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

BOARD MEETING AGENDA
January 9, 2014
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, January 9, 2014, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a "Request to Address the Board" form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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

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

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

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

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (http://www.bart.gov/about/bod), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (http://www.bart.gov/about/bod/meetings.aspx), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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

Patricia K. Williams
Assistant 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. (4)
   "Take BART Holiday Shopping" sweepstakes grand prize winner.

2. CONSENT CALENDAR

   A. Approval of Minutes of the Meetings of December 5, 2013 (Special), and December 5, 2013 (Regular).* Board requested to authorize. (7)

   B. 2014 Standing Committee and Special Appointment.* Board requested to authorize. (7)

   C. Agreement No. 6M4269A, with Nor-Cal Moving Services, for On-Call Moving Services at Various District Locations.* Board requested to authorize. (12)

   D. Agreement with Autodesk, Inc., for Software Enterprise License Agreement.* Board requested to authorize. (10)

   E. Award of Contract No. 15SV-110, Site Restoration at Various Locations.* Board requested to authorize. (12)

   F. Award of Contract No. 79HA-110, Coliseum Station Security Fence.* Board requested to authorize. (11)

3. ADMINISTRATION ITEMS
   Director Murray, Chairperson

   A. Agreement No. 6M4282, with Frasco, Inc., for Investigative Services for the District's Self-insured Workers' Compensation Program.* Board requested to authorize. (1)

   B. Amended and Restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan.* Board requested to authorize. (1)

   C. Title VI of the Civil Rights Act of 1964: District Service Standards and Policies.* Board requested to adopt. (10)

* Attachment available

Staff
Cont.

4. ENGINEERING AND OPERATIONS ITEMS
Director Fang, Chairperson

A. Award of Contract No. 07EA-110, 19th Street Station Entrance Enclosure.* Board requested to authorize. (12)

B. Award of Contract No. 15IK-120, Replacement of Motorized Station Security Access Grilles Phase 2.* Board requested to authorize. (11)

C. Fleet of the Future: New Rail Car Design and Public Outreach.* For information. (11)

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Blalock, Chairperson
NO ITEMS.

6. GENERAL MANAGER'S REPORT

7. BOARD MATTERS

A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)

B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

8. PUBLIC COMMENT
(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

Staff Contacts:

(1)	Carter Mau	464-6194	Administration and Budget
(2)	Kenton Rainey	464-7022	BART Police Department
(3)	David Kutrosky	464-6993	Capitol Corridor
(4)	Kerry Hamill	464-6153	External Affairs
(5)	Mark Smith	874-7472	Independent Police Auditor
(6)	Scott Schroeder	464-6070	Office of the Controller/Treasurer
(7)	Kenneth A. Duron	464-6080	Office of the District Secretary
(8)	Matthew Burrows	464-6037	Office of the General Counsel
(9)	Grace Crunican	464-6060	Office of the General Manager
(10)	Marcia deVaughn	464-6126	Office of the General Manager
(11)	Paul Oversier	464-6710	Operations
(12)	Robert Powers	874-7410	Planning and Development

* Attachment available

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE**: January 3, 2014

FROM: President

SUBJECT: 2014 Standing Committee and Special Appointments

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

In accordance with Board Rule 3-3.2, I am bringing the 2014 Standing Committee and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on January 9, 2014.

As I noted during my comments at the December 19 Board Meeting, I am including a new ad hoc committee to address the District's 2013 labor negotiations performance and process. A description of the Labor Negotiations Review Ad Hoc Committee is attached.

Should you have any questions about the recommended appointments, please contact me or the District Secretary at your convenience.

Joel Keller

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

RATIFICATION OF 2014 STANDING COMMITTEE AND SPECIAL APPOINTMENTS

MOTION:

That the Board of Directors ratifies the proposed Standing Committee and Special Appointments for 2014 (attached).

LABOR NEGOTIATIONS REVIEW AD HOC COMMITTEE

The Labor Negotiations Review Ad Hoc Committee (Committee) is established to conduct an assessment of the District's processes and procedures during the collective bargaining negotiations that began on April 1, 2013. The objective of the Committee is to produce recommendations for implementation by the District that will improve the process of future negotiations and, ensure that adequate safeguards are in place to prevent the type of error that occurred with respect to the tentative agreement signed with ATU/SEIU on Section 4.8. To accomplish this objective, the Committee shall:

- Review the process for production of tentative agreements from the creation of drafts to final documents.
- Review the format of official documents that are created by the District during negotiations with all bargaining units.
- Review the facts related to the Section 4.8 Tentative Agreement error.
- Work with an experienced, independent public sector labor negotiations professional in conducting the review.

Upon completion of its review, the Committee shall provide specific recommendations for improving the process of future negotiations. The Labor Negotiations Review Ad Hoc Committee shall present its report to the Board of Directors by April 30, 2014.

January 3, 2014

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS

STANDING COMMITTEES

ADMINISTRATION COMMITTEE */**
Rebecca Saltzman, Chairperson
Gail Murray, Vice Chairperson

ENGINEERING AND OPERATIONS COMMITTEE */**
John McPartland, Chairperson
James Fang, Vice Chairperson

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE */**
Robert Raburn, Chairperson
Tom Radulovich, Vice Chairperson

SPECIAL/AD HOC COMMITTEES

PERSONNEL REVIEW SPECIAL COMMITTEE**
Joel Keller
Thomas M. Blalock
Rebecca Saltzman

WAYSIDE SAFETY AD HOC COMMITTEE (Sunsets 12/31/14 unless extended by the Board)
Thomas M. Blalock, Chairperson
James Fang
John McPartland
Rebecca Saltzman

LABOR NEGOTIATIONS REVIEW AD HOC COMMITTEE (Sunsets 12/31/14 unless extended by the Board)
James Fang, Chairperson
Rebecca Saltzman, Vice Chairperson
Zakhary Mallett
Gail Murray

SPECIAL APPOINTMENTS - LIAISON

AMERICANS WITH DISABILITIES ACT (ADA) LIAISON
Robert Raburn, Primary
John McPartland, Alternate

BART and AC TRANSIT COORDINATING COMMITTEE
Robert Raburn
Tom Radulovich
Rebecca Saltzman

CONTRA COSTA TRANSPORTATION AUTHORITY** LIAISON
Gail Murray, Primary
Joel Keller, Alternate

SAN FRANCISCO TRANSPORTATION AUTHORITY** LIAISON
Tom Radulovich, Primary
James Fang, Alternate

LIAISONS TO STATIONS IN SAN MATEO COUNTY

Daly City Station	Tom Radulovich
Colma Station	Robert Raburn
South San Francisco	John McPartland
San Bruno Station	Zakhary Mallett
San Francisco International Airport Station	James Fang
Millbrae Station	Joel Keller

* All Directors are members of this Committee (Thomas M. Blalock, James Fang, Joel Keller, Zakhary Mallett, John McPartland, Gail Murray, Robert Raburn, Tom Radulovich and Rebecca Saltzman)
** Brown Act Committee, subject to public meeting requirements.
*** Brown Act Board, subject to public meeting requirements.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS

SPECIAL APPOINTMENTS - EXTERNAL

ALAMEDA COUNTY TRANSPORTATION COMMISSION **
Thomas M. Blalock, Primary
John McPartland, Alternate

ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS
Tom Radulovich

CAPITOL CORRIDOR JOINT POWERS BOARD***
James Fang, San Francisco County
Zakhary Mallett, Contra Costa County
Gail Murray, Contra Costa County
Robert Raburn, Alameda County
Tom Radulovich, San Francisco County
Rebecca Saltzman, Alameda County
Joel Keller, Alternate Contra Costa County
John McPartland, Alternate Alameda County

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)**
Thomas M. Blalock

OAKLAND AIRPORT CONNECTOR JOINT ADMINISTRATIVE COMMITTEE**
Robert Raburn

EMERYVILLE-BERKELEY-OAKLAND TRANSPORTATION STUDY POLICY ADVISORY COMMITTEE**
Zakhary Mallett
Rebecca Saltzman, Alternate

OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY***
Tom Radulovich

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS**
Joel Keller
Gail Murray

SILICON VALLEY RAPID TRANSIT CORRIDOR/WARM SPRINGS BART EXTENSION POLICY ADVISORY BOARD**
Joel Keller
John McPartland
Thomas M. Blalock, appointed by Alameda County Transportation Commission

SOUTH HAYWARD BART STATION ACCESS AUTHORITY**
Thomas M. Blalock
John McPartland
Rebecca Saltzman, Alternate

TRI-VALLEY REGIONAL RAIL POLICY WORKING GROUP**
John McPartland, Chairperson
Gail Murray

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)**
Zakhary Mallett, Primary
Joel Keller, Alternate

** Brown Act Committee, subject to public meeting requirements.
*** Brown Act Board, subject to public meeting requirements.

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other Organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 1/2/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Fola DaSilva Dept: Real Estate and Property Development Signature/Date: 12/10/13	General Counsel 12/10/13 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 1-2-14 [ ]

Status: Approved	Date Created: 10/04/2013

TITLE:

EXECUTE AGREEMENT NO. 6M4269A FOR ON-CALL MOVING SERVICES AT VARIOUS DISTRICT LOCATIONS

NARRATIVE:

Purpose:

To authorize the General Manager to award Agreement No. 6M4269A to Nor-Cal Moving Services of San Leandro, California to provide on-call moving services for the District.

Discussion:

On July 5, 2013, Advance Notice to Proposers was mailed to twenty one (21) prospective proposers. On July 8, 2013 Request for Proposal No. 6M4269A was advertised. A pre-proposal conference was held on July 23, 2013 with seven (7) companies in attendance. On August 20, 2013, six (6) proposals were received. These proposals were reviewed and evaluated by a Source Selection Committee chaired by the Procurement Department, with representatives from the Real Estate and Property Development Department and the Office of Civil Rights. Upon review of the six (6) proposals received, one (1) proposal was deemed to be non-responsive because it did not contain all of the proposal submittal requirements. Two (2) other proposals did not meet the minimum requirements. As a result, three (3) price proposals were not opened.

The price proposals from the three (3) technically acceptable proposals were opened and ranked as follows:

Proposer	Total price (base and option years)
1. Corovan	$332,487.50
2. Crown Moving & storage	$269,600.00
3. Nor-Cal Moving Services	$233,915.00

Staff estimated cost for the services is $243,005.00

Each price proposal includes the price for a three (3) year base period, with two (2) additional one (1) year options.

The committee determined that the proposal by Nor-Cal Moving Services was the lowest priced, technically acceptable proposal. Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Agreement are 16% for MBEs and 20% for WBEs. The successful proposer will not be subcontracting any work and will do all work with its own forces. Thus, the District's Non-Discrimination in Subcontracting Program does not apply. Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Agreement. None of the responsive proposers are certified small businesses and are therefore not eligible for the 5% small business preference. This price proposal is considered to be fair and reasonable based on adequate price competition, and Nor-Cal Moving Services is a financially responsible moving service company.

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

Fiscal Impact:

The cost for this Agreement is an amount not to exceed Two Hundred Thirty Three Thousand Nine Hundred Fifteen Dollars ($233,915) for a period of up to five (5) years. The estimated cost for services is as follows: FY 2014 cost is Forty Six Thousand Dollars ($46,000), FY 2015 cost is Forth Six Thousand Dollars ($46,000), FY 2016 cost is Forty Six Thousand Dollars ($46,000), FY 2017 cost is Forty Seven Thousand Three Hundred Five Thousand Dollars ($47,305), and FY2018 cost is Forty Eight Thousand Six Hundred Ten Dollars ($48,610). The Agreement will be subject to the availability of fiscal year funding. All funding will come from Real Estate and Property Development Department's Operating Budget.

Alternatives:

Initiate another Request for Proposal (RFP) or not enter into a multiple year agreement for moving services. A new RFP is unlikely to produce a lower price per hour for services and a decision not to enter into a multiple year agreement could result in the District's not having adequate moving services support.

Recommendation:

Adoption of the following Motion.

Motion:

The General Manager is authorized to award Agreement No. 6M4269A for On-Call Moving Services to Nor-Cal Moving Services for a period of three (3) years for the proposed price of $138,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. The General Manager is further authorized to exercise two (2) options to extend the Agreement for one (1) year, each, under the same terms and conditions at a cost of $47,305 and $48,610.00, respectively.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c 1/3/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis W Engstrom Dept: OFFICE OF THE CIO. Signature/Date: 1/2/2014	General Counsel MB 1/2/14	Controller/Treasurer [ ]	District Secretary [ ]	BARC 1-2-14 [ ]

TITLE:

Autodesk Software Enterprise License Agreement

NARRATIVE:

Purpose

This is a request that the Board authorize the General Manager to execute a one-time Enterprise License Agreement (ELA) for Autodesk software, with CAD Masters Inc., a California Certified Small Business, not to exceed $159,000 in FY14.

Discussion

The Office of the Chief Information Officer (CIO) has identified an opportunity for considerable savings in the procurement of critical software licenses related to Computer Aided Drafting & Design (CADD) software. Autodesk, maker of AutoCAD is the world's most common CADD platform and this software has been widely purchased by the District for decades.

However, historically the District has not maintained central control of the purchase of this relatively expensive type of software, ranging in price from $3,000-$12,000 per license seat.

This ELA will include the renewal and upgrade of the current software maintenance and network licenses for the 63 active Autodesk licenses currently owned by the District. Once converted from "stand-alone" licenses to concurrent-use "Network" licenses, the District's same number of software seats will serve the needs of a far greater population of District employees therefore reducing our overall spend with Autodesk.

In addition this ELA will centralize, upgrade and consolidate our current Autodesk licenses within the Office of the CIO reducing redundancy and waste.

The Office of the CIO received quotes from Autodesk, DLT Solutions and CAD Masters Inc. After review of these quotes, Staff determined that the lowest price quote received from CAD Masters Inc. is fair and reasonable and that CAD Masters Inc. is a responsible firm. In addition, CAD Masters Inc. will provide no-cost installation and service support for the District for the life of this Agreement.

This additional level of service and support will greatly aid the Office of the CIO in the deployment and configuration of this software; a process that for a single installation requires as many as 12 DVDs of information and 6 hours of labor.

The Office of General Counsel will approve this agreement as to form prior to execution.

Fiscal Impact

The Office of the CIO has the required operating budget of $159,000 in FY14 to cover this Enterprise License Agreement (ELA) software expense.

Future software maintenance fees associated with this agreement will be covered by the Office of the CIO operating budget.

Alternative

1. Do not authorize the execution of this Agreement. The District would continue to purchase Autodesk software at full retail price.

Recommendations

Approve the following motion:

Motion

The Board hereby authorizes the General Manager to execute an Enterprise License Agreement with CAD Masters Inc., for Autodesk software & support services in an amount of $159,000, plus applicable taxes.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 1/2/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hong Mei Dept: Planning and Development Earthquake Safety Program Signature/Date: 12/30/13	General Counsel 12/31/13 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 1/2/14 [ ]

Status: Routed	Date Created: 12/17/2013

TITLE:

Contract No. 15SV-110 Earthquake Safety Program Site Restoration at Various Locations

NARRATIVE:

PURPOSE:

To obtain the Board's authorization for awarding Contract No. 15SV-110, Earthquake Safety Program, Site Restoration at Various Locations to California Restoration On-Call, Inc. dba Avalon Construction Co.

DISCUSSION:

As part of BART's Earthquake Safety Program, Contract No. 15SV-110 will provide:

1. Construction of asphalt pavement along an existing pathway located at north of Pleasant Hill Station near Las Juntas Way, approximately between bents P-241 and P-255;
2. Installation of slope drains at twenty one (21) locations at bents B-2, P-21, P-23, P-34, P-38, P-48, P-52 and P-54 along the North Oakland aerial guideway;
3. Repair of landscape irrigation at two locations at West Oakland Station.

An Advance Notice to Bidders was mailed on October 3, 2013 to 246 firms. The Contract was advertised on October 7, 2013 and Contract Books were sent to 23 plan rooms. A total of 18 firms purchased copies of the Bid Documents. A Pre-Bid meeting and job site tour were conducted on Thursday, October 24, 2013 with a total of 11 potential Bidders in attendance. A total of one (1) Addenda was issued during the bid period. Three Bids were received and publicly opened on Tuesday, November 19, 2013.

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

BIDDER	LOCATION	TOTAL AMOUNT
1. California Restoration On-Call, Inc. dba Avalon Construction Co.	San Francisco, CA	$345,680.00
2. Sposeto Engineering, Inc.	Livermore, CA	$595,925.00
3. Golden Bay Construction, Inc.	Hayward, CA	$789,585.00

Engineer's Estimate $308,000.00

The apparent low bid submitted by California Restoration On-Call, Inc. dba Avalon Construction Co. was deemed responsive to the solicitation. The Bid Price was determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The selected bidder will not be subcontracting any work and it will perform all the work with its own forces. Therefore, the Non-Discrimination in Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime bid preference for this contract for Small Businesses certified by the California Department of General Services. The responsive low bidder, California Restoration On-Call, Inc. dba Avalon Construction Co. is not a certified Small Business and therefore it is not eligible for the 5% prime bid preference. All other bidders are Small Businesses certified by the California Department of General Services. After application of the prime bid preference, California Restoration On-Call, Inc. dba Avalon Construction Co. remains the lowest bidder.

FISCAL IMPACT:

Funding of $345,680 for award of Contract No. 15SV-110 is included in the total project budget for the FMS #15SV000, ESP- Site Restoration Outside Core. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 12/16/2013, $14,068,197 is available for commitment for this project from the following sources:

F/G 801F - ESP GO Bond	$7,568,197
F/G 801J - ESP GO Bond	$6,500,000
Total	**$14,068,197**

BART has expended $6,414,088 and committed $2,701,102 and reserved $1,600,000 to date for other actions. This action will commit $345,680 leaving an available fund balance of $3,007,327.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in better pricing and will result in the deferral of executing the required work. There is no

assurance that the bids on a re-solicitation would be lower than those now available for award.

The Board may reject all bids and not to award a Contract. If no Contract is awarded, BART will be unable to complete the site restorations at the various locations identified at this time.

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

MOTION:
The General Manager is authorized to award Contract No. 15SV-110, Earthquake Safety Program Site Restoration at Various Locations to California Restoration On-Call, Inc. dba Avalon Construction Co. for the bid amount of $345,680.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 12/30/13	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	$105,000,000	$257,500,000	
Other GEC	$81,478,000	$0	
Subtotal GEC	$186,478,000	$257,500,000	
CM	$61,498,000	$75,100,000	
Environmental	$1,042,796	$2,198,237	
TOTAL E, E & CM	$249,018,796	$334,798,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	$1,033,000	$1,153,096	
Oakland Landside	$17,970,000	$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	$73,037,000	$5,655,414	
Marine Vibro Demo	$101,285,000	$11,000,000	
Stitching	$82,962,000	$0	
Additional TBT Retrofits	$0	$166,500,000	
Aerial Guideways			
West Oakland/North Oakland	$112,923,000	$72,300,000	
Fremont	$178,224,000	$45,700,000	
Concord	$36,500,000	$12,370,889	
Richmond	$80,155,000	$34,800,000	
San Francisco/Daly City	$36,590,000	$9,600,000	
Stations (18)	$126,961,000	$78,700,000	
Other Structures			
LMA	$5,529,000	$12,100,000	
Yds & Shops	$12,436,000	$19,500,000	
Parking Structures	$14,437,000	$14,600,000	
Miscellaneous Cleanup		$345,680	
At Grade Trackway	$22,361,000	$0	
34.5kV Replacement		$42,490,000	
Systems	$7,066,000	$17,500,000	
TOTAL CONSTRUCTION	$909,469,000	$555,014,512	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	$159,894,204	$220,800,000	
Add Auth to Execute Agrnt w/Public & Private Entities		$5,000,000	
Contingency	$32,104,000	$137,727,408	
TOTAL PROGRAM COSTS	$191,998,204	$363,527,408	
BASELINE FUNDING	$1,350,486,000		
REVISED FUNDING		$1,253,340,157	
		$1,221,275,376 Adopted Funding $32,064,781 Outside Adopted Funding	

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board			
DATE: c 1/2/14		BOARD INITIATED ITEM: No			
Originator/Prepared by: T Chu Dept: M & E Signature/Date: 12-26-13	General Counsel [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]	

TITLE:

Award Contract No. 79HA-110, Coliseum Station Security Fence

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 79HA-110, Coliseum Station Security Fence, to Crusader Fence of Vallejo, CA.

DISCUSSION: The work of this Contract includes providing all labor, materials, and equipment for installing approximately one thousand seven hundred (1,700) linear feet of 8-foot high picket security fence with gates and grounding system at the parking lot of the Coliseum Station. The work will mitigate potential damage and theft of BART patrons' vehicles and preserve BART police resources. The Coliseum Station parking lot is statistically the District leader in serious crime.

The District provided advance notice to 45 prospective Bidders on September 26, 2013, and Contract Documents were mailed to 24 plan rooms and minority assistance organizations on October 1, 2013. The Contract was advertised on October 1, 2013. A total of 6 firms purchased the Contract Documents. A pre-Bid meeting was conducted on October 10, 2013, with 6 prospective Bidders attending the meeting. The following 6 Bids were received on November 5, 2013:

BIDDER	LOCATION	TOTAL BID
Crusader Fence	**Vallejo, CA**	**$226,732.42**
Golden Bay Fence	Stockton, CA	$231,014.00
Fencecorp, Inc.	Riverside, CA	$232,289.50
Roebbelen Contracting Inc	El Dorado Hill, CA	$259,000.00
Kenwood Fence Company	Santa Rosa, CA	$272,410.00
Harris Steel Fence Co.	Los Angeles, CA	$427,000.00
ENGINEER'S ESTIMATE		**$300,000.00**

After review by District staff, the Bid submitted by Crusader Fence has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of $226,732.42 is fair and reasonable and reflects current market

conditions.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of minor alteration of an existing facility involving no expansion of use.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The Bidder committed to 54% MBE and 0% WBE. The Bidder did not meet the WBE percentage therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive low Bidder, Crusader Fence is a certified Small Business making it eligible for the preference. Since Crusader Fence is the lowest responsive Bidder, and is eligible for the 5% Small Business preference, the application of the Small Business Program will not alter the award to Crusader Fence.

FISCAL IMPACT: Funding for $226,732.42 for executing Contract No. 79HA-110 will come from project budget 79HA005 Coliseum Security Fencing Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of the December 2, 2013, $587,398 is available for this project from the following fund sources:

Description	Amount
F/G 5371 - FY09-10 PROP 1B Security	$10,000.00
F/G 5372 – FY10-11 PROP 1B Security	$577,398.00
Total	**$587,398.00**

BART has expended $63,067.85 committed $0 to date for other actions. This action will commit an additional $226,732.42 leaving an uncommitted balance of $297,597.73 in these fund sources.

Both Fund/Grants 5371 and 5372 expire on 03/31/2014. The 5371 funds will be fully expended prior to this date. Grant Development expects to receive an extension on the 5372 monies until 03/31/2015 in early January 2014.

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

ALTERNATIVES:

1) The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in better pricing and will result in the deferral of the installation of the security fence.

2) The Board may reject all Bids and not award a Contract. If no Contract is awarded and the security fence at the parking lot is not constructed, the potential damage and theft of BART patrons' vehicles will not be mitigated.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 79HA-110, Coliseum Station Security Fence, to Crusader Fence of Vallejo, CA, for the total Bid price of $226,732.42, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c 1/2/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Isaac Lim Dept: Planning and Development Signature/Date: 12/27/13	General Counsel [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC [ ]

TITLE:

Award Contract No. 07EA-110, 19th Street Station Entrance Enclosure

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 07EA-110 for 19th Street Station Entrance Enclosure to Blocka Construction, Inc.

DISCUSSION: The work of this Contract includes furnishing all labor, equipment, materials, and services to construct an entrance enclosure at the 19th Street BART Station. Work will include demolition of the existing parapet perimeter wall at the entrance, construction of a new footing, installation of a pre-fabricated steel structure, structural glazing, LED lighting, security cameras, and wayfinding singage.

The District provided advanced notice to 202 prospective Bidders on November 7, 2013, and Contract Documents were mailed to 23 plan rooms and minority assistance organizations on November 8, 2013. The Contract was advertised on November 12, 2013. A total of 13 firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour were conducted on November 22, 2013, with 5 prospective Bidders attending the meeting and 5 prospective Bidders attending the site tour. The following five (5) Bids were received on December 17, 2013:

BIDDER	LOCATION	TOTAL BID
Blocka Construction, Inc.	Fremont, CA	$969,000.00
KCK Builders, Inc.	San Francisco, CA	$1,197,000.00
Agbayani Construction Corporation	Daly City, CA	$1,290,403.00
CF Contracting, Inc.	San Francisco, CA	$1,690,000.00
Robert A. Bothman, Inc.	San Jose, CA	$2,478,873.00
Engineer's Estimate		$1,383,774.00

After review by District staff, the Bid submitted by Blocka Construction, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of $969,000.00 is fair and reasonable.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of

Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The Office of Civil Rights has determined the apparent low bidder has exceeded both MBE and WBE availability percentages for this contract. Blocka Construction committed 40.5% of its subcontracting to MBEs and 26.0% to WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The apparent low Bidder, Blocka Construction, is not a certified Small Business and therefore is not eligible for the 5% small business preference. Two bidders--KCK Builders, Inc. (2nd low) and CF Contracting, Inc. (4th low)--are certified Small Businesses. However, when the 5% prime preference is applied to the certified Small Businesses, Blocka Construction is still the lowest responsive bidder.

FISCAL IMPACT: Funding of up to $969,000 for an entrance enclosure to be built under Contract No. 07EA-110 is available in project 07EA002. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 12/20/13, $1,815,000 is available for this project from the following source:

Fund No.	Source	Fund Description	Amount
535A	State	Prop 1B PTMISEA FY10 - 11	$ 1,815,000
		Total	$ 1,815,000

BART has expended $319,785.95, encumbered $48,294.75, and, for the aforementioned work, pre-encumbered $1,100,000 to date. This action will encumber up to an additional $0 of remaining available funds, leaving an available fund balance of $346,919.30.

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

ALTERNATIVE: The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the bid package and obtain new bids. The reissuance process will delay the District's ability to provide protection for the escalator and improve security for customers and employees. Staff does not believe that rebidding would result in more competitive bids.

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

MOTION: The General Manager is authorized to award Contract No. 07EA-110, 19th Street Station Entrance Enclosure, to Blocka Construction, Inc., for the Bid Price of $969,000, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:					GENERAL MANAGER ACTION REQ'D:
DATE: 12/14					BOARD INITIATED ITEM: No
Originator/Prepared by: Bruce King Dept: Mechanical Engineering Signature/Date: 12/26/13	General Counsel 12/30/13 [ ]	Controller/Treasurer 12/30/13 [ ]	District Secretary [ ]	BARC for Paul Overhiser [ ]	

Status: Routed	Date Created: 12/20/2013

TITLE:

Award of Contract No. 15IK-120
Replacement of Motorized Security Access Grilles, Phase 2

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award the Base Bid of Contract No. 15IK-120, Replacement of Motorized Security Access Grilles, Phase 2, to Rodan Builders, Inc., for the Base Bid amount of $2,495,000.00.

DISCUSSION:

BART has identified a need to enhance security at stations system wide. To enhance station security during non-revenue hours and during emergency situations, new grilles would be installed at 20 BART stations. The Contract Base Bid is for the installation of 29 new grilles at 10 stations. Additive Bid "A" is for the installation of an additional 22 grilles at an additional 10 stations. The new grilles will have significantly greater mechanical strength, an increased capacity to withstand vandalism, and more robust grille motor operators.

This Contract is funded in part by a grant from the U.S. Department of Homeland Security (DHS), which requires the Bidders to take all necessary affirmative steps to ensure that small and minority firms, women's business enterprises, and disadvantaged business concerns are used whenever possible. The low bid indicated participation of small and minority firms, women business enterprises, and disadvantaged business concerns for a total of approximately **$262,323.00,** which represents **11.6%** of the adjusted Contract price. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals.

An Advance Notice to Bidders was sent on November 20, 2013 to thirty six (36) prospective contractors. Additionally, twenty five (25) plan rooms were sent, via regular mail, a copy of the 2 volume set of bid documents. A Pre-Bid Meeting was held on December 4, 2013, and was attended by seven (7) potential bidders. Two (2) addenda were subsequently issued. Three (3) sealed bids were publicly opened on December 17, 2013, as tabulated below.

No.	Bidder	Bidder Location	Amount
1	Rodan Builders, Inc.	Burlingame, CA	Base Bid $2,495,000.00
			Total, Base Bid plus Additive Bid A $4,033,000.00
2	Alten Construction, Inc.	Richmond, CA	Base Bid $2,560,000.00
			Total, Base Bid plus Additive Bid A $4,195,000.00
3	Proven Management, Inc.	San Francisco, CA	Base Bid $2,793,072.00
			Total, Base Bid plus Additive Bid A $4,343,288.00
	Engineer's Estimate		Base Bid $2,044,036.00
			Total, Base Bid plus Additive Bid A $2,765,141.00

Rodan Builders, Inc., of Burlingame, CA was the apparent low bidder for both the Base Bid plus Additive Bid A, and was found to be responsive. Staff has determined that the Base Bid Price of $2,495,000.00, and the Total Bid Price of $4,033,000.00, submitted by Rodan Builders, Inc., is fair and reasonable. Staff has also determined that that the low Bidder is responsible based on an examination of the firm's business and financial status. The Engineer's Estimate was based on bids received from a similar contract in 2012. The apparent low bidder was over the Engineer's Estimate due to extraordinary price premiums incurred from a rapidly improving construction market, labor shortages of construction trades, and from increasing material costs. Due to the high prices of the bids received, the project funding cannot support both the Base Bid scope and Additive Bid A scope, but can support the amount of the Base Bid scope. Therefore, in accordance with the Bid Form, award will be made on the Base Bid only.

FISCAL IMPACT:

Funding of $2,495,000 for the award of Contract 15IK-120 is included in the total project budget for FMS #15IK100 – Replace Downtown Security Grilles. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of December 20, 2013, $8,128,364 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
353X	FY08/09 State Prop 1B - PTMISEA	4,524,064
3754	FY2009 TSGP Grant (DHS)	3,604,300
Total		8,128,364

BART has expended $3,769,240, committed $228,030, and reserved $280,978 to date for other actions. This action will commit $2,495,000 leaving an available fund balance of $1,355,116 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:
The alternative to awarding the Base Bid would be to reject all bids and to readvertise the Contract. Staff does not believe that rebidding would result in more competitive bids or a lower bid price.

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

MOTION:
The General Manager is authorized to award the Base Bid of Contract No. 15IK-120 for Replacement of Motorized Station Security Access Grilles Phase 2 to Rodan Builders, Inc., for the bid price of $2,495,000.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Department of Homeland Security requirements related to protests.

ba

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:					GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board
DATE: 1/2/14					BOARD INITIATED ITEM: No
Originator/Prepared by: Diane Iwata Dept: Human Resources Signature/Date: 12/31/13	General Counsel 12/31/13 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 12/31/13 [ ]	

Status: **Routed** | Date Created: **12/30/2013**

TITLE:

AUTHORIZE CONTRACT FOR INVESTIGATIVE SERVICES FOR THE WORKERS' COMPENSATION PROGRAM

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award an agreement in support of the District's Workers' Compensation program: Agreement No. 6M4282 for Investigation Services to Frasco, Inc.

DISCUSSION: This is the last Agreement of four for services in support of the District's Workers' Compensation program. Previously, all services related to Workers' Compensation have been provided by or through a Third Party Administrator (TPA) in consultation with District staff charged with overseeing the Workers' Compensation program. In response to the Board's stated interest in 'unbundling' contracts in order to open up opportunities to a larger field of providers to do business with the District, the Board extended the existing TPA Agreement in September, 2012 in order to provide an opportunity for staff to separately advertise certain services associated with Workers' Compensation administration.

Separate Requests for Proposal for Third Party Administration, Utilization and Bill Review, Medical Case Management, and Investigative Services were issued. The first three Agreements have already been awarded pursuant to Board authorization and the remaining Agreement is being presented for Board consideration at this time.

Investigative services encompass field investigative services, surveillance services, and fraud investigation related to workers' compensation claims. Specifically, these services include field investigations, written and recorded statements, background investigations, medical records retrieval, subrogation investigation, database and other electronic searches, surveillance services, the compilation of comprehensive case reports, and court and hearing appearances by reporting investigators.

Advance Notices were provided on June 20, 2013. A Request for Proposal (RFP) utilizing the District's Small Business Program provisions was advertised in eleven newspapers on June 20, 2013, and issued to 142 prospective proposers. A Pre-Proposal Meeting was held on July 10, 2013, and was attended by 14 firms. Proposals were received on August 6, 2013 from the following seven firms:

1. Probe Information Service, Inc., Sacramento, California
2. Frasco Inc., Burbank, California
3. RJN Investigations, Inc., Riverside, California

4. Investigations Consultants International, Inc., Concord, California
5. APEX Investigation, Rancho Cordova, California
6. Perez Investigations, Martinez, California
7. Digistream Investigations, Inc., Alameda, California

The District's Selection Committee chaired by Contract Administration consisted of representatives from the Departments of Human Resources, Risk and Insurance Management, System Safety, and the Office of Civil Rights. The Selection Committee evaluated the proposals based on the best value method. The Selection Committee conducted a responsiveness review of all proposals against the ten (10) minimum technical requirements. After clarifying the technical proposals, it was determined that six of the seven were responsive to the minimum technical requirements. The Committee scored the six proposals based on the experience and qualifications of the firms and their proposed key personnel in providing investigation services, and ability to perform the RFP Scope of Services. Price proposals were subsequently opened and evaluated. The Selection Committee determined that three proposers were in the competitive range and those proposers were invited to oral interviews:

1.	Frasco Inc., Burbank, California	$1,441,875
2.	Digistream Investigations, Inc., Alameda, California	$1,537,375
3.	Probe Information Service, Inc., Sacramento, California	$1,696,075

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Agreement for Small Businesses certified by the California Department of General Services. The apparent low Proposer, Frasco, Inc. and Probe Information Services, Inc., the third low Proposer, are not certified Small Businesses and therefore are not eligible for the 5% reduction in its proposal price provided by the Small Business Program. The apparent second low Proposer, Digistream Investigations, Inc. is a certified small business, making it eligible for the 5% reduction in proposal price for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% prime preference, the price proposal submitted by Digistream Investigations, Inc. was calculated to be $1,465,281 for evaluation purposes. Frasco, Inc. remains the low proposer at $1,441,875 for the total of the base and option year prices.

Oral Interviews were conducted with the three proposers on October 25, 2013 and the proposals were subsequently scored. Scores for the written statement of qualifications (firm and proposed key personnel) and oral interview scores were combined, and the ranking is shown as follows:

Proposer	Combined Average Score	Technical Proposal Ranking
Probe Information Services	854	1
Frasco Inc.	826	2
Digistream Investigations	762	3

The Selection Committee conducted a best value analysis and determined that the proposal submitted by Frasco, Inc. represents the best value to the District. Frasco Inc., Inc. demonstrated its superior level of expertise as well as a collaborative and efficient approach to investigative services. They are a California licensed vendor with over 24 years' experience providing investigative services. The firm provides investigative services to a variety of public sector agencies through partnerships with Workers'

Compensation Third Party Administrators (TPA) and to cities and counties, including transit agencies such as Los Angeles Metro and BART. During the oral interview process, they discussed several innovative investigative strategies, their extensive experience with fraud cases, and state of the art technology systems. Frasco, Inc. also provided the lowest proposal price.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Agreement are 16% for MBEs and 20% for WBEs. Frasco, Inc. will not be subcontracting any work and it will perform all the work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

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

FISCAL IMPACT: The annual cost breakdown is as follows:

Year 1:	$280,125	(FY14)
Year 2:	$280,125	(FY15)
Year 3:	$280,125	(FY16)
Option Year 1:	$300,750	(FY17)
Option Year 2:	$300,750	(FY18)

Total for three years plus two option years:

$1,441,875

Costs for this Agreement will be paid from BART general funds as part of the individual claims with which they are associated.

ALTERNATIVE: The Board may elect to re-advertise or cancel the RFP.

RECOMMENDATION: Adoption of the following motion:

MOTION:

The General Manager is authorized to award Agreement No. 6M4282, Investigative Services for the District's self-insured Workers' Compensation Program, to Frasco, Inc. for an amount not to exceed the base Proposal Price of $840,375 for the base three-year period pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise Option Year 1 for an amount not to exceed $300,750 and Option Year 2 for an amount not to exceed $300,750.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/2/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Signature/Date: 12/31/13	General Counsel 12/31/13 [ ]	Controller/Treasurer [ ]	District Secretary [ ]	BARC 12/31/13 [ ]

Status: **Routed**	Date Created: **12/30/2013**

TITLE:

Adopt Amended and Restated Flexible Benefits Plan

NARRATIVE:

PURPOSE

To adopt the amended and restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan ("the Plan"). The amendment is necessary to implement the 2013-2017 collective bargaining agreement with American Federation of State, County, and Municipal Employees Local 3993 ("AFSCME") that has been ratified by the Board, and will also serve to implement collective bargaining agreements with the District's other unions once such agreements have been ratified, and to implement District policy with respect to non-represented employees.

DISCUSSION

In December 2000, the Board adopted the Plan, effective January 1, 2001, to provide for premium conversion and health and dependent care reimbursement accounts. The premium conversion component allows employees to pay their portion of monthly health insurance premiums on a pre-tax basis. The health and dependent care reimbursement accounts allow employees to set aside money on a pre-tax basis to pay for eligible health and dependent care expenses.

When the Board originally adopted the Plan, it also delegated authority to the General Manager to adopt such future amendments to the Plan as necessary to ensure that the Plan continued to meet the requirements of Sections 105, 106, 125, and 129 of the Internal Revenue Code and other applicable federal and state law, provided that any such amendments would not materially increase the cost of the Plan to the District. The amended and restated Plan currently before the Board includes an amendment necessary to implement the District's agreement with AFSCME to provide $350 per month to employees who opt out of District medical coverage. The amendment is drafted such that further amendment of the Plan will not be necessary should similar agreements with the District's other unions be ratified, nor will further amendment be necessary should such a benefit be extended by District policy to non-represented employees. An amendment to the Plan related to such a benefit is not within the authority of the General Manager to adopt without Board approval. Staff therefore brings the amended and restated Plan to the Board for approval.

FISCAL IMPACT

The amended and restated Flexible Benefits Plan will implement terms agreed to in collective bargaining and applied to non-represented employees by District policy. Accordingly, there is no direct financial impact from amending and restating the Flexible Benefits Plan.

ALTERNATIVE

The amended and restated Plan reflects negotiated benefits for AFSCME employees that the Board approved when it ratified the 2013-2017 collective bargaining agreement with AFSCME.

RECOMMENDATION

To adopt the following motion. The Office of the General Counsel has approved the amended and restated Plan as to form.

MOTION

Adopt the attached Resolution approving the amended and restated Plan effective January 1, 2014.

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

In the Matter of Approving the Amended and Restated
San Francisco Bay Area Rapid Transit District
Flexible Benefits Plan

Resolution No. _____

RESOLUTION

WHEREAS, at its meeting of December 7, 2000, the Board of Directors of the San Francisco Bay Area Rapid Transit District ("the Board") by Resolution adopted the San Francisco Bay Area Rapid Transit District Flexible Benefits Plan ("the Plan"), effective January 1, 2001, to implement medical premium conversion, a health care reimbursement program, and a dependent care assistance program;

WHEREAS, at the same meeting, the Board authorized the General Manager to approve and adopt such future amendments to the Plan as may be necessary to ensure that the Plan continues to meet the requirements of Sections 105, 106, 125, and 129 of the Internal Revenue Code and other applicable federal and state law;

WHEREAS, the Board by Resolution has ratified the 2013-2017 collective bargaining agreement with American Federation of State County and Municipal Employees (AFSCME) Local 3992;

WHEREAS, in order to implement terms agreed to by the parties in the 2013-2017 collective bargaining agreement with AFSCME, the Board now wishes to approve an amended and restated Plan;

NOW THEREFORE BE IT RESOLVED, that the Board hereby approves and adopts the San Francisco Bay Area Rapid Transit District Flexible Benefits Plan, as amended and restated, effective January 1, 2014, to include the changes summarized on the attached Exhibit A, the terms of which are incorporated herein and by this reference made a part hereof;

BE IT FURTHER RESOLVED, that the Board authorizes the Board President to sign such amended and restated Plan on behalf of the Board.

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

Signed: _____
Board President

Attest: _____
District Secretary

EXHIBIT A
Summary of Amendment to the
San Francisco Bay Area Rapid Transit District
Flexible Benefits Plan

Change to Cash Opt-Out Benefit Component: Since 2010, the Plan has provided that employees who opt out of District medical coverage may apply a credit on a pre-tax basis to the employee's share of the premium for other types of coverage elected by the employee and included in the Premium Conversion Benefit Component, such as enhanced vision coverage. Previously, the Plan specified the credit amount as $100. The Plan is amended to provide that the amount of the credit will be the amount specified in the relevant collective bargaining agreement and District policy applicable to non-represented employees governing the terms and conditions of employment. If the employee is not enrolled in other coverage included in the Premium Conversion Benefit Component, or if payments for such coverage are less than the amount of the applicable credit per month, the employee will receive the credit or the balance as a cash payment, subject to applicable Internal Revenue Code and Internal Revenue Service rules.

bart

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/2/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Russell Dept: Signature/Date: 1/2/14	General Counsel 1/2/14	Controller/Treasurer [ ]	District Secretary [ ]	BARC 1-2-14 [ ]

Status: Approved | Date Created: 12/20/2013

TITLE:

Title VI Service Standards and Policies

NARRATIVE:

BACKGROUND:

FTA most recently approved BART's Service Standards, Policies, and Monitoring Program in the 2011 Title VI Triennial Update Report. Pursuant to FTA Title VI Circular 4702.1B (October 2012), BART is required to submit its Title VI Program to FTA once every three years. Since a required element of the Program consists of system-wide service standards and policies, staff seeks Board approval of the service standards and policies that will be incorporated into the 2013 Title VI Triennial Report to be brought back to the Board for approval at a later date.

DISCUSSION:

FTA Title VI Circular 4702.1B (October 2012) requires that all fixed route transit providers, such as BART, set service standards and policies for service mode(s) it provides to address how service is distributed across the transit system. Fixed route transit providers are also required to adopt system-wide service policies to ensure that service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Specifically, FTA requires that fixed route providers develop quantitative standards for the following indicators: i) vehicle load; ii) vehicle headway; iii) on-time performance; and iv) service availability. FTA also requires that fixed route providers develop a policy for each of the following service indicators: i) distribution of transit amenities and ii) vehicle assignment.

The BART Board in July 2013 adopted an FTA-required Disparate Impact/Disproportionate Burden (DI/DB) Policy which established a 5 percent threshold for determining when adverse effects of a major service change would be deemed to disproportionately affect minority and low-income populations. This DI/DB Policy threshold is used as guidance in setting a similar 5 percent threshold for assessment of Service Standards and Policies.

Staff seeks Board approval of the proposed Service Standards and Policies summarized below and described more fully in the attached Exhibit A:

Vehicle Load Standard: the average maximum passengers per car on minority lines will not exceed the applicable Peak and Off Peak Vehicle Load Standards listed below and will not exceed by 5 percent or more in aggregate the average passengers per car on non-minority lines.

Peak Period Peak Direction Vehicle Load Standard = 100 passengers per car

Off-Peak Vehicle Load Standard = 63 passengers per car

Vehicle Headway Standard: headways on minority lines will not be greater than the base headway standard of 15 minutes during the early morning, mid-day, and AM and PM Peak Periods, and will not be greater than 20 minutes during the evening and weekend service periods. In addition, during the peak periods when additional "rush trains" are added to supplement base service headways, the average maximum number of passengers per train on minority lines will not exceed by 5 percent or more in aggregate the average maximum number of passengers per train on non-minority lines.

On-Time Performance Standard: the average aggregate train on-time performance of minority lines will not be both below the District's system-wide standard (currently 94 percent) and 5 percent or more lower than the average on-time performance of non-minority lines.

Service Availability Standard: for purposes of the 4 county BART service area, the average linear distance to the nearest BART station from the population center of minority census tracts will not exceed by 5 percent or more the average linear distance to the nearest BART station from the population center of non-minority census tracts.

Distribution of Transit Amenities Policy: transit amenities, which include items of comfort, convenience, and safety for BART riders are to be distributed equitably, generally in proportion to station ridership. BART has identified 21 transit amenity categories to be evaluated, in accordance with the new Title VI Circular, and has also identified a number of station pairs having similar ridership levels, locations (urban or suburban) and station design. With certain limitations, minority stations will not have fewer amenities than similar non-minority stations in a majority (11 or more) out of the 21 categories evaluated.

Vehicle Assignment Policy: the average remaining minimum useful life of the rail cars assigned to minority lines in aggregate will not be 5 percent or more less than the average remaining minimum useful life of the rail cars assigned to non-minority lines.

These proposed Service Standards and Policies would apply not only over the 2012 through 2013 period covered in the Triennial Update, but also the next three years beyond 2013.

The attached presentation explains each of these Service Standards and Policies in greater detail. In addition, the Service Monitoring Report which evaluates the District's actual performance relative to these standards will be presented for Board approval at the next regularly scheduled meeting.

FISCAL IMPACT:

Adopting the proposed Title VI Service Standards and Policies would allow the District to maintain its eligibility for Federal transit funding.

ALTERNATIVES:

Do not adopt the proposed Title VI Service Standards and Policies at this time, and request an extension

from the FTA of the deadline for the District's submittal of its Title VI Triennial Update Report.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The Board of Directors adopts the proposed Title VI Service Standards and Policies as described in attached Exhibit A.