

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

BOARD MEETING AGENDA

January 27, 2011

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, January 27, 2011, 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 General Discussion and Public Comment.

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER
 - A. Roll Call.
 - B. Pledge of Allegiance.
 - C. Introduction of Special Guests.

2. CONSENT CALENDAR
 - A. Approval of Minutes of the Meeting of January 13, 2011.* Board requested to authorize.
 - B. Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Bay Fair Safety and Security Improvements Project.* Board requested to adopt.
 - C. Deferral of Fiscal Year 2011 Evaluation and Adjustment of Professional/Management Salary Ranges for Employees on the Merit Plan.* Board requested to authorize.
 - D. Award of Contract No. 6M3158A, Procurement of Fasteners.* Board requested to authorize.

3. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Murray, Chairperson
 - A. Update on Metropolitan Transportation Commission / Association of Bay Area Governments Regional Transportation Plan / Sustainable Communities Strategy.* For information.

4. ADMINISTRATION ITEMS
Director Blalock, Chairperson
 - A. Agreement with Standard Insurance Company for Life and Disability Insurance for Employees.* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS
Director Fang, Chairperson
 - A. Change Order to Contract No. 09DJ-120A, Installation of Anode Cables and Anode Array Assemblies for Cathodic Protection System, with Manson Construction Company, for Modification of Work Scope (C.O. No. 1).* Board requested to authorize.

- B. Change Order to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction, Inc., for Foundation Retrofits (C.O. No. 7).* Board requested to authorize.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Murray, Chairperson

- A. Exclusive Negotiations with Recommended Developer for Station Retail.* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

NO REPORT.

8. BOARD MATTERS

- A. Roll Call for Introductions.

9. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(CONTINUED from January 13, 2011, Board Meeting)

Name of Case: Johnson et al. vs. BART
Government Code Section: 54956.9(a)

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

Agency Negotiators: Directors Fang, Franklin, and Blalock
Title: General Counsel and Controller/Treasurer
Government Code Sections: 54957 and 54957.6



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley Delinger</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Administration Committee		
DATE: 1/19/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alan Lee Dept: <i>Alan E Lee</i> Signature/Date: 1/14/11	General Counsel <i>Andrew...</i> 1/18/11 []	Controller/Treasurer <i>[Signature]</i> 1/18/11 []	District Secretary []	BARC <i>Carl...</i> 1-18-11 []
Status: Routed		Date Created: 12/23/2010		

TITLE:
Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Bay Fair Safety and Security Improvements Project

NARRATIVE:

PURPOSE:

To obtain BART Board approval of a Resolution of Project Compliance and Initial Project Report ("IPR") for the Safe Routes to Transit funds for the Bay Fair BART Safety and Security Improvements Project ("Project"). The IPR, as described in the attached IPR Summary ("Summary"), includes a request for reimbursement in an amount not-to-exceed \$196,077 of planned project expenditures.

DISCUSSION:

Metropolitan Transportation Commission ("MTC") Resolution No. 3636, the Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2, requires that the project sponsor approve a Resolution of Project Compliance and IPR when the project sponsor requests an allocation of RM2 funds. In accordance with MTC's requirement, staff is requesting that the Board approve the Resolution of Project Compliance and IPR Summary for the Project.

The City of San Leandro and BART jointly secured the \$196,077 Regional Measure 2 – Safe Routes to Transit grant for Safety and Security Improvements at the Bay Fair Station. The City of San Leandro provided a \$30,000 local match, for a Project total of \$226,077. The grant will provide for:

- New and enhanced lighting, new walkway and crosswalk treatment, new decorative fencing, and new wayfinding signage for an existing pedestrian bridge to the Bay Fair Shopping Center;
- Enhanced lighting and new wayfinding signage at the bus loading area of the Station;
- Enhanced lighting and new wayfinding signage for the pedestrian underpass to the west side of the Station; and,
- Bike sharrows for bike safety on Thornally Drive.

FISCAL IMPACT:

Approval of the Resolution of Project Compliance and IPR Summary is a requirement for the District to receive an allocation in an amount not-to-exceed \$196,077 in RM2 funding from MTC. This action will have no fiscal impact on un-programmed District Reserves. The City of San Leandro is providing a \$30,000 local match. No BART match is required. Total funding in an amount not-to-exceed \$226,077 for the Project is provided through Regional Measure 2 Bridge Tolls and a City of San Leandro local match.

ALTERNATIVES:

Do not approve the Resolution of Project Compliance and IPR Summary. This would prevent construction of Safety and Security Improvements at the Bay Fair Station.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

Approve the attached Resolution of Project Compliance and Initial Project Report Summary for Safe Routes to Transit Regional Measure 2 Funds for the Bay Fair Station Safety and Security Improvements Project.

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

In the Matter of Approval
of a Resolution of Project Compliance
and Initial Project Report for Regional
Measure 2 Funds for the Bay Fair BART
Safety and Security Improvements Project /

Resolution No. _____

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, San Francisco Bay Area Rapid Transit District (BART) is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the Bay Fair BART Safety and Security Improvements Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BART is requesting that MTC allocate Regional Measure 2 funds.

NOW, THEREFORE, BE IT RESOLVED, that BART, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that BART certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that BART approves the updated Initial Project Report (IPR), as described in the attached IPR Summary (Summary); and be it further

RESOLVED, that BART approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that BART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated IPR, attached to this resolution; and be it further

RESOLVED, that BART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART is authorized to submit an application for Regional Measure 2 funds for BART in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to BART's making allocation requests for Regional Measure 2 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BART to deliver such project; and be it further

RESOLVED that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall

reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BART agrees, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for their useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the fair market value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

RESOLVED, that BART shall post on both ends of the construction site(s) at least two signs visible to the public stating that the project is funded with Regional Measure 2 Toll Revenues; and be it further

RESOLVED, that BART authorizes its General Manager or her designee to execute and submit an allocation request for the design/construction phase with MTC for Regional Measure 2 funds in the amount of \$196,077, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the General Manager or her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the BART application referenced herein.

Adopted: _____

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Bay Fair BART Safety and Security Improvements Project

Initial Project Report Summary

The Project will provide:

- New and enhanced lighting, new walkway and crosswalk treatment, new decorative fencing, and new wayfinding signage for an existing pedestrian bridge to the Bay Fair Shopping Center;
- Enhanced lighting and new wayfinding signage at the bus loading area of the station;
- Enhanced lighting and new wayfinding signage for the pedestrian underpass to the west side of the Station; and,
- Bike sharrows for bike safety on Thornally Drive.

Project Delivery Milestones

Phase-Milestone	Planned	
	Start Date	Completion Date
Environmental Document	November 2010	February 2011
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	November 2010	February 2011
Final Design - Plans, Specs. & Estimates (PS&E)	November 2010	February 2011
Right-of-Way Activities /Acquisition (R/W)	NA	NA
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	September 2011	May 2012

Total Project Budget Information

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	\$30
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	\$196
Total Project Budget (in thousands)	\$226



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alana delBouche</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 1/21/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Elaine M. Kurtz Dept: <i>Elaine M Kurtz</i>	General Counsel <i>MB</i>	Controller/Treasurer <i>Alana delBouche</i>	District Secretary []	BARC <i>Carol Newman</i>
Signature/Date: <i>1-21-11</i>	<i>1/21/11</i>	<i>1/21/11</i>	[]	<i>1-21-11</i> []

TITLE:
Fiscal Year 2011 Evaluation and Adjustment of Professional/Management Salary Ranges for Employees on the Merit Plan

NARRATIVE:

To obtain Board approval for the General Manager to refrain from conducting a salary survey and making adjustments in professional/management salary ranges in Fiscal Year 2011.

DISCUSSION:

In accordance with the 2009-2013 collective bargaining agreement between the District and AFSCME, base salaries for employees represented by AFSCME remain essentially fixed at Fiscal Year 2009 levels, with no scheduled increases to base salaries for the balance of the contract term (through Fiscal Year 2013). Salaries of non-represented professional/management employees similarly remain fixed at 2009 levels, with no merit increases to base salary for Calendar Years 2010 and 2011.

Although base salaries for individual professional/management employees remain essentially fixed, current District policy for merit plan employees requires that the salary ranges for professional/management employees be evaluated annually against the relevant market, and, depending upon the results of the survey/study, the ranges be adjusted. Specifically, the Board has directed the General Manager to evaluate Professional/Management salary ranges on an annual basis, and to make such adjustments as are required to establish the mid-point of the pay ranges for positions so that they approximate the 75th percentile of the average of salaries paid for similar jobs in the labor market. (Resolution 5138, adopted June 10, 2010, approving the FY'11 annual budget) The AFSCME Agreement, which contains similar language, requires an annual salary survey on which to base the range adjustment for AFSCME represented employees.

Range adjustments impact the amount of salary that employees receive under only very limited circumstances. Range adjustments impact individuals whose salary are "over the range" as a result of a merit adjustment in the prior year. There are currently no employees receiving "over the range pay." Salary range adjustments also impact the salary of employees whose salary falls below a new range minimum that is established under the policy cited above. A small number of employees are now being paid at or near the minimum of their pay ranges (a total of eight are within 4% of their respective pay range minima), and, would receive an increase if study results indicated a 4% adjustment of ranges was warranted.

The last comprehensive salary survey was completed in June 2008. By memo dated April 1, 2010, the Board was advised that staff confirmed with the consultant that performed the 2008 survey that a new survey in the then-current economic climate was not likely to yield different results. The Board was also advised that with the concurrence of AFSCME leadership, the General Manager would continue to rely on the 2008 survey results and would adjust the professional/management salary ranges 2% effective 1/1/10 so the range midpoints would more closely approximate the 75th percentile benchmark in the current policy.

For the reasons discussed below, it is recommended that the Board authorize the General Manager to refrain from conducting a salary survey in Fiscal Year 2011, and that the ranges remain fixed at current levels for the balance of Calendar Year 2011. AFSCME leadership concurs with the retention of the current pay ranges and deferral of a salary survey at this time.

This recommendation is made in consideration of the following. First, as noted above, the District's current agreement with AFSCME makes only limited provision for an across the board base pay increase during the entire contract term, i.e., a 1.0% increase effective June 30, 2013 contingent on a number of economic benchmarks. This means that regardless of what might be learned by conducting a full market survey and/or adjusting pay ranges, the vast majority of professional/management employees' base pay will remain unchanged through Calendar Year 2011.

Second, the District's Executive staff is currently reviewing in draft a comprehensive update of HR procedures and alternative compensation procedures and policy. Staff hopes to bring any recommendations for changes in policy forward to the Board in the next few months for its consideration and action, as it deems appropriate. While review of the proposals is not yet complete, the Board may well be asked to consider compensation policy alternatives, including the frequency of market studies and changes in the "yardstick" by which salary ranges are measured (currently to establish the mid-points of the ranges so that they approximate the 75th percentile of the market, as described above). Given that staff is currently considering whether such changes would better serve the District, it may be useful to delay a market study and pay range adjustment that uses the current standard.

Finally, a market survey of the type we have traditionally undertaken incurs costs, both direct and indirect, not only for staff, but for the participating jurisdictions. The Board is aware that District staffing levels, especially in the administrative support area, require careful prioritization of projects. This appears to be one that can be foregone this year without significant negative impact on employees or service.

FISCAL IMPACT:

No costs will be incurred as a result of the proposed action.

ALTERNATIVES:

Fiscal Year 2011 Evaluation and Adjustment of Professional/Management Salary Ranges for Employees on the Merit

Conduct a market study and adjust pay ranges accordingly with a January 1, 2011 effective date.

RECOMMENDATION:

Approve the following motion.

MOTION:

To authorize the General Manager to refrain from conducting a market salary survey for the purpose of evaluating professional/management salary ranges in Fiscal Year 2011 as previously directed in Board Resolution 5138 and to maintain the current professional/salary ranges through Calendar Year 2011.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>1/19/11</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: John McCormick Dept: RS&S (ext 7557)	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature/Date: <i>1-19-2011</i>	<i>[Signature]</i> <i>1/19/11</i>	<i>[Signature]</i> <i>1/19/11</i>	<i>[Signature]</i>	<i>[Signature]</i> <i>1/19/11</i>

Award Contract No. 6M3158A: Procurement of Fasteners

NARRATIVE:

To authorize the General Manager to award Contract No. 6M3158A, a three-year estimated-quantities contract, for the procurement of fasteners, to ACF Components & Fasteners, Inc. in the amount of \$201,421.75.

DISCUSSION:

This is a three year, estimated quantities, contract to provide the nuts, bolts and mechanical fasteners required to maintain the revenue fleet. It was advertised as a two step process, the first step being Technical Qualification Bids and the second step being Price Bids.

Advance Notice to Bidders was mailed on November 22, 2010 to 40 prospective Bidders. The contract was advertised on November 23, 2010. A Pre-Bid meeting was held on December 2, 2010, with five (5) prospective Bidders attending the meeting. Six (6) prospective bidders purchased the Contract Book. Three Bids were received on December 14, 2010. The Technical Qualification Bids were opened on December 15, 2010 and after review by staff, all three Technical Qualification Bids were determined to be acceptable. The Price Bids were then opened on December 21, 2010. In accordance with the District's procedures, staff independently recalculated the bid item totals based on the unit prices bid. This re-calculation did not change the ranking of bids by price. Tabulation of the bids, with the arithmetical corrections and including the District's Independent estimate, is as follows:

1. ACF Components & Fasteners, Inc., Hayward, CA	\$201,421.75
2. Fastenal Co., Winona, MN	\$205,144.44
3. UZ Engineered Products, Cleveland, OH	\$542,287.90

Independent cost estimate by BART staff: \$264,000.00

Staff has determined that the bidder, ACF Components & Fasteners, Inc. submitted a responsive bid, and that the bid pricing is fair and reasonable. Furthermore, a review of this bidder's business experience and financial capabilities has resulted in the determination that the bidder is responsible.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 10% for MBEs and 12% for WBEs. The bidder will not be

subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract, the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price, subject to the availability of funding.

FISCAL IMPACT:

Funding for this contract will be provided from the Rolling Stock & Shops (RS&S) Maintenance Contracts, Account 680-300, estimated as follows :

Fiscal Year 2011,	\$33,570.29
Fiscal Year 2012,	\$67,140.58
Fiscal Year 2013,	\$67,140.58
Fiscal Year 2014,	\$33,570.30
Total	\$201,421.75

Expenditures for FY2011 is included in RS&S operating budget for FY2011. The expenditures for FY2012, FY2013, and FY2014 will be included in future RS&S operating budgets. Availability of funding exceeding \$201,421.75 must be confirmed for availability of funding with the Controller-Treasurer.

ALTERNATIVES: The alternative to awarding the Bid would be to reject all Bids and readvertise the Contract, which staff believes is not likely to lead to a better price or more competition.

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

MOTION: The General Manager is authorized to award Contract No. 6M3158A, Procurement of Fasteners, an estimated quantity contract, to ACF Components & Fasteners, Inc. for the bid price of \$201,421.75, plus all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: January 21, 2011

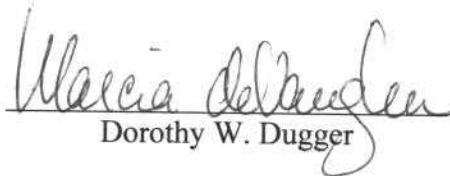
FROM: General Manager

SUBJECT: Update on MTC / ABAG Regional Transportation Plan / Sustainable Communities Strategy

At the January 27 meeting, the Board will receive an overview presentation from Ezra Rapport, Executive Director of the Association of Bay Area Governments (ABAG), on the region's emerging Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS). ABAG and the Metropolitan Transportation Commission (MTC) are jointly responsible for preparing the RTP / SCS for the Bay Area. This regional plan will be developed in partnership among regional agencies, local jurisdictions, transit agencies and Congestion Management Agencies through an iterative process.

Senate Bill 375 (SB 375), which was supported by the BART Board, became law in 2008 and is considered landmark legislation for California relative to land use, transportation and environmental planning. It calls for the development of a SCS in all metropolitan regions in California. The SCS is a land use strategy required to be included as part of the Bay Area's 25-year RTP. By federal law, the RTP must be internally consistent. Therefore, the over \$200 billion dollars of transportation investment typically included in the RTP must align with and support the SCS land-use pattern. SB 375 also requires that an updated eight-year regional housing need allocation (RHNA) prepared by ABAG is consistent with the SCS. The SCS, RTP and RHNA will be adopted simultaneously in early 2013.

ABAG and MTC will have information posted on the www.onebayarea.org website. If you have any questions, please feel free to contact Carter Mau at 510.464.6194.


Dorothy W. Dugger

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

OneBayArea

Overview of the Sustainable Communities Strategy

PURPOSE AND APPROACH

Senate Bill 375, which was supported by the BART Board, became law in 2008 and is considered landmark legislation for California relative to land use, transportation and environmental planning. It calls for the development of a Sustainable Communities Strategy (SCS) in all metropolitan regions in California. Within the Bay Area, the law gives joint responsibility for the SCS to the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). These agencies will coordinate with the Bay Area Air Quality Management District (Air District) and the Bay Conservation and Development Commission (BCDC).

The SCS integrates several existing planning processes and is required to accomplish the following objectives:

1. Provide a new 25-year land use strategy for the Bay Area that is realistic and identifies areas to accommodate all of the region's population, including all income groups;
2. Forecast a land use pattern, which when integrated with the transportation system, reduces greenhouse gas emissions from automobiles and light trucks and is measured against our regional target established by the California Air Resources Board (CARB).

The SCS is a land use strategy required to be included as part of the Bay Area's 25-year Regional Transportation Plan (RTP). By federal law, the RTP must be internally consistent. Therefore, the over \$200 billion dollars of transportation investment typically included in the RTP must align with and support the SCS land-use pattern. SB 375 also requires that an updated eight-year regional housing need allocation (RHNA) prepared by ABAG is consistent with the SCS. The SCS, RTP and RHNA will be adopted simultaneously in early 2013.

The SCS is not just about assigning housing need to places or achieving greenhouse gas targets. The primary goal is to build a Bay Area that continues to thrive and prosper under the changing circumstances of the twenty-first century. By directly confronting the challenges associated with population growth, climate change, a new economic reality and an increasing public-health imperative, the SCS should help us achieve a Bay Area which is both more livable and more economically competitive on the world stage. A successful SCS will:

- Recognize and support compact walkable places where residents and workers have access to services and amenities to meet their day-to-day needs;
- Reduce long commutes and decrease reliance that increases energy independence and decreases the region's carbon consumption;

- Support complete communities that remain livable and affordable for all segments of the population, maintaining the Bay Area as an attractive place to reside, start or continue a business, and create jobs.
- Support a sustainable transportation system and reduce the need for expensive highway and transit expansions, freeing up resources for other more productive public investments;
- Provide increased accessibility and affordability to our most vulnerable populations;
- Conserve water and decrease our dependence on imported food stocks and their high transport costs.

BUILDING ON EXISTING EFFORTS

In many respects the SCS builds upon existing efforts in many Bay Area communities to encourage more focused and compact growth while recognizing the unique characteristics and differences of the region's many varied communities. FOCUS Priority Development Areas (PDAs) are locally-identified and regionally adopted infill development opportunity areas near transit. Nearly all of the existing BART stations are in, or adjacent to, locally-identified PDAs. The PDAs provide a strong foundation upon which to structure the region's first Sustainable Communities Strategy. PDAs are only three percent of the region's land area. However, local governments have indicated that based upon existing plans, resources, and incentives the PDAs can collectively accommodate over fifty percent of the Bay Area's housing need through 2035.

PDAs have been supported by planning grants, capital funding and technical assistance grants from MTC. The current RTP allocates an average of \$60 million a year to PDA incentive-related funding. Future RTPs, consistent with the SCS, will be structured to provide policies and funding that is supportive of PDAs and potentially other opportunity areas for sustainable development in the region.

PROCESS – SCS SCENARIOS

The final SCS will be the product of an iterative process that includes a sequence of growth and supportive transportation scenarios. Starting with an Initial Vision Scenario (February 2011), followed by more detailed SCS scenarios that refine the initial vision scenario (Spring and Fall 2011), and final draft (early 2012).

Initial Vision Scenario

ABAG and MTC will release an Initial Vision Scenario in February 2011 based in large part on input from local jurisdictions through the county/corridor engagement process and information collected by December 2010. The Vision Scenario will encompass an initial identification of places, policies and strategies for long-term, sustainable development in the Bay Area. Local

governments will identify places of great potential for sustainable development, including PDAs, transit corridors, employment areas, as well as infill opportunities areas that lack transit services but offer opportunities for increased walkability and reduced driving.

The Initial Vision Scenario will:

- Incorporate the 25-year regional housing need encompassed in the SCS;
- Provide a preliminary set of housing and employment growth numbers at regional, county, jurisdictional, and sub-jurisdictional levels;
- Be evaluated against the greenhouse gas reduction target as well as the additional performance targets adopted for the SCS.

Detailed Scenarios

By the early spring of 2011 the conversation between local governments and regional agencies will turn to the feasibility of achieving the Initial Vision Scenario by working on the Detailed Scenarios. The Detailed Scenarios will be different than the initial Vision Scenario in that they will take into account constraints that might limit development potential, and will identify the infrastructure and resources that can be identified and/or secured to support the scenario. MTC and ABAG expect to release a first round of Detailed Scenarios by July 2011. Local jurisdictions will provide input, which will then be analyzed for the release of the Preferred Scenario by the end of 2011. The County/Corridor Working Groups as well as the Regional Advisory Working Group will facilitate local input into the scenarios through 2011. The analysis of the Detailed Scenarios and Preferred Scenario takes into account the Performance Targets and Indicators.

REGIONAL TRANSPORTATION PLAN

The SCS brings an explicit link between the land use choices and the transportation investments. MTC and ABAG's commitment to the reduction of greenhouse gas emissions and provision of housing for all income levels translates into an alignment of the development of places committed to these goals and transportation, infrastructure and housing funding. The regional agencies will work closely with the CMAs, transportation agencies and local jurisdictions to define financially constrained transportation priorities in their response to a call for transportation projects in early 2011 and a detailed project assessment that will be completed by July/August 2011; the project assessment will be an essential part of the development of Detailed SCS Scenarios. The RTP will be analyzed through 2012 and released for review by the end of 2012. ABAG will approve the SCS by March 2013. MTC will adopt the final RTP and SCS by April 2013.

Regional agencies will prepare one Environmental Impact Report (EIR) for both the SCS and the RTP. This EIR might assist local jurisdictions in streamlining the environmental review process for some of the projects that are consistent with the SCS. Local jurisdictions are currently providing input for the potential scope of the EIR. Regional agencies are investigating the scope and strategies for an EIR that could provide the most effective support for local governments.

ADDITIONAL REGIONAL TASKS

MTC, ABAG and the Bay Area Air Quality Management District are coordinating the impacts of CEQA thresholds and guidelines recently approved by the Air District. The Air District is currently developing tools and mitigation measures related to the CEQA thresholds and guidelines to assist with development projects in PDAs. The four regional agencies will be coordinating other key regional planning issues including any adopted climate adaptation-related policy recommendations or best practices encompassed in the Bay Plan update recently released by BCDC.

KEY BART ISSUES IN THE SUSTAINABLE COMMUNITIES STRATEGY

There are several key issues that should be addressed in the region's long-range transportation plan and Sustainable Communities Strategy. Among these, are the following:

- As more growth is concentrated around the core transit network (such as BART) and policies such as pricing are considered, how will the RTP / SCS address BART's long-term capacity constraints (i.e., stations, systems, yard/shop, fleet expansion)?
- As BART approaches 40-years of service, how will the RTP / SCS prioritize investments to keep BART in a State of Good Repair, such as BART's vehicle replacement program?
- How will the RTP / SCS address demand for transit expansion?

NEXT STEPS

- Regional agencies expect to release an initial Vision Scenario in early February 2011.
- Staff will seek Board input on the emerging RTP / SCS at key decisions points in the process.


ABAG and MTC will have information posted on the www.onebayarea.org website. If you have any questions, please feel free to contact Carter Mau at 510.464.6194.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** January 21, 2011
FROM: General Manager
SUBJECT: Administration Committee Item 4.A: Agreement with Standard Insurance Company for Life and Disability Insurance for Employees

Staff is working to resolve outstanding issues with the subject item that is calendared on the January 27, 2011 Board Meeting agenda and hopes to have an Executive Decision Document (EDD) for Board consideration early next week.



Dorothy W. Dugger

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley DeKaufer</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 1/19/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Khawaja Zubair Dept: M&E <i>K. Zubair</i> Signature/Date: 1/19/11	General Counsel <i>Andy Karas</i> Signature/Date: 1/19/11	Controller/Treasurer <i>[Signature]</i> Signature/Date: 1/19/11	District Secretary []	BARC <i>Paul Verser</i> Signature/Date: 1/19/11
Status: Routed		Date Created: 01/13/2011		

TITLE:

CHANGE ORDER NO. 1 TO CONTRACT NO: 09DJ-120A, INSTALLATION OF ANODE CABLES AND ANODE ARRAY ASSEMBLIES FOR CATHODIC PROTECTION SYSTEM AT TRANSBAY TUBE (TBT)

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to execute Change Order No. 1 to Contract No. 09DJ-120A for modification of work that will result in an overall decrease of the original contract amount by an amount of \$220,807.37.

DISCUSSION:

Award of Contract No. 09DJ-120A to Manson Construction Co. in the amount of \$2,252,850.00 was authorized by the Board on November 19, 2009. The Notice to Proceed was issued on January 4, 2010.

The purpose of this Change Order No. 1 is: i) To adjust the bid item quantities to reflect actual work completed; ii) Revise the Bid Form to provide the Contractor with an incentive pay item in accordance with Contract Specifications Section 01 11 00 of the original specification; and iii) Increase the contract work to include related electrical work inside the Transbay Tube.

There were a total of 23 days of savings in dive time that resulted in major cost reductions for the project. This reduction justifies the large variation in the quantities of certain bid items and constitutes the contract adjustment (item i). Use of advanced GPS systems, under water robots and a sonar camera allowed detection of the top hats in a much shorter time period than otherwise would have been possible. Use of mixed gas provided longer dive times for the diver so he could stay longer periods underwater. The work schedule was adjusted to catch two tides per work day which resulted in twice the anticipated dive times. By implementing these processes and schedules, the Contractor accelerated the work thus generating significant savings on the project cost, and entitling the Contractor to incentive pay in accord with the Contract documents.

Fiscal Impact:

The cost /credit of this Change Order is summarized as follows:

Adjustment of Contract Bid items:	(\$612,676.80)
Incentive Payment to Contractor:	\$230,000.00
In-Tube Work by Contractor:	\$161,869.43
Net saving to the District:	(\$220,807.37)

Pursuant to Board Rule 5-2.4, except for construction and procurement contracts greater than \$200 million, Change Orders which involve an expenditure of more than \$200,000, or involve a substantial alteration or potential substantial alteration in the obligations of either the District or the contractor require the approval of the Board of Directors. This Change Order involves a decrease in the original contract amount of more than \$200,000 and therefore requires the approval of the Board of Directors. Staff determined that it is in the District's interest to issue this Change Order for the following reasons:

1. The Design and Construction team successfully completed this contract within schedule and budget. Major savings were achieved by utilizing advanced technology and creative scheduling techniques as more fully discussed above.
2. The incentive payment was included in the original contract (see Contract Specifications section 01 11 00) for expedited performance for each anode cable replacement. However, the bid schedule must be revised to include the incentive payment as an additional line item.
3. Originally, in-tube work was to be supported by the BART in-house staff. Due to the un-availability of in-house labor, the project had to utilize the Contractor's resources to complete the required top-hat work, thereby resulting in an increase in contract work.

The Procurement Department will review this Change Order for compliance with the District's procurement guidelines prior to execution.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

This Change Order is expected to be the first and only Change Order to this Contract.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to execute Change Order No. 1 to Contract No. 09DJ-120A, Installation of Anode Cables and Anode Assemblies for Cathodic protection System at Transbay Tube that results in a net savings to the District of \$220,807.37.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBarden</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the January 27, 2010 Board Meeting		
DATE: <i>1/19/11</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joe Lipkos Dept: TSD, Stations Capital Program/Ext. 4849 <i>J Lipkos 1/22/10</i>	General Counsel <i>Andrew Kucera 1/18/11</i>	Controller/Treasurer <i>[Signature] 1/18/11</i>	District Secretary []	BARC <i>Paul Grewer 1/18/11</i>
Status: Routed		Date Created: 12/22/2010		

Authority to Execute Change Order No. 7 to add Earthquake Safety Work to Pleasant Hill Station Modernization Contract No. 15ID-110

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 7 for column foundation seismic retrofits to Contract No. 15ID-110, Pleasant Hill Station Modernization Project with Taber Construction, Inc. and extend the Contract completion time by 60 calendar days.

DISCUSSION:

The Board of Directors authorized the General Manager to award Contract No. 15ID-110, Pleasant Hill Station Modernization to Taber Construction on February 25, 2010. The scope of work for the Contract includes the addition of two emergency stairs, improvements to the architectural finishes, new energy saving lighting, new way-finding signage, new bicycle area and other improvements to the station.

Initially, earthquake retrofit work under the District's Earthquake Safety Program (ESP) at the Pleasant Hill station was scheduled to be completed in advance of the station modernization contract. However, due to the District's decision to upgrade the Concord line stations to an operability standard, the ESP contract work was delayed one year. The scope of the seismic retrofit work at Pleasant Hill station consists of footing retrofit, pier cap retrofit and structural improvements in the new bike area. Because of the aforementioned ESP delays, the revised timeline of the seismic retrofit work would result in demolition and later duplication of the improvements to be completed by the Pleasant Hill Station Modernization Contract.

To minimize impact to both BART patrons and the residents of the recently completed adjacent transit village and to more efficiently utilize funds, it is recommended that Taber Construction Inc. perform the seismic retrofit work required at Pleasant Hill station. The scope of work to be performed by Taber Construction, Inc. would involve nine footing retrofits and associated scope. This work would be performed prior to the new bicycle area landscaping and paving. Staff therefore requests that the General Manager be given authority to execute Change Order No. 7 to

Contract No. 15ID-110 including schedule impacts to perform seismic retrofit work in the agreed amount of \$1,031,070.55.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval. This Change Order exceeds the \$200,000 threshold and therefore staff is hereby seeking Board authority for the General Manager to execute this Change Order.

The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

FISCAL IMPACT:

Funding in the amount of \$1,031,071 for Change Order No 7 is included in the total project budget for the FMS #15PP, ESP Station Structure - C Line Stations. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 01F - Earthquake Safety G.O. Bond: \$1,031,071

As of the month ending January 02, 2011, \$18,241,800 is available for commitment from this fund source for this project and BART has committed \$1,241,800 to date. There are pending commitments of \$15,000,000 in BART's financial management system. This action will commit an additional \$1,031,071 leaving an uncommitted balance of \$968,929 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board can elect not to authorize execution of the Change Order No. 7 and have the ESP perform the foundation retrofit work, including demolition and reconstruction of newly constructed bike facilities placed by modernization work.

RECOMMENDATION:

It is recommended that the Board approve the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 7 to contract No. 15ID-110, Pleasant Hill Station Modernization Project with Taber Construction Inc., in the amount of \$1,031,070.55, for the Earthquake Safety column foundation retrofits.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBorja</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: c 1/21/11		BOARD INITIATED ITEM: No		
Originator/Prepared By: Jeffrey P. Ordway Dept: Property Development <i>Jeffrey P. Ordway</i>	General Counsel <i>Andya Kavan</i> 1/19/11	Controller/Treasurer <i>[Signature]</i> 1/19/11	District Secretary []	BARC <i>[Signature]</i> 1/19/11
TITLE: Exclusive Negotiating Agreement with Master Station Retail Vendor				

NARRATIVE:

PURPOSE: To obtain Board authorization to enter into exclusive negotiations with TransMart, Inc. for a Master Station Retail Vendor agreement for development of retail at BART stations.

DISCUSSION: On June 25, 2009 the Board of Directors authorized staff to issue a Request for Qualifications (RFQ) for a Master Station Retail Vendor(s) for the development of retail activities at BART stations and directed staff to return to the Board for policy modification considerations prior to requesting exclusive negotiations with any Master Vendor(s). On January 13, 2011, a new Station Retail Policy was adopted by the Board.

The Master Station Retail Vendor RFQ was issued on October 30, 2009 and a pre-submittal conference was conducted on December 9, 2009. Answers to questions raised at the pre-submittal meeting were prepared and released to all recipients of the RFQ on January 19, 2010. In February 2010, BART received eight submittals. A general characterization of each submittal is as follows:

- TransMart, Inc. – Master Retail Vendor for all BART stations
- SF Vendings – Soda vending machine installation at BART stations
- Cooper and Sunisa Smith – Retail or restaurant concession at one BART station
- BRE Properties, Inc./Walnut Creek Transit Lifestyle Associates, LLC – Walnut Creek Station
- Wittek Development, LLC – South Hayward Station
- Westlake Development Partners, LLC – San Leandro Station
- MacArthur Transit Community Partners, LLC – MacArthur Station
- AvalonBay Communities, Inc. – Pleasant Hill/Contra Costa Centre Station

A six-member Evaluation Committee was formed to review submittals, interview developers and prepare a recommendation to the BART Board. Members of the Committee included staff from Property Development, Real Estate, Marketing, Operation Planning, and Design Engineering.

Clarification letters were sent to all submitters to determine their specific levels of interest in becoming a Master Station Retail Vendor at BART. The five companies pursuing transit-oriented development (TOD) projects at BART stations were not interested in becoming a Master Station Retail Vendor, but were interested in making sure that the District took into account their

investment in TOD projects, particularly the retail components, at the above-noted stations. These developers expect to work collaboratively with BART and BART's selected Master Station Retail Vendor for the noted stations.

Two of the remaining three submitters also clarified that they were not interested in becoming a Master Station Retail Vendor as described in the RFQ. SF Vendings indicated an interest only in installing soda vending machines at BART stations, and Cooper and Sunisa Smith indicated an interest in only establishing a single concession project at one BART station involving either the retail sale of clothing and jewelry or a restaurant concession. The names and contact information for these two interested parties will be maintained by the Real Estate Department for possible future consideration.

The Evaluation Committee concluded that only the solicitation response from TransMart, Inc. indicated an interest in establishing a Master Vendor relationship with BART, met the submittal requirements stated in the RFQ, and should be considered for further evaluation. As part of its due diligence during the evaluation period, BART engaged the services of Economic & Planning Systems, Inc. (EPS) to evaluate materials received, including assessing financial statements and interviewing references, and prepare a written summary of their findings. TransMart, Inc. was interviewed by the Evaluation Committee on August 24, 2010.

On September 1, 2010 the Evaluation Committee completed its selection effort by concluding that TransMart, Inc. should be recommended to the Board for exclusive negotiations. TransMart submitted the qualifications of a team of real estate developers, retail operators, technology designers, and property managers with experience in the Bay Area and serving transit agencies in Boston and Chicago. The TransMart, Inc. team includes:

- TransMart, Inc.
- Avant, TransMart's real estate component to invest in and develop urban real estate in California
- TR Advisors, LLC, wholly owned affiliate of Transit Realty Advisors, full service real estate company specializing in providing real estate expertise to the public transit industry. TRA currently handles the Massachusetts Bay Transportation Authority and Chicago Transit Authority's real estate assets
- Advisors include DiLibero Transportation Strategies, LLC and MarketPlace Development, manager of food, retail and service programs for major transportation systems including the International Terminal at San Francisco International.

TransMart proposes to offer a variety of vendors at all BART stations with coordinated merchandising programs and customer service. The physical development is expected to be comprised of kiosks and similar small spaces that are conducive to re-configuration or re-design in response to changing tenancies or marketing approaches. In each station, the retail space would be occupied by a number of vendors selected to provide goods and services that match the demographic profiles and needs of riders, and would include local or regional businesses, some national tenants and some seasonal vendors. TransMart envisions specific offerings to include:

- Local vendors – Take-away food and convenience items, gifts, candy, flowers, jewelry, shoe repair, holiday stores
- Local Farmers' Market – Local sustainable products such as fresh bread, fresh fruit and vegetables, cheese, gourmet and seasonal products
- On the Go – Books, magazines, newspapers, bags and backpacks
- Finance and Business Center – Local bank/banking services, financial services, copying, notary and courier services
- Technology Center – Electronic and communication services
- Health and Wellness – Medical testing, drugs and sundries, health foods, vitamins/nutrition supplements, eye care
- Beauty Center – Nails, hair, beauty supplies, cosmetics, jewelry
- Support Services - Bicycle rental, bicycle storage and repairs

TransMart proposes to offer goods and services comprised of local, regional and national retailers, seasonal retailers and small neighborhood businesses. To help smaller retailers establish a reliable presence within the BART system, TransMart also plans to offer a micro-lending program that will help address small business financing needs.

TransMart envisions two unique aspects to the marketing of the offerings in the BART stations:

1. A "concierge" service that would be created to allow patrons to order goods from one station and have them delivered to another. This service could effectively expand the coverage area to most or all of the BART stations, even if not every station has actual retail space within it.
2. A technologically driven marketing program, whereby patrons who opt in to the program would be given small devices that in-station sensors could recognize to facilitate transactions (for instance, direct credit card billing), record buyer preferences, trigger personalized advertising or messaging, and perform other functions that are intended to engender a unique shopping experience.

Any proposed agreement for retail that results from negotiations will be brought back to the Board for approval. Such agreement would be consistent with the Station Retail Policy adopted on January 13, 2011.

The Office of the General Counsel will approve the exclusive negotiating agreement as to form.

FISCAL IMPACT: There will be no fiscal impacts from entering into the Exclusive Negotiating Agreement. Staff time and/or BART consultant effort will be involved in first conducting the prescribed Tier 1 (station capacity and passenger flow analyses) and Tier 2 (impact analyses on utilities, patron access, signage, transit equipment, construction staging areas, existing retail, advertising, and adjacent transit-oriented development retail) analyses to ensure appropriate identification of available retail areas within stations and in negotiating with the developer. TransMart will be responsible for paying for all costs associated with the Tier 1 and 2 studies.

ALTERNATIVES: Do not pursue a Master Station Retail Vendor program at this time. This action would result in a missed opportunity to take advantage of private funding to conduct Tier

Exclusive Negotiating Agreement with Master Station Retail Vendor

1 and 2 analyses of BART stations and the introduction of a Master Vendor program for retail at BART stations.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to enter into an Exclusive Negotiating Agreement with TransMart, Inc., for a Master Station Retail Vendor agreement for a period of three years, with a right to extend for one year upon mutual agreement.