

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

BOARD MEETING AGENDA

February 23, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 23, 2012, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> 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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> 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 February 9, 2012.\* Board requested to authorize.
- B. Procurement of Replacement Non-Revenue Service Vehicles.\* Board requested to authorize.
- C. Award of Invitation for Bid No. 8897, Train Operator Uniforms.\* Board requested to authorize.
- D. Award of Contract No. 79HW-110, Oakland Portal Hardening.\* Board requested to authorize.

3. BOARD MATTERS

- A. (CONTINUED from February 9, 2012, Board Meeting)  
Citizen Review Board Appointment.\* Board requested to ratify.
- B. Proposed Amendments to Citizen Review Board Model.\* Board requested to authorize.

4. ADMINISTRATION ITEMS

Director Sweet, Chairperson

- A. District Bond Rating Update.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Increase Amount of Purchase Order No. CM5205-12, with All American Elevator Co., for Emergency Elevator and Escalator Repair Services.\* Board requested to authorize.

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

Director Blalock, Chairperson

- A. Change Order to Agreement No. 6G4544, with Cordoba Corporation, for Central Processing Services for the Regional Transit Discount Card Program (C.O. No. 4).\* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

NO REPORT.

8. BOARD MATTERS

- A. Resolution Expressing Support for Prosecution of Attacks on District Front Line Staff to the Fullest Extent of the Law.\* Board requested to adopt. (Director Franklin's request.)
- B. Board Member Reports. For information.
- C. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

9. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. (CONTINUED from February 9, 2012, Board Meeting)  
CONFERENCE WITH LABOR NEGOTIATORS; PUBLIC EMPLOYEE PERFORMANCE  
Agency Negotiators: Directors McPartland, Radulovich, and Sweet  
Titles: General Manager, General Counsel, Controller-Treasurer,  
District Secretary, and Independent Police Auditor  
Gov't. Code Sections: 54957 and 54957.6

11. OPEN SESSION

- A. (CONTINUED from February 9, 2012, Board Meeting)  
Compensation and Benefits for General Manager, General Counsel,  
Controller-Treasurer, District Secretary, and Independent Police Auditor.  
Board requested to authorize.

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

Board of Directors  
Minutes of the 1,648th Meeting  
February 9, 2012

A regular meeting of the Board of Directors was held February 9, 2012, convening at 9:05 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, and McPartland.

Absent: None. Directors Radulovich and Sweet entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 26, 2012.
2. Resolution Adopting the Association of Bay Area Governments (ABAG) Hazard Mitigation Plan and the District's Local Hazard Mitigation Plan Annex.

Director Sweet entered the Meeting.

President McPartland announced that at the request of Director Raburn, the Resolution Adopting the Association of Bay Area Governments (ABAG) Hazard Mitigation Plan and the District's Local Hazard Mitigation Plan Annex would be removed from Consent Calendar.

Director Murray moved that the Minutes of the Meeting of January 26, 2012, be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Sweet, and McPartland. Noes – 0. Absent – 1: Director Radulovich.

President McPartland brought the matter of Resolution Adopting the Association of Bay Area Governments (ABAG) Hazard Mitigation Plan and the District's Local Hazard Mitigation Plan Annex before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Ms. Tracy Johnson, Seismic Engineering Manager, presented the item.

Director Radulovich entered the Meeting.

The item was discussed. Director Raburn moved adoption of Resolution No. 5186, In the Matter of Adopting the 2010 Update to the 2005 Hazard Mitigation Plan Set forth in the Association of Bay Area (ABAG) Report, "Taming Natural Disasters," together with the District's Local Hazard Mitigation Plan Annex. President McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Sweet, Chairperson of the Administration Committee, announced that Condemnation of Real Property for the East Contra Costa BART Extension (eBART) Project: BART Parcel Numbers: P-5060-1, -2A and -2B, would be continued to a future meeting.

Director Sweet brought the matter of Amendments to Disadvantaged Business Enterprise (DBE) Program Policy before the Board. Mr. Thomas Parker, Executive Manager of Transit System Compliance, and Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

Mr. Charlie Walker and Mr. Eddie Dillard addressed the Board.

The item was discussed. Director Fang requested the policy be amended to include limited English proficiency translation assistance. Director Fang moved that the Board of Directors approve the Small Business Elements of the Disadvantaged Business Enterprise Program for the San Francisco Bay Area Rapid Transit District as amended. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

President McPartland announced that the order of items on the agenda would be changed.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Advancement of Proposed BART to Livermore Project, Phase 1, before the Board. Mr. Carter Mau, Executive Manager of Planning and Budget, and Ms. Marianne Payne, Program Manager, presented the item.

The following individuals addressed the Board.

Mr. Paul Weiss  
Honorable John Marchand  
Mr. Archer Futch  
Ms. Olive Green  
Mr. Markus Huber  
Mr. Charles Hartwig  
Ms. Anna Cunningham  
Mr. Bob Baltzer  
Ms. Nancy Bankhead  
Ms. Beth Wilson  
Mr. Robert S. Allen  
Ms. Valerie Raymond  
Mr. Ron Geren  
Mr. Manolo Gonzalez  
Ms. Lindsay Imai  
Ms. Joan Seppala

The item was discussed.

President McPartland made the following motion:

The Board of Directors directs staff to advance the proposed BART to Livermore Project to the next level of project development, including environmental review, conceptual

engineering, development of ridership Development Plans, and Title VI analysis, as appropriate. Subject to the scoping process, the alternatives analysis of each proposal should assess cost effectiveness, mobility improvements, environmental benefits, and economic development effects. The evaluation of alternatives will include an alternative providing reserved lanes, express bus service, and freeway bus ramps at the Dublin/Pleasanton Station. BART will be expected to provide an investment analysis that demonstrates, among other things, that State of Good Repair costs are being met. The Board also directs staff to initiate the establishment of a project partnership for purposes of advancing expedited project delivery strategies and to seek external funding sources to advance the project with no impact on funding for essential BART capital needs. The Board directs staff to secure funding and prepare a project performance/cost effectiveness assessment of other capacity, infill, and other system expansion projects identified as viable candidate projects.

Director Radulovich seconded the motion.

Honorable John Marchand addressed the Board.

The motion carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes - 0.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Construction Management Services before the Board. Mr. Marvin Snow, Group Manager, Program Management, Transit System Development, presented the item. The item was discussed.

Mr. Galip Sukaya addressed the Board.

Director Raburn made the following motions as a unit.

1. That the General Manager be authorized to award Agreement No. 6M8056 to Seattle International Engineering, Inc., and Agreement No. 6M8057 to Ghiradelli Associates, to provide Sustaining Construction Management Services for BART Projects, each in an amount not to exceed \$3,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.
2. That the General Manager be authorized to award Agreement No. 6M8051 to UCM, a Joint Venture; Agreement No. 6M8052 to The Allen Group/Vali Cooper & Associates, Inc., a Joint Venture; and Agreement No. 6M8053 to Jacobs Project Management Group, to provide Construction Management Services for BART Projects, each in an amount not to exceed \$20,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Fang brought the matter of Change Order to Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109, with R&L Brosamer, Inc., for Cast in Drill Hole (CIDH) Differing Site Conditions, before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed. Director Sweet moved that the General Manager be authorized to execute Change Order No. 98, CIDH Differing Site Conditions, in an amount not to exceed \$299,475.00, to Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109, with R&L Brosamer, Inc. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Sweet brought the matter of Agreement with John Glenn Adjusters & Administrators, Inc., for Public Liability Claims Adjustment Services (Agreement No. 6M2031), before the Board. Mr. James Bridgeman, Manager of Insurance, presented the item. Director Sweet moved that the Controller-Treasurer be authorized to award Agreement No. 6M2031 to John Glenn Adjusters and Administrators, Inc., for public liability claims adjusting services, for a term of three years for a not to exceed amount of \$414,750.00, with two (2) one-year options for up to \$138,250.00 and \$145,000.00 respectively, for a total not to exceed amount of \$698,000.00, and that the Controller-Treasurer be authorized to exercise one or both options at his discretion, subject to notification to be issued by the Controller-Treasurer and compliance with the District's protest procedures. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Abstain – 1: Director Fang.

Director Sweet brought the matter of Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2011, before the Board. Mr. Scott Schroeder, Controller-Treasurer, presented the item. The item was discussed.

Director Sweet brought the matter of Outdoor Billboard Advertising before the Board. Mr. Aaron Weinstein, Department Manager of Marketing and Research, and Ms. Catherine Westphall, Manager of Advertising Franchise Programs, presented the item. The item was discussed.

Director Radulovich exited the Meeting.

Mr. Alex Belenson addressed the Board.

Director Fang exited the Meeting.

President McPartland brought the matter of Citizen Review Board Appointment before the Board. Ms. Marcia deVaughn, Deputy General Manager, and Mr. Duron presented the item.

Reverend Dr. Audrey Lewis addressed the Board.

Independent Police Auditor Mark Smith addressed the Board on behalf of applicant Mr. Michael Bergen. The item was discussed. The Board members completed weighted voting nomination forms to determine the At-Large appointee.

While the votes were being tallied, President McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Performance Report, Second Quarter Fiscal Year 2012 - Service Performance Review before the Board. Mr. Oversier and Mr. Len Hardy, Chief Safety Officer, presented the item. The item was discussed.

President McPartland called for the General Manager's report. General Manager Grace Crunican introduced Mr. David Kutrosky, Managing Director of Capitol Corridor, who briefly presented the Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 15, 2012. Ms. Crunican reported on steps she had taken and meetings she had participated in.

President McPartland called for Board Member Reports.

Director Raburn reported that he had attended meetings with Alameda County Transportation Commission, the Planning Conservation League in Sacramento, the BART Bicycle Advisory Task Force, and the State of Good Repair tour.

Director Murray reported that she had attended City Council meetings in Martinez and San Ramon, a luncheon meeting sponsored by Contra Costa Supervisor Karen Mitchoff where former California State Assembly Speaker Hertzberg spoke on California Forward and Think Long, an ePAC meeting, a flag brigade veterans' potluck, and the Walnut Creek State of the City lunch.

Director Franklin reported that he had attended the Lunar New Year celebration, the State of Good Repair tour, and the Oakland State of the City event.

President McPartland reported he had attended the Lunar New Year celebration, several meetings with Supervisor Haggerty and the Alameda County Transportation Commission, State of the City presentations for Dublin, Oakland, and Walnut Creek, the State of Good Repair tour, and meetings of the Personnel Review Special Committee.

Director Sweet reported she had attended many meetings.

Director Blalock reported he had attended Alameda County Transportation Commission meetings.

President McPartland brought Roll Call for Introductions before the Board.

Director Blalock recommended the installation of clocks (like that at the Fremont Station) on the concourse level of stations throughout the system.

Director Blalock requested evaluation of the stockpiling of replacement solar panels.

Director Sweet requested staff support for representatives to the Oversight Board for Successor to San Francisco Redevelopment Agency.



Director Murray requested a report and response to Station Agent's proposal for deployment of Police Officers at each station.

Director Raburn requested a comprehensive initiative for the development of internships throughout the District, to include guidelines and the identification of representatives in each department.

President McPartland called for General Discussion and Public Comment. No comments were received.

President McPartland returned to the matter of Citizen Review Board Appointment. Mr. Duron announced that the nomination forms showed a tie between Reverend Dr. Lewis and Reverend Daniel Buford. After discussion, the item was continued to a future meeting.

President McPartland announced that Item 9-A (Conference with Labor Negotiators; Public Employee Performance Evaluation) would be continued to a future meeting.

Board Meeting was adjourned at 1:43 p.m.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/15/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher Dept:	General Counsel <i>[Signature]</i> 2/14/12	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 2/15/12
Signature/Date: <i>[Signature]</i> 2/14/12				
Status: <b>Approved</b>		Date Created: 10/13/2010		

TITLE:

### Procurement of Replacement Service Vehicles

NARRATIVE:

#### PURPOSE

To authorize the General Manager to purchase replacement non-revenue service vehicles consisting of police sedans and light, medium, and heavy duty maintenance trucks and vans through the State's cooperative bid process.

#### DISCUSSION

These vehicles will directly replace an equal number of like vehicles throughout the District which have exceeded their serviceable life expectancy, in accordance with District guidelines. Retired vehicles are removed from the fleet and sold at auction. The new vehicles will be used by a variety of Departments for routine and emergency maintenance and other District business as required throughout the Bay Area.

California Government Code Section 54205 allows districts, such as BART, to request the California Department of General Services to make procurement of materials, equipment, and/or supplies on its behalf in accordance with Section 10298 of the Public Contract Code. Section 10298 also permits the Director of the California Department of General Services to consolidate the needs of its agencies for goods, information technology, and services and establish contracts, master agreements, multiple award schedules, cooperative agreements, and other types of agreements that leverage the State of California's buying power. In addition, the Department of General Services may make its services available, upon the same terms and conditions, to any district empowered to expend public funds for the acquisition of goods, information technology, and/or services. Districts may then enter into agreements, without further competitive bidding, with suppliers awarded contracts, master agreements, multiple award schedules, and cooperative agreements by the Department of General Services. These vehicles are now available from a variety of dealerships throughout Northern California determined by the State's procurement office to be the low bidder for their respective vehicles. It is recommended that orders be placed as early in the process as possible to ensure availability. Dealerships qualified by the State include those typically solicited by the District through its own procurement process. Historically, the District has achieved significant cost savings by procuring automotive vehicles

through the State of California. Because the State (including local government agencies that purchase through the State's competitive bid process) purchases a substantially greater volume of vehicles, the cost of vehicles procured through the State is expected to be lower than what the District could attain through its own contracting procedures. Additionally, cost savings are also achieved from a significant reduction in District labor hours required to process the State bid, as compared to the time required for in-house bid procedures.

Currently it is anticipated that the District will purchase about 5 Police pursuit vehicles, 23 Light and Medium Duty Pick-ups, 1 Personnel Van, 4 Medium Duty Pick-ups with Hirail systems, and 1 Heavy Duty Pick-up with crane. These numbers are estimates and the mix might change somewhat due to immediate District needs.

**FISCAL IMPACT:** Funding of \$990,000 for purchase of non revenue vehicles is included in the total project budget for the FMS #79BJ000 - Replace Non Revenue Vehicles. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 659E - ALAMEDA CCMA/BAAQMD	\$ 24,750.84
F/G 8202 - SLS TX REVN BOND FND	\$ 542,782.00
F/G 8205 - 1995 SALES TAX REV BON	\$ 2,651,723.00
F/G 8301 - 98 BOND INTEREST(06E-5	\$ 1,000,000.00
F/G 850N - CAPITAL IMPRVMT AL	\$ 3,622,381.00
F/G 850W - FY00-06 CAPITAL ALLOCA	\$ 8,211,220.16
F/G 850Z - CAPITAL MAINTEN. ALLOC	\$ 2,733,000.00
F/G 851W - FY07-11 CAPITAL ALLOCA	\$ 3,632,300.00
F/G 8524W - FY12 CAPITAL ALLOCA	\$ 1,400,000.00
<b>Total</b>	<b>\$ 23,818,157.00</b>

As of month ending 01/31/11, \$ 1,613,697.31 is available for commitment from these fund sources for this project and BART has committed \$ 21,542,335.14 to date. There are pending commitments of \$ 662,124.55 in BART's financial management system. This action will commit an additional \$990,000 leaving an uncommitted balance of \$ 623,697.31 in this fund source.

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

### **ALTERNATIVE**

Non-revenue vehicles are essential to the safe and reliable operation of the District. Although these vehicles could be purchased through the District's Procurement Office, it is anticipated that the cost would be greater and the time required for procurement would be significantly increased. To not approve this purchase, will increase the mileage and use of vehicles already due for

replacement significantly beyond the limits established by District guidelines. Use of vehicles beyond the recommended retirement criteria increases maintenance expenditures and vehicle unscheduled down time.

**RECOMMENDATION**

It is recommended that the Board adopt the following motion.

**MOTION**

The General Manager is authorized, pursuant to Government Code Section 54205 and Public Contract Code Section 10298, to purchase replacement non-revenue service vehicles through State of California Department of General Services contracts for an amount not to exceed \$990,000.00, including applicable taxes and State fees.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaune</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>2/15/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tera Hankins-Stokes Dept: Transportation	General Counsel <i>Audrey Lewis</i> 2/14/12 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>Paul Eversley</i> 2/15/12 [ ]
Signature/Date: <i>Tera Hankins</i> 2/14/12 [ ]				

TITLE:

### Invitation for Bid No. 8897, PURCHASE OF TRAIN OPERATOR UNIFORMS

NARRATIVE:

#### PURPOSE:

To obtain Board Authorization for the General Manager to award Invitation For Bid No. 8897 to Banner Uniform Center.

#### DISCUSSION:

The District's current collective bargaining agreement with Amalgamated Transit Union Local 1555 requires that the District provide train operators with uniforms on a yearly basis. The uniform items requested in the Invitation For Bid reflect items chosen by the joint union/management uniform committee.

This is a three (3) year estimated quantity contract. 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 fifty percent (50%) of the contract bid price. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to one hundred fifty percent (150%) of the Contract bid price, subject to availability of funding.

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

A notice requesting bids was published on December 30, 2011 and bid requests were mailed to twenty (20) prospective Bidders. Bids were opened on January 17, 2012, and the following three (3) bids were received:

#### Bidders

#### Total Bid Price (including 8.75% Sales Tax)

Banner Uniform Center  
345 9<sup>th</sup> Street  
San Francisco, CA 94103

\$429,241.69

Invitation for Bid No. 8897, PURCHASE OF TRAIN OPERATOR UNIFORMS

Galls 2789 Long Beach Boulevard Long Beach, CA 90806	\$562,911.75
Murphy & Hartelius Uniforms 48 Second Avenue San Mateo, CA 94401	\$743,931.56

Independent cost estimate by BART staff: \$500,000.00

Staff has determined that the apparent low Bidder, Banner Uniform Center, submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on bid competition.

**FISCAL IMPACT:**

Funding of \$429,241.69 for this three (3) year Contract will be provided from the Transportation Department's operating budget. The uniforms are to be procured over the Contract's three year period at the following estimated annual costs:

FY12	\$221,080.49
FY13	\$104,080.60
FY14	<u>\$104,080.60</u>
	\$429,241.69

Funding for FY12 is provided for in the approved FY12 Transportation Department budget. Funding for subsequent years FY13 and FY14 will be subject to availability of funds from the Transportation Department's operating budget.

**ALTERNATIVE:**

Staff could reject all bids and re-advertise. However, staff considers it unlikely that the District would receive lower bids and this would also require additional time, which would not allow the District to meet its obligation to provide uniforms per the collective bargaining agreement.

**RECOMMENDATION:**

Adopt the following motion:

**MOTION:**

The General Manager is authorized to award IFB No. 8897, an estimated quantity contract for the Procurement of Train Operator Uniforms, to Banner Uniform Center, for the bid price of \$429,241.69, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Fuente</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c <i>2/16/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Seung Dept: Communications Engineering <i>AS</i> Signature/Date: <i>2/16/12</i>	General Counsel <i>Audrea Rowas</i> <i>2/16/12</i>	Controller/Treasurer <i>Patricia Angiliman</i> <i>2/16/12</i>	District Secretary [ ]	BARC <i>Paul S. Brewer</i> <i>2/16/12</i>

TITLE:

### Award of Contract No. 79HW-110 Portal Hardening

NARRATIVE:

#### PURPOSE:

To request Board authorization to award Contract No. 79HW-110 - Portal Hardening to Taber Construction, Inc.

#### DISCUSSION:

The Portal Hardening installation contract is to provide all labor, equipment, materials, and other accessories necessary to replace the existing chain link fences and gates with new expanded metal fences and gates at three sites in Oakland. The Option Bid items consist of work similar to that described above at an additional Oakland location plus CCTV hardening at a San Francisco and an Oakland location.

Advance Notice to Bidders was mailed on 10/24/11 to 215 firms. The Contract was advertised on 10/26/11 and Advance Notice to Bidders was sent to 23 Plan Rooms. A total of 8 firms purchased copies of the Bid Documents. A Pre-Bid Meeting was held on 12/20/11 with 8 potential bidders attending. 3 bids were received. Bids were opened publicly on 1/31/12. Tabulation of the bids, including the Engineer's Estimate, is as follows:

Bidder	Location	Base Bid	Option Bids	Total Price
1. Taber Construction, Inc.	Martinez, CA	\$1,282,000	\$ 390,000	\$1,672,000
2. Shimmick Construction, Inc.	Oakland, CA	\$1,424,000	\$ 475,000	\$1,899,000
3. Blocka Construction Inc.	Fremont, CA	\$2,182,500	\$1,093,850	\$3,276,350
Engineer's Estimate:		\$1,630,000	\$1,265,129	\$2,895,129

After review by the District Staff, the apparent low Bid, submitted by Taber Construction, Inc. has been deemed to be responsive to the solicitation and the total Bid Price of \$1,672,000 has been determined to be fair and reasonable. Examination of this Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

This Contract is funded in part by a grant from the U.S. Department of Homeland Security (DHS), that requires the Bidders to take all necessary affirmative steps to assure that small and

minority firms, women's business enterprises, and disadvantaged business concerns are used whenever possible. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals.

**FISCAL IMPACT:**

Funding of \$1,282,000 for award of the base bid for Contract No. 79HW-110 is included in the total project budget for the FMS #79HW000 - Portal Hardening. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of February 10, 2012, \$2,037,202.00 is available for this project from the following sources:

F/G 3754 - FY2009 TSGP GRANT#2009	2,000,000.00
F/G 535T - FY07-08 CTSGP PROP 1B(HOMELND)	37,202.00
<b>TOTAL</b>	<b>2,037,202.00</b>

BART has expended \$281,338.69, committed \$3,695.96, and reserved \$1,550.00 to date for other actions. This action will commit \$1,282,000 leaving an available fund balance of \$468,617.35 in this project.

Funding of \$390,000 for award of the optional bid items for Contract No. 79HW-110 is included in the total project budget for the FMS #79HM000 – Transition Barriers. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of February 14, 2012, \$40,624,860.25 is available for this project from the following sources:

F/G 226I - 1999 S/T REV DEBT SERV	99,671.80
F/G 352X - FY05 CAP ASST PGM CA-9	782,403.20
F/G 352Z - FY07 CAP ASST PGM CA90	17,354,280.00
F/G 3704 - DHS FEMA ARRA TSGP-CP0	5,143,219.00
F/G 3751 - FY2007 TSGP GR#2007-RL-T7-K001	5,057,960.00
F/G 3752 - FY2007 TSGP GR#2007-RL-T7-K111	2,739,263.00
F/G 3907 - FY06 HOMELAND SECURITY	1,900,000.00
F/G 3908 - FY06 UASI REGIONAL FUN	213,937.00
F/G 535F - FY08-09 PROP 1B Security	1,580,344.25
F/G 535T - FY07-08 CTSGP PROP 1B(HOMELND)	1,319,283.00
F/G 6011 - B-Toll ALLOC # 07376802	1,215,861.00
F/G 6015 - ALLOC # 09387201	95,929.00
F/G 6213 – RM2	3,122,709.00
<b>TOTAL</b>	<b>40,624,860.25</b>

BART has expended \$11,616,763.59, committed \$7,186,458.77, and reserved \$19,465.00 to date for other actions. This action will commit \$390,000 leaving an available fund balance of \$21,412,172.89 in this project.

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



**ALTERNATIVES:**

The alternative is not to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement at this time the security systems Portal Hardening identified as 79HW - Portal Hardening Project due to funding expiration on 4/30/12.

**RECOMMENDATION:**

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, Staff recommends that the Board adopt the following Motion:

**MOTION:**

The General Manager is authorized to award Contract No.79HW-110 - Portal Hardening, to Taber Construction, Inc., for the Base Bid Price of \$1,282,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests. The General Manager is also authorized to exercise Option Bid Items: A for \$41,000, B for \$205,000, and C for \$144,000.

## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### Memorandum

**TO:** Board of Directors

**DATE:** February 16, 2012

**FROM:** District Secretary

**SUBJECT:** Citizen Review Board Citizen-At-Large Appointment

The appointment of a Citizen-At-Large member to the Citizen Review Board was scheduled for the February 9, 2012 Board Meeting. Two Directors were not present for the appointment and after discussion it was determined the item would be continued to the Board Meeting of February 23 to afford Directors Fang and Radulovich the opportunity to participate in the appointment process.

The seven Directors present on February 9 for the agenda item submitted their proposed appointees in rank order. The weighted vote resulted in a tie of two candidates. The results are attached for your reference.

We anticipated that the ranked votes from Directors Fang and Radulovich would be added to the tally from February 9. It has been suggested by a Director that the Board consider a complete revote to ensure that all Directors have ample opportunity to consider the candidate applications. We can proceed with either approach at the direction of the Board.

Attached for your review are the material provided for the February 9 Board Meeting and the preliminary appointment results. A set of candidate applications will be provided to you under separate cover.

Should you have questions or comments, please contact the Independent Police Auditor or me at your convenience.

Thank you.



Kenneth A. Duron

Attachments

cc: Board Appointed Officers  
Deputy General Manager  
Office of the District Secretary

## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### Memorandum

**TO:** Board of Directors **DATE:** February 3, 2012  
**FROM:** District Secretary  
**SUBJECT:** Citizen Review Board Citizen-At-Large Appointment

The appointment of a public-at-large member to the Citizen Review Board is scheduled for the February 9, 2012 Board Meeting. A vacancy exists for the public-at-large seat due to the resignation of the member that the Board appointed to the seat at its meeting on March 10, 2011.

As requested at its meeting on January 26, 2012, applicants for the public-at-large seat who were part of the appointment process in March 2011 were asked if they have a continuing interest in serving on the CRB. Of the eleven (11) applicants contacted nine (9) wish to be considered for the vacant public-at-large seat, one (1) has moved out of the District and is no longer eligible, and one (1) has not responded to contact efforts.

The member that is selected by the Board on February 9 will serve out the remainder of a one-year term and will be eligible for reappointment to a two-year term in July 2012. We propose to use the same process for selection of the public-at-large members as in 2011. Each applicant has been invited to attend the Board Meeting and will be afforded up to two minutes to address the Board. Each Director will vote for the public-at-large member by indicating on a ballot their top three choices, in order of preference. The District Secretary will determine the final tally using a weighted point method. The Board will be asked to ratify the appointment (motion attached).

Should you have questions or comments, please contact the Independent Police Auditor or me at your convenience.

Thank you.

Kenneth A. Duron

#### Attachments

cc: Board Appointed Officers  
Deputy General Manager  
Office of the District Secretary

## **RATIFICATION OF CITIZEN REVIEW BOARD APPOINTMENT**

### **MOTION:**

That the Board of Directors ratifies the Citizen Review Board appointment to fill the vacant public-at-large seat for the remainder of its one-year term that expires on June 30, 2012.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## Citizen Review Board

At-Large Applicants

February 9, 2012

<u>Name</u>	<u>City</u>	<u>District</u>
Michael M. Bergen	Pittsburg	2
Freddye Davis	Hayward	6
Cydia Garrett	Danville	1
Candace Hill	Oakland	4
Rev. Dr. Audrey Lewis	Oakland	4
Cora Oliver-Ward	El Sobrante	7
Crystal Porter	Hayward	5
Chandra Wallace	Antioch	2
Kim Weinstein	Walnut Creek	1
Rev. Daniel A. Buford	Oakland	4

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
**Citizens Review Board**  
**At-Large Applicants**  
**February 9, 2012**

	<u>Name</u>	<u>Blalock</u>	<u>Fang</u>	<u>Franklin</u>	<u>Keller</u>	<u>McPartland</u>	<u>Murray</u>	<u>Raburn</u>	<u>Radulovich</u>	<u>Sweet</u>	<u>Total</u>
1.	Bergen, M.	1			3		1				5
2.	Buford, D.	3		3	2			1		3	12
3.	Davis, F.	2									2
4.	Garrett, C.			1			3				4
5.	Hill, C.										0
6.	Lewis, A.			2		3	2	3		2	12
7.	Oliver-Ward, C.									1	1
8.	Porter, C.					2		2			4
9.	Wallace, C.				1						1
10.	Weinstein, K.					1					1
	<b>TOTALS</b>	6	0	6	6	6	6	6	0	6	

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## Memorandum

**TO:** Board of Directors

**DATE:** February 16, 2012

**FROM:** General Manager

**SUBJECT:** Board Matters Item #3.B: Amendments to the BART Citizen Oversight Model

As a follow-up to the discussion at the Board of Directors meeting on January 26, 2012, the BART Police Department Review Special Committee met on February 6<sup>th</sup> to discuss amending the BART Citizen Oversight Model (Model). The Board will be asked to consider a motion that amends the Model; a red-lined copy of the proposed Model amendment is attached.

The proposed Model amendment adds provisions discussed at the January 26<sup>th</sup> Board meeting, which describe how vacancies on the Citizen Review Board (CRB) are to be filled, clarifies when terms being served by CRB members expire, and clarifies that U.S. citizenship is not required to serve on the CRB. There are two additional amendments proposed that were not discussed at your January 26<sup>th</sup> meeting. The first replaces all references to Citizen Board in the Model with Citizen Review Board. This change would make the name in the Model consistent with references in the enabling legislation as well as with the name officially in use. The second change replaces all references to complaints by "citizens" with language that refers to members of the public. This change is meant to avoid any misinterpretation that a complainant must be a U.S. citizen.

The proposed amendment is meant to clarify provisions and resolve omissions within the Model. The Independent Police Auditor will facilitate a more thorough oversight system evaluation after its first full year of implementation (July 2012), as required by Model Chapter 3-01.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**MOTION:**

The Board hereby amends the BART Citizen Oversight Model previously adopted on August 13, 2009 and amended on January 13, 2010, to reflect changes as detailed in Attachment A.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wanda Delgado</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2/15/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Cotton Dept: Section Manager, Power & Mechanical Maintenance, Elevator, Escalator <i>Robert Cotton</i> Signature/Date: <i>1-12-2012</i>	General Counsel <i>Andrew Pallas</i> <i>1-13-12</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>1/12/12</i> [ ]	District Secretary [ ]	BARC <i>Paul Gervier</i> <i>2/15/12</i>
Status: Routed		Date Created: 12/06/2011		

TITLE:

### EMERGENCY REPAIRS OF ELEVATORS & ESCALATORS

NARRATIVE:

**PURPOSE:**

Requesting Board approval for additional funding of \$80,000.00 for All American Elevator Company Blanket Purchase Order #CM5205-12 for FY2012

**NARRATIVE:**

All American Elevator Company is one of six elevator companies (one of two local independent elevator companies), for which the District has established Blanket Purchase Orders for FY2012, in order to provide emergency repairs, as needed, on District elevators & escalators. All American Elevator Co. was the only vendor to respond to other recent urgent needs within 24 hours, one of the remaining companies could respond in one week, although to elevators only, the others required two weeks. There was a major urgent repair required at the Civic Center Street elevator, for which All American was the only vendor to submit a bid out of three companies that bids were requested from. Due to several emergency repairs that occurred all at the same time period, this major repair at Civic Center will exceed the available dollar amount of the blanket Purchase Order. The invoice for \$49,694.00 for the major repairs at Civic Center is the only remaining unpaid invoice from All American Elevator Company. Approval of the requested additional funding of \$80,000.00 for the Purchase Order will accommodate payment of this invoice, as well as maintain a reserve so that All American Elevator Company may continue to compete for emergency repairs, for the remainder of the current fiscal year.

Current P.O. Amount:	\$90,000.00
Expenditures to date:	\$50,635.00
Remaining P.O. balance:	\$39,365.00
Current invoice:	\$49,694.00
Amount short on P.O.:	\$10,329.00
Increased P.O. amount requested:	\$80,000.00
Contingency. for remainder of FY12:	\$69,671.00



**FISCAL IMPACT:**

Funding will be provided from the Maintenance & Engineering FY12 operating budget (Dept. I.D. #0802800), and funding is available for this purpose.

**ALTERNATIVE:**

Failure to pay the portion of this invoice that exceeds the current Purchase Order amount would compromise our relationship with All American Elevator Co., and, most likely lead to a claim against the District. Furthermore, not having reserve funds available on the Purchase Order would limit staff's ability to use this vendor for emergency elevator and escalator repairs for the balance of the Fiscal Year. The services it provided were as requested, the response time was far superior to any of the other companies, and the work was without reproach.

**RECOMMENDATION:**

Adopt the following motion:

**MOTION:**

The General Manager is authorized to increase the amount of the Purchase Order with All American Elevator Co. for emergency elevator and escalator repairs services by \$80,000.00 as requested, to bring the total dollar amount of this Purchase Order to \$170,000.00



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carla DeBuge</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: <i>2/15/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Walb Dept: Customer Services	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Walb 2/10/12</i>	<i>Audrey Rubin 2/10/12</i>	<i>[Signature]</i>	<i>[ ]</i>	<i>[Signature]</i> <i>2-13-12</i>
Signature/Date:	[ ]	[ ]	[ ]	[ ]
Status: Routed		Date Created: 02/09/2012		

TITLE:

### Central Processing Services for the Regional Transit Discount Card Program

NARRATIVE:

#### Purpose:

To obtain authorization for the General Manager to execute Change Order No. 4 to Agreement 6G4544, Central Processing Services for the Regional Transit Discount Card, with Cordoba Corporation to add \$310,909.00 to the Agreement and to extend the term of the agreement to December 15, 2012.

#### Discussion:

BART is lead agency for the Regional Transit Connection (RTC) Discount Card Program that certifies eligibility for reduced transit fares for seniors and customers with disabilities. BART entered into Agreement 6G4544 with Cordoba Corporation in 2004, to have Cordoba Corporation perform central processing services for the RTC Discount Card Program. To date, BART has issued three change orders; the current not-to-exceed amount of the Agreement is \$2,931,552.00. At MTC's request, the agencies participating in the RTC Discount Card Program agreed to support implementation of Clipper by printing RTC Discount Cards on Clipper card stock and mailing Clipper information to cardholders. MTC agreed to fund the additional costs and executed Agreement MTC-BART-0432 and subsequent amendments with BART to cover incremental expenses, in an amount not to exceed \$352,297. Of this amount, BART has allocated \$41,388 for its own expenses and, through Change Order No. 4 to Agreement 6G4544, will increase the not-to-exceed amount of the Agreement by \$310,909.00 to \$3,242,461.00.

In order to allow sufficient time for a smooth transition to a new lead agency for the RTC, BART will also extend the term of the Agreement from June 15, 2012 to December 15, 2012.

The Office of the General Counsel will approve Change Order No. 4 as to form.

#### Fiscal Impact:

The \$310,909.00 amount of Change Order No. 4 to Agreement 6G4544 is completely funded by MTC under agreement MTC-BART-0432 and would therefore have no impact on BART's Operating Budget.

#### Recommendation:

Adoption of the following motion.

**Motion:**

That the General Manager is authorized to execute Change Order No. 4 to Agreement 6G4544 with Cordoba Corporation in an amount not to exceed \$310,909.00, and to extend the term of Agreement 6G4544 to December 15, 2012.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

**TO:** Board of Directors

**DATE:** February 16, 2012

**FROM:** General Manager

**SUBJECT:** Board Matters Item #7.A: Resolution in Support of Station Agent Safety

At the Board of Directors meeting on January 26, 2012, Director Franklin asked the Board to adopt a Resolution in support of Station Agent safety. A Resolution will be considered at the February 23<sup>rd</sup> Board meeting; a draft of the proposed Resolution will be sent to the Board in advance of the meeting.



Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff