

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

**BOARD MEETING AGENDA**

March 25, 2010

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 25, 2010, 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.

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, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

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.

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.
    1. Station Agent Angela Fields. (Director Murray's request.)

2. CONSENT CALENDAR

- A. Approval of Minutes of the Board Meeting of December 10, 2009 (Special).\* Board requested to authorize.
- B. Consolidation of 2010 District Elections.\* Board requested to authorize.
- C. Concurrence with Contra Costa Transportation Authority Request for AB1171 Funds for eBART/SR4 Project.\* Board requested to authorize.
- D. Reject All Bids for Contract No. 79NK-110, Replacement of Lake Merritt Administration Building Main Uninterruptible Power Supply.\* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

NO REPORT.

4. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. (CONTINUED from March 11, 2010, Meeting)  
Translink Program Update.\* For information.

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

Director Ward Allen, Chairperson

NO REPORT.

6. GENERAL MANAGER'S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property: Property located at the Walnut Creek BART Station.

District Negotiators: Carter Mau, Executive Manager, Planning & Budgets, Jeffrey P. Ordway, Manager, Property Development

Negotiating Parties: Walnut Creek Transit Village Lifestyles Associates, LLC and San Francisco Bay Area Rapid Transit District

Under Negotiation: Price and Terms

Government Code Section: 54956.8

B. PUBLIC EMPLOYMENT:

Title: Chief of Police

Gov't Code Section: 54957



## EXECUTIVE DECISION DOCUMENT

|   |                            |  |                            |      |
|---|----------------------------|--|----------------------------|------|
| GENERAL MANAGER APPROVAL:<br><i>Maica delBusto</i>                  |                            | GENERAL MANAGER ACTION REQ'D:<br>Approve and forward to Board of Directors |                            |      |
| DATE: c   |                            | BOARD INITIATED ITEM: No   |                            |      |
| Originator/Prepared by: Kenneth A Duron<br>Dept: District Secretary | General Counsel            | Controller/Treasurer   | District Secretary         | BARC |
| <i>[Signature]</i> 03/16/10   | <i>[Signature]</i> 3/16/10 | <i>[Signature]</i> 3/16/10   | <i>[Signature]</i> 3/16/10 | [ ]  |

TITLE:

### CONSOLIDATION OF 2010 DISTRICT ELECTIONS

**NARRATIVE:**

**PURPOSE:** To receive Board approval of a resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of the District election of members of the Board of Directors with the State of California general election to be held on November 2, 2010. The election districts are 2, 4, 6, and 8.

**DISCUSSION:** In order to conform to the California State Elections Code, the District must request the Boards of Supervisors of the Counties of Alameda, Contra Costa and San Francisco to consolidate the San Francisco Bay Area Rapid Transit District election with the State of California general election. The attached resolution has been drafted to accomplish this.

**FISCAL IMPACT:** Funding in the amount of \$800,000 will be allocated in the Fiscal Year 2011 Operating Budget to cover both the District's share of the cost of the election and the cost of printing, handling, translating, and mailing the candidates' statements. Some of the costs for the candidates' statements will be reimbursed to the District. The Fiscal Year 2011 Operating Budget allocation covers both Election Consolidation and Candidates' Statement of Qualifications. Board Resolution No. 4652, adopted by the Board of Directors on March 27, 1997, (attached) establishes rules governing candidates' Statements of Qualifications for District elections.

**ALTERNATIVES:** None.

**RECOMMENDATION:** That the Board of Directors adopt the attached resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco, to provide for the consolidation of the District election with the State of California general election, to be held on November 2, 2010.

**MOTION:** Adoption of the attached Resolution.

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

Resolution of the Board of Directors of the  
San Francisco Bay Area Rapid Transit District  
requesting the Boards of Supervisors of Alameda  
County, Contra Costa County, and the City and  
County of San Francisco to provide for the  
consolidation of a District election, electing  
members of the Board of Directors,  
with the State of California general election, to  
be held on November 2, 2010 /

Resolution No.

WHEREAS, Section 28746.6 of the Public Utilities Code of the State of California provides:

“A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date.” and

WHEREAS, Section 28746.8 of the Public Utilities Code of the State of California provides:

“Except as otherwise provided in this article, candidates for the Board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law.” and

WHEREAS, Section 28747.2 of the Public Utilities Code of the State of California provides:

“A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected.” and

WHEREAS, Section 28747.4 of the Public Utilities Code of the State of California in part provides:

“The county election official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county election official. After the official canvass has been taken, the county election official shall report the returns, by election district number, to the board.” and

WHEREAS, a State of California General Election will be held on Tuesday, November 2, 2010; and

WHEREAS, the California State Legislature has established nine election districts within the San Francisco Bay Area Rapid Transit District as provided in Section 28745 of the Public Utilities Code of the State of California; and

WHEREAS, pursuant to Section 10522 of the Elections Code and 28750.4 of the Public Utilities Code of the State of California, the District has filed with the county election official of each affected County a certified copy of Resolution No. 4821 of the Board of Directors of the San Francisco Bay Area Rapid Transit District which provides a map showing the boundaries of the District and the boundaries of the election districts and maps of the election districts prepared in accordance with Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California; and

WHEREAS, the territory in which said election is to be held is, to wit, all of the territory of said Districts Nos. 2, 4, 6, and 8 lying within the County of Alameda, the County of Contra Costa, and the City and County of San Francisco (hereinafter called the "Counties").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.

That the Boards of Supervisors of the Counties are hereby requested to order the consolidation of said district elections with said general election to be held on Tuesday, November 2, 2010, and to further provide that within the territory affected by said order of consolidation, to wit, the Counties, that except as otherwise provided in Article 2.2 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, the election shall be held and conducted and the ballots canvassed in accordance with the provisions of said Uniform District Election Law.

Section 2.

That the Secretary of the District is hereby authorized and directed to certify to the due adoption of this resolution and to file copies hereof, so certified, with the Board of Supervisors and with the county election official of each of the counties.

# # #

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

Resolution of the Board of Directors of  
the San Francisco Bay Area Rapid Transit  
District Establishing the District Rules  
Governing Candidates' Statement of  
Qualifications for District Elections /

Resolution No. 4652

WHEREAS, Section 13307 of the Elections Code of the State of California provides, among other things, that candidates for District office may prepare a candidate's Statement of Qualifications of up to 200 words; the Board may authorize an increase in the limitation on words for the statement from 200 to 400 words; the Board may require each candidate filing a statement to pay in advance his or her estimated pro rata share of the total cost of producing and mailing the candidate's statement; and that, before the nomination period opens, the Board shall determine whether a charge shall be levied against that candidate for the candidate's statement, and

WHEREAS, it is the intent of the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt rules governing candidates' Statements of Qualifications for District elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

1. Each candidate for the BART Board of Directors who prepares a candidate's Statement of Qualifications pursuant to California Elections Code Section 13307 shall be required to pay a total election fee of \$750 at the time of filing as part of the cost to the District of printing, handling, translating, and mailing the candidate's statement, including the cost of foreign language translations.

2. The limit on the length of the candidate's Statement of Qualifications shall be 200 words.

BE IT FURTHER RESOLVED that the District Secretary is authorized to adopt procedures consistent with Section 13309 of the Elections Code for relieving indigent candidates from paying the requisite fee; and

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BE IT FURTHER RESOLVED that each candidate filing as a candidate for BART Director must complete the State of California Fair Political Practices Commission's disclosure form entitled: "Statement of Economic Interests" and to file said form with the District Secretary of the San Francisco Bay Area Rapid Transit District; and

BE IT FURTHER RESOLVED that the provisions of this resolution shall govern the 1998 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

Supersedes Resolution No. 4622, adopted June 27, 1996.

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## EXECUTIVE DECISION DOCUMENT

|  |  |  |                           |  |
|--|--|--|---------------------------|--|
| GENERAL MANAGER APPROVAL:<br><i>Marisa delBueno</i>  |  | GENERAL MANAGER ACTION REQ'D:<br>Approve and forward to the Board of Directors |                           |  |
| DATE: <i>3/18/10</i>   |  | BOARD INITIATED ITEM: No   |                           |  |
| Originator/Prepared by: Stacey Perkins<br>Dept: Capital Development & Control<br><i>Stacey Perkins</i><br>Signature/Date: <i>3/18/10</i> | General Counsel<br><i>Andrew Perkins</i><br>Signature/Date: <i>3/18/10</i> | Controller/Treasurer<br><i>[Signature]</i><br>Signature/Date: <i>3/18/10</i>   | District Secretary<br>[ ] | BARC<br><i>[Signature]</i><br>Signature/Date: <i>3/18/10</i> |
| Status: Routed   |  | Date Created: 03/10/2010   |                           |  |

TITLE:  
**Approval of Resolution Concurring with Contra Costa Transportation Authority's Request for AB1171 Bridge Toll Funds for the eBART Project**

NARRATIVE:

**Purpose:**

To obtain BART Board concurrence on an application by the Contra Costa Transportation Authority (CCTA) for \$13 million in AB1171 bridge toll funds for right of way acquisition and construction to widen the median of State Route 4 (SR4) between Loveridge Road and State Route 160 to accommodate the eBART Project.

**Discussion:**

The eBART Project has received all necessary environmental clearances. On April 23, 2009, the Board of Directors adopted the eBART Project and authorized the General Manager to proceed with implementation actions. Previous allocations of RM2 and AB1171 bridge toll funds have been used for the planning and environmental phase, final design, right of way acquisition to widen the SR4 median, right of way acquisition at the Hillcrest Station site, guideway preparation, and construction of the transfer station at the Pittsburg Bay Point BART Station. This is the second request for AB1171 bridge toll funds and will be used for the right of way acquisition, utility relocation and construction of the SR4 median necessary to accommodate the eBART Project. MTC does not have guidelines for AB1171 bridge toll funds. However, MTC does have guidelines for RM2 funds and is applying those guidelines in connection with AB1171 bridge toll funds. Because BART is a co-sponsor with CCTA for RM2 funds and AB1171 bridge toll funds for the eBART Project, MTC is requiring that BART approve CCTA's application for AB1171 bridge toll funds. The application consists of a Resolution of Project Compliance and Initial Project Report.

CCTA approved the application on March 17, 2010 and MTC will approve it on March 24, 2010.

**Fiscal Impacts:**

Approval of the attached Resolution Concurring with Contra Costa Transportation Authority's Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll funds for the eBART Project (Resolution) is a requirement for CCTA to apply for and receive an allocation of AB1171 bridge toll funds from MTC.

**Alternatives:**

Do not approve the attached Resolution. Failure to approve the Resolution could result in schedule delays and cost increases for the eBART Project.

**Motion:**

The Board of Directors approves the attached Resolution Concurring with Contra Costa Transportation Authority's Resolution of Project Compliance and Initial Project Report for AB1171 Bridge Toll Funds for the eBART Project, CCTA Resolution No. 10-13-P.

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

**In the Matter of the Approval of a  
Resolution Concurring with  
Contra Costa Transportation  
Authority's Resolution of Project  
Compliance and Initial Project  
Report for AB1171 Bridge Toll  
Funds for the East Contra Costa  
County Rail Extension/eBART  
Project**

**Resolution No.**

Whereas, the Metropolitan Transportation Commission ("MTC") is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 et seq.; and

Whereas, Streets and Highways Code Sections 30950 *et seq.* created the Bay Area Toll Authority ("BATA") which is a public instrumentality governed by the same board as that governing MTC; and

Whereas, pursuant to Streets & Highways Code ("SHC") Section 31010 (b), funds (generally referred to as "AB1171 funds") generated in excess of those needed to meet the toll commitments as specified in paragraph (4) or subdivision (b) of section 188.5 of the SHC shall be available to BATA for funding projects consistent with SHC Code Sections 30913 and 30914; and

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 ("RM2") identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, MTC is responsible for funding projects eligible for RM2 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 AB1171 bridge toll funding; and

Whereas, allocation requests to MTC must be submitted consistent with such procedures and conditions; and

Whereas, BART and the Contra Costa Transportation Authority ("CCTA") are sponsors of the East Contra Costa County Rail Extension /eBART project ("PROJECT"), which is eligible for consideration of RM2 Regional Traffic Relief Plan funds; and

Whereas, the PROJECT is also eligible for consideration of AB1171 funds, and;

Whereas, the AB1171 allocation request, sponsored by CCTA, in the Initial Project Report ("IPR") dated March 17, 2010 and incorporated herein as though set forth at length, lists the purpose, schedule, budget, expenditure and cash flow plans for which CCTA is requesting that MTC allocate AB1171 bridge toll funds for the PROJECT; and

Whereas, MTC intends to require as a condition of its allocation of AB1171 funds to the PROJECT that BART and MTC execute a funding agreement prior to award of the construction contract, and such agreement would specify the policies and procedures applicable for use of the AB1171 funds;

Whereas, in its Resolution No. 10-13-P, dated March 17, 2010, and incorporated herein, CCTA and its agents agree to comply with the provisions of the MTC's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636);

NOW, THEREFORE, BE IT RESOLVED that:

1. Pursuant to Resolution No. 10-13-P, CCTA has certified that the PROJECT is consistent with the Regional Transportation Plan ("RTP").
3. Pursuant to Resolution No. 10-13-P, CCTA has certified that all environmental clearances necessary for the PROJECT have been obtained and that the year of funding for the construction phase has taken into consideration the time necessary to obtain permitting approval for such construction.
4. Pursuant to Resolution No. 10-13-P, CCTA has certified that the PROJECT phase or segment to be funded with AB1171 funds is fully funded and results in an operable and useable segment.
5. Pursuant to Resolution No. 10-13-P, CCTA has approved the updated IPR dated March 17, 2010.
6. Pursuant to Resolution No. 10-13-P, CCTA has approved the cash flow plan described in the IPR dated March 17, 2010.
7. Pursuant to Resolution No. 10-13-P, CCTA has reviewed the PROJECT'S needs and has adequate staffing resources to deliver and complete the PROJECT within the schedule set forth in the IPR dated March 17, 2010.
8. CCTA is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code section 30914(c).
9. The PROJECT is eligible for receipt of AB1171 funds consistent with California Streets and Highway Code section 31010 (b).
10. CCTA is authorized to submit an application for AB1171 funds for the PROJECT in accordance with the provisions of the California Streets and Highways Code sections 30913 and 30914 as applicable.

11. BART concurs that CCTA has certified that the PROJECT and purposes for which AB1171 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and, if relevant, the National Environmental Policy Act (NEPA), 42 USC Section 4321 et. seq. and the applicable regulations thereunder.

12. There is no legal impediment to BART's concurrence in CCTA's allocation request for AB1171 funds.

13. There is no pending or threatened litigation, which might in any way adversely affect the PROJECT, or the ability of CCTA, with support by BART, to deliver the PROJECT.

14. Pursuant to Resolution No. 10-13-P, CCTA has agreed to indemnify and hold 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 CCTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of AB1171 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of AB1171 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

15. Pursuant to Resolution No. 10-13-P, CCTA has agreed that, 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 MTC is entitled to a proportionate share equal to MTC's percentage participation in the PROJECT.

16. Pursuant to Resolution No. 10-13-P, CCTA agreed that assets purchased with AB1171 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 its 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 AB1171 funds were originally used.

17. Pursuant to Resolution No. 10-13-P, CCTA has authorized its Executive Director or his/her designee, to execute and submit an allocation request for the right of way and construction phase for the PROJECT to MTC for AB1171 bridge toll funds in the amount of \$13 million for the PROJECT, purposes and amounts included in the IPR dated March 17, 2010.

18. Pursuant to Resolution No. 10-13-P, CCTA's Executive Director or his/her designee has been delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

19. A copy of this resolution shall be transmitted to MTC in conjunction with the filing of the IPR dated March 17, 2010 referenced herein.

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## EXECUTIVE DECISION DOCUMENT

|  |  |   |                           |                                       |
|--|--|---|---------------------------|---------------------------------------|
| GENERAL MANAGER APPROVAL:<br><i>Melicia DeBauer</i>  |  | GENERAL MANAGER ACTION REQ'D:<br>Approve and forward to the Board |                           |                                       |
| DATE: 3/19/10  |  | BOARD INITIATED ITEM: No  |                           |                                       |
| Originator/Prepared by: Khawaja Zubair<br>Dept: M&E Engineering<br><i>[Signature]</i><br>Signature/Date: 3-16-10 | General Counsel<br><i>[Signature]</i><br>3/18/10 | Controller/Treasurer<br><i>[Signature]</i><br>3/18/10             | District Secretary<br>[ ] | BARC<br><i>[Signature]</i><br>3/18/10 |
| Status: Routed   |  | Date Created: 02/26/2010  |                           |                                       |

TITLE:  
**REJECT ALL BIDS FOR CONTRACT NO. 79NK-110, REPLACEMENT OF LAKE MERRITT ADMINISTRATION BUILDING MAIN UNINTERRUPTIBLE POWER SUPPLY**

NARRATIVE:

PURPOSE:

To reject all bids for Contract No. 79NK-110 for the Replacement of Lake Merritt Administration Building Main Uninterruptible Power Supply System.

DISCUSSION:

On January 4, 2010, Contract No. 79NK-110 for the Replacement of the Lake Merritt Administration Building Main Uninterruptible Power Supply System (the "Contract") was advertised. The uninterruptible power supply ("UPS") provides back up power to all train control equipment, and to all emergency and vital loads. Advance notice was sent to 77 prospective bidders. The pre-Bid meeting was conducted on January 19, 2010 with 29 prospective bidders in attendance. Six (6) Bids were received and publicly announced on February 2, 2010. The six (6) Bids are shown below along with the Engineer's estimate:

| <u>BIDDER</u>                               | <u>BID PRICE (Lump Sum)</u> |
|---|-----------------------------|
| Steiny and Company, Inc. Vallejo, CA        | \$393,940.00                |
| Harris Electric, Dublin, CA                 | \$552,000.00                |
| Mark Olson Electric, Inc. San Francisco, CA | \$866,000.00                |
| Triple S. Electric, Alameda, CA             | \$895,310.00                |
| NAES Power Contractors, Hillsboro, OR       | \$907,622.00                |
| Power Innovations, Lindon, UT               | \$947,000.00                |
| <b>Engineer's Estimate</b>                  | <b>\$800,000.00</b>         |

Upon review of the bids submitted, it appears to staff that there was misinterpretation among the bidders as to what was required to meet the District's requirements. Staff believes slight revision to the specifications will ensure that the District gets a product that meets its desired requirements. Under the circumstances, the only options available to the District are either to award to the apparent low Bidder and risk claims and associated delay in the replacement of the

UPS system, or to reject all Bids and revise the Bid documents to prevent such an error by the Bidders. It is staff's opinion that it would be in the District's best interest to reject all Bids to allow a revision of the Bid documents to further clarify the technical requirements or to provide a mechanism to verify that the District's technical requirements are satisfied. Staff intends to promptly reissue this Contract for Bids following the revision.

**FISCAL IMPACT:**

There is no fiscal impact resulting from rejection of all Bids

**ALTERNATIVES:**

The alternative is to award this Contract to the apparent low Bidder and assume the risk of disputes and delay in its performance.

**RECOMMENDATION:**

On the analysis and evaluation by staff, it is recommended that the Board adopt the following Motion.

**MOTION:**

All bids for Contract No. 79NK-110 for the Replacement of Lake Merritt Administration Building Main Uninterruptible Power Supply System are rejected and the General Manager is authorized to readvertise the work.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** March 19, 2010

**FROM:** General Manager

**SUBJECT: TransLink Program Update (Continued from March 11, 2010 Meeting)**

During the Engineering and Operations Committee on March 25, 2010, staff will continue discussion of the TransLink Program Update that was discussed at March 11, 2010 Board Meeting.

Please feel free to contact me if you need additional information.

  
\_\_\_\_\_  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff