no additional deductible) insuring all BART-owned facilities for at least one year. Thereafter, coverage need include earthquake coverage only if commercially available and affordable.
- Port will insure Port-owned facilities under Port's property insurance program applicable to other airport facilities in effect at the time.
- BART will explore the availability of business interruption insurance due to physical damage to Port-owned OAC facilities.

The Development and Use Agreements will incorporate the terms summarized above and will be approved by the Office of General Counsel as to form.

Fiscal Impact:

Port shall contribute \$35.5M which escalates to approximately \$41.5M in 2009 for on-airport AGT civil facilities which will be owned by the Port. (\$1.5M has already been contributed for preliminary design). Port contributions will be made as on-airport civil facilities are completed.

Alternatives:

Do not authorize the General Manager to execute these agreements. BART would have no authority to award a contract, construct and operate the OAC on the Port property. The Project would also forego the revenue sources listed above to assist in funding the OAC Project.

Recommendation:

Adoption of the following motion. The Office of the General Counsel will approve the agreements as to form.

Motion:

That the General Manager or her designee be authorized to execute, consistent with the terms summarized above: 1) the Development Agreement with the Port of Oakland in connection with the Oakland Airport Connector Project and 2) the Use, Operation and Maintenance Agreement with the Port of Oakland in connection with the Oakland Airport Connector Project.