

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

Board of Directors
Minutes of the 1,494th Meeting
November 16, 2006

A regular meeting of the Board of Directors was held November 16, 2006, convening at 9:12 a.m. in the Board Room, 344 20th Street, Oakland, California. President Ward Allen presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen.

Absent: None.

President Ward Allen brought Consent Calendar before the Board. Director Sweet requested removal of all of the consent calendar items from the Consent Calendar. At Director Sweet's request, General Manager Thomas E. Margro gave a brief explanation of an interim process to inform the Board of Disadvantage Business Enterprise opportunities associated with contracts, agreements, and Invitations for Bid presented to the Board for authorization of award. Director Sweet requested that until the completion of the Availability and Utilization Study that all federally funded contracts not be placed on Consent Calendar.

In response to questions from Directors Franklin and Sweet, Ms. Susan Presley of Rolling Stock and Shops gave a brief presentation on Item No. 2-F, Award of Invitation for Bid, No. 8765, Blue/Gray Carpets for Transit Vehicles.

Mr. Margro responded to questions by Director Franklin on Item No. 2-M, Fiscal Year 2007 First Quarter Financial Report.

All items were replaced onto the Consent Calendar as follows:

1. Approval of the Minutes of the Meeting of October 26, 2006.
2. Authorization to Execute Funding Pass-Through Agreement with City of Fremont for Paseo Padre Parkway/Washington Boulevard Grade Separation Project.
3. Award of Contract No. 11QL-110A, Sidewalk and Retaining Wall Addition at the Daly City Station.
4. Award of Contract No. 15TB-110, Relamp Parking Facilities at 12 Stations.

5. Award of Contract No. 91CS-110, Bicycle Ramps at 16th Street/Mission Station.
6. Award of Invitation for Bid No. 8765, Blue/Gray Carpets for Transit Vehicles.
7. Award of Invitation for Bid No. 8796, Escalator Parts for Fujitec Escalator.
8. Award of Invitation for Bid No. 8804, Bull Gears for Rail Vehicles.
9. Award of Invitation for Bid No. 8808, Module, Isolation Input/Output.
10. Award of Invitation for Bid No. 8812, Station Agent and Foreworker Uniforms.
11. Reimbursement Agreement with the Alameda County Transportation Improvement Authority (ACTIA) for the BART Right of Way Intrusion Barrier in ACTIA Project No. 21, I-238 Widening Project.
12. Reject All Bids for Invitation for Bid No. 8807, Traction Gear Kits for Rail Vehicles.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0.

1. That the Minutes of the Meeting of October 26, 2006, be approved.
2. That the General Manager be authorized to execute with the City of Fremont a pass-through agreement for up to \$11,000,000.00 in Traffic Congestion Relief Program funds allocated for the Warm Springs Extension project in exchange for future State Transportation Improvement Program funding for the Warm Springs Extension project.
3. That the General Manager be authorized to award Contract No. 11QL-110A, Sidewalk and Retaining Wall Addition at the Daly City Station, to Ranis Construction & Electric, Inc., for the bid amount of \$114,000.00, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
4. That the General Manager be authorized to award Contract No. 15TB-110, Relamp Parking Facilities at 12 Stations, to Vista Universal, Inc., for the bid price of \$244,712.65, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

5. That the General Manager be authorized to award Contract No. 91CS-110, Bicycle Ramps at 16th Street/Mission Station, to Rodan Builders, Inc., for the bid price of \$123,978.00, pursuant to notification to be issued by the General Manager.
6. That the General Manager be authorized to award Invitation for Bid No. 8765, Blue/Gray Carpets, to Elite Carpet Mills, Inc., for the price of \$179,437.50, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
7. That the General Manager be authorized to award Invitation for Bid No. 8796, Escalator Parts for Fujitec Escalators, to ECS Corporation, for an amount of \$149,531.25, including applicable sales taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
8. That the General Manager be authorized to award Invitation for Bid No. 8804, Bull Gears, to Acme Gear Co., for the price of \$155,904.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
9. That the General Manager be authorized to award Invitation for Bid No. 8808, Module, Isolation Input/Output, to Bombardier Transportation Inc., for an amount of \$126,628.50, including sales tax, pursuant to notification to be issued by the General Manager.
10. That the General Manager be authorized to award Invitation for Bid No. 8812, an estimated quantity contract, for Station Agent and Foreworker Uniforms, to GALLS, a Division of ARAMARK Uniform and Career Apparel, Inc., for the amount of \$516,133.75, including applicable sales taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

(The foregoing five motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

11. That the General Manager, or his designee, be authorized to enter into an agreement with the Alameda County Transportation Improvement Authority (ACTIA) to reimburse ACTIA for the design and construction of the BART Barrier in ACTIA Project No. 21, I-238 Widening Project, in an amount not to exceed \$472,000.00.

12. That all bids received for Invitation for Bid No. 8807, Traction Gear Kits, be rejected.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2007 First Quarter Financial Report.

The Board Meeting was recessed at 9:33 a.m.

The Board Meeting reconvened at 12:37 p.m.

Directors present: Directors Blalock, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen.

Absent: Director Fang.

Director Keller, Chairperson of the Administration Committee, reported that Authority to Execute Agreement No. 6M5006 for an Availability and Utilization Study for the Bay Area Public Transportation Agencies (BAPT) had been discussed and continued to a future Administration Committee meeting.

Director Keller reported that a report on Business Advancement Plan (BAP) Update had been received and discussed.

Director Keller, on behalf of Director Murray, Vice Chairperson of the Engineering and Operations Committee, brought the matters of Sole Source Procurement with Andrew Corporation for Tunnel Communication Equipment for 800 MHz Band Reconfiguration Pursuant to Federal Communications Commission Report and Order and Sole Source Procurement with Dailey Wells Incorporated for Trunked Radio System Equipment for 800 MHz Band Reconfiguration Pursuant to Federal Communications Commission Report and Order before the Board. Director Keller moved the following two motions as a unit:

1. That the Board finds, pursuant to Public Contract Code Section 20227, that Andrew Corporation is the single source for procurement of equipment necessary to modify the District's existing underground radio network pursuant to the 800 Megahertz (MHz) rebanding requirement of the Report and Order FCC 04-168 (the R & O) issued by the Federal Communications Commission, and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District; and that all costs for this contract will be paid by Sprint/Nextel in accordance with the R & O and pursuant to the Frequency Reconfiguration Agreement approved by the Board on March 9, 2006; and that the General Manager be authorized to enter into direct negotiations with Andrew Corporation and with Sprint/Nextel to execute a contract with Andrew Corporation to

provide engineering, parts, software, and installation oversight to modify the District's existing underground radio network pursuant to the requirements of the R & O.

2. That the Board finds, pursuant to Public Contract Code Section 20227, that Dailey Wells Incorporated is the single source for procurement of equipment necessary to modify the District's existing above ground trunked radio network pursuant to the 800 Megahertz (MHz) rebanding requirement of the Report and Order FCC 04-168 (the R & O) issued by the Federal Communications Commission, and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District; and that all costs for this contract will be paid by Sprint/Nextel in accordance with the R & O and pursuant to the Frequency Reconfiguration Agreement approved by the Board on March 9, 2006; and that the General Manager be authorized to enter into direct negotiations with Dailey Wells Incorporated and with Sprint/Nextel to execute a contract with Dailey Wells Incorporated to provide engineering, parts, software, and services labor to modify the District's existing above ground trunked radio network pursuant to the requirements of the R & O.

Director Blalock seconded the motions, which carried by the required two-thirds majority. Ayes – 8: Directors Blalock, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 1: Director Fang.

Director Keller brought the matter of Modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, for Time Extension and Increase in Agreement Amount before the Board. Director Blalock moved that the General Manager be authorized to execute a modification to Agreement No. 6G3975, General Engineering Services for the Earthquake Safety Program, with Bechtel Infrastructure Corporation, to increase the not-to-exceed value to \$186,000,000.00; and to commit to exercise the second two-year option to extend the term from September 2007 to September 2009; and to extend the entire term of the Agreement for an additional four years, from September 2009 to September 2013. Director Sweet seconded the motion, which carried. Ayes – 6: Directors Blalock, Franklin, Keller, Luce, Sweet, and Ward Allen. Noes – 0. Absent – 1: Director Fang. Abstain – 2: Director Murray, due to a potential financial conflict of interest, and Director Radulovich.

Director Radulovich, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Authorize the Execution of Agreement No. 6M6012, Brokerage and Service Provider Services for East Bay Paratransit before the Board, and moved that the General Manager be authorized to execute, jointly with AC Transit, Agreement No. 6M6012 (AC Transit Agreement 2006-965), for Brokerage and Service Provider Services for the East Bay Paratransit Consortium, with Veolia, for an amount not to exceed \$217,609,703.00, with BART's share of the cost of the Agreement to be 31 percent, or not to exceed \$67,459,008.00. Director Blalock seconded the motion, which carried. Ayes – 8:

Directors Blalock, Franklin, Keller, Luce, Murray, Radulovich, Sweet, and Ward Allen. Noes – 0. Absent – 1: Director Fang.

President Ward Allen asked for the General Manager's Report. Mr. Margro had no report.

Vice President Sweet, Chairperson of the District Security Advocacy Ad Hoc Committee, had no report.

President Ward Allen brought Roll Call for Introductions before the Board.

Director Radulovich requested a report addressing the potential for the District's use of local geographic preferences in procurements, with the report to include what types of procurement mechanisms are in place in Bay Area public agencies and what the District can do to implement.

Director Radulovich recommended that the District review comprehensive programs in place internationally addressing public transportation and sustainability and determine applicability to the District for adoption.

President Ward Allen called for General Discussion and Public Comment.

Director Sweet called attention to a recent article in Bond Buyer featuring quotes from Mr. Scott Schroeder, Controller/Treasurer.

Director Blalock, Chairperson of the District Organizational Review Ad Hoc Committee, reported that the committee had met on November 13, 2006, to receive comments on the Organizational Review Report, and that there would be a supplemental document from the authors forthcoming.

Director Franklin reported that he had gone to Rail~Volution and received many compliments on the District's transit-oriented development policies there; and that he had addressed the BART Alumni Association and received many expressions of interest in developing a station ambassador program for retirees.

The Board Meeting adjourned at 12:47 p.m.

Kenneth A. Duron
District Secretary