

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

April 10, 2008
9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, April 10, 2008, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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” and “consent calendar addenda” 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/Committee 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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of March 27, 2008.* Board requested to authorize.

- B. Approval of Agreement with Central Contra Costa Transit Authority (County Connection) for Paratransit Service in Central Contra Costa County.* Board requested to authorize.
- C. Approval of East Bay Paratransit Service Plan for Fiscal Year 2009 for Submittal to Alameda County Transportation Improvement Authority (ACTIA) with Measure B Claim.* Board requested to authorize.
- D. Award of Contract No. 15QA-110, Relamp 15 BART Stations.* Board requested to authorize.
- E. Award of Contract No. 17BJ-120B, Lake Merritt Administration (LMA) Building Dismantling Project Elevator No. 83. Modifications and Utilities Isolation.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

- A-1. Fiscal Year 2009 Budget: Release of Budget Pamphlet and Setting of Date for Public Hearing. Board requested to authorize.
- A-2. Fiscal Year 2009 Budget: Preliminary Budget Overview.* For information.
- A-3. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Director Fang, Chairperson

NO REPORT.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Ward Allen, Chairperson

- C-1. Paratransit Program Update.* For information.
- C-2. (CONTINUED from March 27, 2008, Planning, Public Affairs, Access, and Legislation Committee Meeting)
District-wide Newspaper Advertising.* For information.
- C-3. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

- A-1. Fiscal Year 2009 Budget: Release of Budget Pamphlet and Setting of Date for Public Hearing. Board requested to authorize.
- A-2. Fiscal Year 2009 Budget: Preliminary Budget Overview.* For information.

B. ENGINEERING AND OPERATIONS COMMITTEE

NO REPORT.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

- C-1. Paratransit Program Update.* For information.
- C-2. (CONTINUED from March 27, 2008, Planning, Public Affairs, Access, and Legislation Committee Meeting)
District-wide Newspaper Advertising.* For information.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

- A. Roll Call for Introductions.

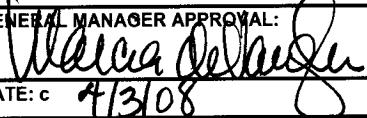
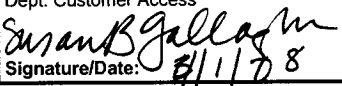
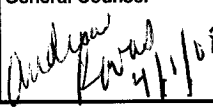
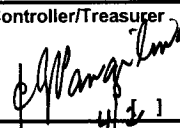
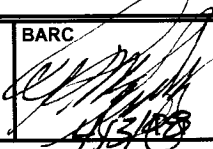
7. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. THREAT TO PUBLIC SERVICES OR FACILITIES
Consultation with: Manager, Rail Security Programs
Government Code Section: 54957(a)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Forward to Board for Approval		
DATE: c 4/3/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Gallagher Dept: Customer Access  Signature/Date: 3/11/08	General Counsel  4/1/08	Controller/Treasurer  4/2/08	District Secretary []	BARC  4/3/08

TITLE:
Approval of Agreement with Central Contra Costa Transit Authority for ADA Paratransit Services

NARRATIVE:

PURPOSE:

To obtain Board authorization to execute an agreement with Central Contra Costa Transit Authority (CCCTA) for the provision of ADA paratransit service within our joint service area in central Contra Costa County.

DISCUSSION:

The Americans with Disabilities Act (ADA) requires all public transit agencies to provide paratransit service within their service area, during all of their operating hours, to individuals who are unable, because of their disability, to use regular transit service. This requirement applies to all agencies even when their service area completely overlaps that of another agency. In cases of overlap, transit agencies are encouraged by the Federal Transit Administration (FTA) to develop cooperative agreements with the other transit agency in order that the service be efficient and cost effective and easily understood by potential paratransit users.

Since 1995, BART has provided paratransit service in partnership with the transit agencies with which we share service territory. CCCTA began providing paratransit service to BART in 1997. CCCTA and BART staff have negotiated an agreement which defines the operational and financial terms under which CCCTA will provide paratransit trips on BART's behalf in eastern Contra Costa County. The agreement also provides for annual reporting on ADA paratransit compliance measures which can be used by BART in documenting compliance for federal audit purposes. In general, the agreement continues the operational and financial arrangements between BART and CCCTA which has served both agencies well for the past decade.

The term of the agreement will continue through June 30, 2010 but it can be extended by written agreement of the two parties. The Office of the General Counsel has approved the agreement as to form.

FISCAL IMPACT:

This agreement provides for BART to reimburse CCCTA for their costs incurred in providing for BART-related trips according to a formula which includes fixed costs, an hourly rate for each trip, and reimbursement for fuel. This reflects the format of CCCTA's agreement with their paratransit vendor, Laidlaw Transportation. In FY 08, total costs for this ADA paratransit

service are projected to be \$170,000 which has been budgeted in Cost Center 705. Costs in FY 09 will be budgeted at \$176,000.

ALTERNATIVES:

Not to sign the agreement and procure and develop a method to provide services independently of CCCTA. This would result in duplication of services, confusion for users, and higher costs to BART.

RECOMMENDATION:

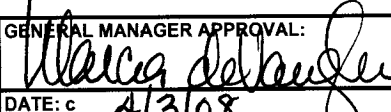
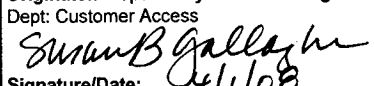
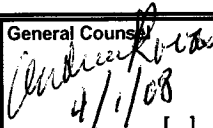
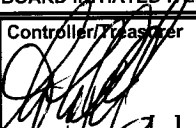
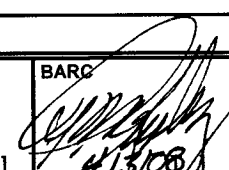
It is recommended that the Board adopt the following motion.

MOTION:

That the General Manager is authorized to execute the Agreement for ADA Paratransit Services between Central Contra Costa Transit Authority and the San Francisco Bay Area Rapid Transit District.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Forward to the Board for Approval on 4/10/08		
DATE: c 4/3/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Gallagher Dept: Customer Access  Signature/Date: 4/1/08	General Counsel  4/1/08	Controller/Treasurer  4/3/08	District Secretary []	BARC  4/3/08

TITLE:

Approval of East Bay Paratransit Service Plan for FY 2009 Alameda County Measure B Claim

NARRATIVE:

PURPOSE

To approve a plan for East Bay Paratransit Consortium service in Alameda County in Fiscal Year 2009 to be submitted to Alameda County Transportation Improvement Authority (ACTIA) in order to secure funding from Alameda County's Measure B.

DISCUSSION

In 2000, Alameda County residents adopted Measure B, a sales tax measure which will support transportation and transit projects from April 2002 through March 2022. The measure specifies that 1.49% of the annual net revenues are to be allocated to BART's provision of paratransit "services mandated by the Americans with Disabilities Act (ADA)" in Alameda County. As part of their process for claimants, ACTIA, the governing body for Measure B, requires that BART submit a plan for the use of the funds. The attached plan was prepared by staff for submittal with our claim for Fiscal Year 2009. AC Transit, which is also allocated paratransit funds through Measure B, will be submitting an identical plan. The plan emphasizes the federal requirements for ADA mandated service and specifies the ways in which East Bay Paratransit fulfills these requirements.

The plan was discussed with the Service Review Advisory Committee, which is the rider advisory committee to the East Bay Paratransit Consortium, on March 4, 2008. There were no requests for changes in the plan. The Service Review Committee of the East Bay Paratransit Consortium, consisting of representatives of the General Managers of BART and AC Transit, subsequently approved the plan for submittal to the BART and AC Transit Boards.

FISCAL IMPACT

Following submittal of the plan and the General Manager's execution of a funding agreement, the District will receive 1.49% of the net revenues of Measure B, currently estimated to be \$1,642,653 in FY 2009. These funds, which are for the provision of paratransit in Alameda County, will offset approximately 17.4% of the District's paratransit program costs for East Bay Paratransit.

ALTERNATIVES

Do not submit the plan and forgo the Measure B funds which will result in the District's need to

contribute additional general funds to meet mandated ADA paratransit service obligations.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

That the Board of Directors adopt the attached resolution approving the East Bay Paratransit Consortium Service Plan for FY 2009 to be submitted to Alameda County Transportation Improvement Authority as part of the process to claim Measure B funding for paratransit services in Alameda County mandated by the Americans with Disabilities Act .

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

In the Matter of Approving the
East Bay Paratransit Service Plan
For FY 2009 for
Submittal to Alameda County Transportation
Improvement Authority Resolution No. _____

WHEREAS, the Reauthorization of Measure B, approved by the voters of Alameda County in November 2000, authorized the extension of a half-cent sales tax for the purpose of funding transportation projects, and

WHEREAS, the Alameda County Transportation Improvement Authority (ACTIA) administers the sales tax proceeds from the Reauthorization, and

WHEREAS, ACTIA has established a specific process for disbursement of funds for "Special Transportation Services for Seniors and People with Disabilities", including those funds specified in the Measure as intended for paratransit services mandated by the Americans with Disabilities Act (ADA), and

WHEREAS, the Measure B expenditure plan provided that 1.49% of the net revenues of the half-cent sales tax be allocated to BART for provision of services mandated by the ADA in north and central Alameda County, and

WHEREAS, the process established by ACTIA requires the approval of an annual plan for the use of Measure B funds for the provision of paratransit services mandated by the ADA,

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby approves the East Bay Paratransit Service Plan For FY 2009 for submittal to ACTIA.

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Annual Program Submittal for Measure B Funding

--REVISED September 2007 --

Two forms are required to be completed for this application, this cover sheet and your budget application, which is provided separately as an Excel spreadsheet. Answers can be entered into the fields on this form. Use the TAB key to move between fields. The fields will expand to allow as much room as needed for each answer. If you attach material, such as a driver training program, please provide a brief summary of the relevant information on this form.

Application for Funding for Fiscal Year 2008/2009

1. NAME OF JURISDICTION

San Francisco Bay Area Rapid Transit District (BART)

2. CONTACT PERSON

Name: Susan Gallagher

Title: Manager of Paratransit Programs

Address:

San Francisco Bay Area Rapid Transit District, 300 Lakeside Drive,
16th floor, Oakland, CA 94612

Telephone: 510-464-6184

Fax: 510-464-6143

E-mail sgallag@bart.gov

3. TYPE OF FUNDS APPLIED FOR (CHECK ONE)

☒ Mandated

☐ Non-mandated

☐ Minimum Service Level Gap Grant

4. TOTAL AMOUNT OF FUNDS REQUESTED

1. Base Program: \$1,643,653

2. Minimum Service Level Gap Grant:

5. GOVERNING BODY RESOLUTION AUTHORIZING SUBMITTAL OF THE PLAN

☐ Copy attached

☒ Pending action on: April 10, 2008 (indicated date this item is scheduled for action)

6. DESCRIPTION OF SERVICES TO BE PROVIDED

Complete the Grid below

Service Component	Service Available? (Y/N)	Type of vehicle (van, sedan, bus, taxi)	Accessible? (Y/N)	Days/ hours of Service	Eligibility requirements	Service area limits	Fares	Provider average cost per trip	Rider cost per trip	Trip limits per year per rider
Same Day	N ⁽¹⁾									
Pre-scheduled	Y	Van or sedan	Y	Y	Y	Y	Y	\$42.89 ⁽³⁾	\$3.00 to \$7.00	N
Shuttle	N									
Group Trips	N ⁽²⁾									
EBP Tickets	N									

- 1) Trips re-scheduled during the day, or “same day” trips are generally go-backs for riders not able to meet the originally schedule pick-up time.
- 2) EBPC offers an extremely limited number of group trips to social service agencies.
- 3) Calculated as follows: total provider costs less liquidated damages divided by total ADA passengers. Approximately 14% of passengers carried are attendants to the ADA passengers. If this is calculated as the provider cost per passenger carried, it would be \$36.48 (based on actual data July 2007 – January 2008).

6A. DESCRIPTION OF SERVICE COMPONENTS AND PLANNED CHANGES

Please provide a narrative description for each service component listed in Question 6 and describe any planned changes.

Response:

The East Bay Paratransit Consortium operates advance reservation service. Riders may call in as late as 5:00 pm today for service tomorrow. Reservations also are taken up to seven days in advance.

Trips are provided in sedans or accessible lift vans. Taxis are utilized occasionally for go backs or overflow.

Service operates the same days and hours as the fixed route services of AC Transit and BART and is available in the combined service area of AC Transit and BART in the East Bay, with through service into San Francisco, and along AC Transit service across the San Mateo Bridge.

Fares are distance based and are calculated as follows for each one-way trip:

For service in the East Bay		For service to / from San Francisco*	
Fare	Distance	Fare	Distance
\$3.00	0 – 8 miles	\$6.00	For destinations up to the Civic Center BART station
\$4.00	greater than 8 miles and up to 12 miles	\$7.00	For destinations beyond the Civic Center BART station
\$5.00	greater than 12 miles and up to 20 miles	*some San Francisco trips will require an additional MUNI charge of \$1.65	
\$6.00	greater than 20 miles		

EBPC does not impose limitations on the number of trips a rider can take, nor are trip requests prioritized.

Recent and Planned Changes to Paratransit: There are several changes currently being implemented. These changes are designed to improve efficiency, safety, and service quality. One change is a major software upgrade to our Adept reservation and scheduling software. This upgrade also included replacement of much of the computer equipment at the broker's office. The upgrade is in its final stages with testing of the newly installed software being done now.

A related change is the installation of mobile data computers (MDC's) in the paratransit vehicles. As a pilot project, MDC's have been installed in approximately 25% of the fleet. Once East Bay Paratransit cuts over to the new software, the MDC's will begin operation.

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

We are currently applying for grant funding to install MDC's in the remainder of the fleet. The MDC's will allow for better way finding as the result of mapping and GIS capability, better data collection, and more efficient moving and rescheduling of trips.

East Bay Paratransit is also increasing the number of lift vans in the fleet. In the recent contract, the relative proportion of lift vans was increased. Now, since some of our sedans have reached the end of their useful life, we are considering replacement with smaller lift vans. This change is expected to allow us to provide better service to people in wheelchairs and also increase productivity through greater capacity.

Lastly, East Bay Paratransit is revising the eligibility process to include an in person interview for nearly 100% of the applicants. This change will allow for greater confidence in eligibility decisions and also an opportunity to directly educate all riders about ADA paratransit service. Although this change is not expected to reduce the number of people who use the service, we anticipate that there will be fewer service quality issues caused by misinformation about ADA paratransit and its service characteristics.

7. VEHICLE FLEET

List separate vehicles that are lift/ramp equipped and those that are not. Specify "Lift", "Ramp", or "None" in the "Capacity" column.

Type of Vehicle	Lift/Ramp Equipment	Capacity (ambulatory and Wheelchair)		Number of Vehicles	Own/ contractor provided
Ford Crown Victorias	Sedans	4 seats		83	Provided by contractors
		Maximum ambulatory passengers	Maximum Passengers Using w/c's		
Chevy or Ford	Lift vans	14 amb/1 wc	2 amb/ 5 wc	71	Provided by contractors
Ford	Lift vans	14 amb/1 wc	2 amb/ 4 wc	41	Owned by AC Transit
Ford	Lift vans	11 amb/1 wc	2 amb/ 4 wc	5	Provided by contractors
Ford	Lift vans	18 amb/1 wc	2 amb/ 7wc	10	Provided by contractors
Ford	Lift van	16 amb/ 2 wc	16 amb/ 2 wc	1	Provided by contractor

Total Lift Vans	125
Total Sedans	82
Total Vehicles	206

8. OBJECTIVES

Identify objectives for the proposed services. As much as possible these should be measurable in numerical terms, and should be accompanied by a baseline measure for the existing service. For example, you might target increasing the number of trips provided from 10,000 projected in the current year to 15,000 in the plan year. Use the following table, expanding the boxes vertically as needed.

Response:

The primary objective of EBPC is to deliver high quality, cost effective paratransit that meets the six service criteria of the ADA. The ADA-required criteria are intended to ensure that access to, and the quality of, ADA paratransit service is adequate to be considered comparable to fixed route bus or rail transit service.

Objective	Baseline	Target for 08-09
Service Area	Service is offered to all points within the combined service area of AC Transit and BART.	Continue
Response Time	Provide next day service.	Continue
Fares	Charge fares no more than twice the undiscounted fixed route fare	Continue
Trip Purpose	Accept requests for all types of trips without prioritization.	Continue
Hours and days of service	Operate during the same hours as AC Transit and BART.	Continue
Capacity Constraints	Allow no pattern or practice of denials, untimely pick-ups, missed trips, or excessively long trips.	Continue

Determination as to whether an agency has met the service criteria is made by the Federal Transit Administration (FTA) Office of Civil Rights or the U.S. Department of Justice, which conducts periodic ADA paratransit compliance assessments and respond to complaints.

9. MEAL DELIVERY SERVICE

Provide information about your program's meal delivery service in the table below, including funding allocations in the current fiscal year and next year (claim year), the length (in years) that you have used Measure B funds for meal delivery, and how you plan to fund your program if faced with revenue shortfalls.

Not Applicable

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

Measure B Funding for Meal Delivery Service- current year	\$
Estimated Measure B Funding for Meal Delivery Service – next fiscal year	\$
Length (in years) of Measure B Funding for meal delivery	Years
When faced with revenue shortfalls, how do you balance meal delivery with trip requests? Please explain:	

10. DRIVER TRAINING

Describe your driver training program.

Response:

Each Service Provider operates a driver-training program that complies with requirements of the EBPC. The contract language is as follows:

SERVICE PROVIDERS are required to develop a training program that addresses all staff positions including drivers. The program is approved by the BROKER prior to implementation. The training program shall include but not be limited to the following areas:

- Job function
- Operation of equipment
- Driver training that meets Federal and State requirements for ADA service and vehicle type
- ADA requirements: defensive and safe driving, passenger assistance; First-aid, and CPR training
- EBP history and policies
- Disability and aging awareness and sensitivity
- Diversity awareness and sensitivity, including cultural, racial, sexual orientation, age, and gender
- Recognizing and reporting sexual harassment

Training shall be repeated as often as is necessary to ensure adequate performance and knowledge and to meet local, state, and federal requirements.

Trainings are periodically audited by the Broker and Program Coordinator. Members of the consumer advisory group have also participated in the trainings from time to time.

11. ON-TIME PERFORMANCE

Describe your policies concerning timely pick-ups or drop offs, including what window is allowed, if there is a standard for the percentage of pick-ups or drop offs that must occur within the window, the policy concerning early pick-ups, and whether there is a maximum amount of lateness after which a provider no-show or missed trip is counted.

Response:

At the time the client makes a reservation, whether they have requested a particular pick-up or drop-off time, they are given a 30 minute pick-up window within which to expect their vehicle. When a client requests a drop-off for a particular time, a pick-up time is computed, based on expected travel time and time spent picking up and dropping off other passengers enroute. The East Bay Paratransit scheduling software and staff schedule the trip on a run to fit the specified pick-up window. Service providers are required to operate their service so as to pick-up the client within that window. Pick-ups made within the window are considered to be on-time. Pick-ups made after the window are considered to be late, even if they exceed the window by only a few minutes. If a driver arrives earlier than the window, the client may board the vehicle voluntarily, but is not required to board until the beginning of the window. Therefore, pick-ups made early are also considered on-time.

Missed trip or “provider no-shows” are reported for those trips where no ride takes place due to the fault of the service provider or broker. This may be a truly missed trip where the service provider does not make a scheduled pick-up. It can also occur when the service provider is late, even by a few minutes, and the rider refuses to board. In that case, there is no penalty to the rider. Very late trips are those where a ride is taken but the pick-up is 60 or more minutes past the scheduled pick-up window.

EBP has contractual standards in the agreement with the Broker to provide for an incentive to the Broker when overall on time performance is better than 93% as measured by AC Transit and BART. A disincentive of \$7,500 is assessed when on-time performance drops below 91% for two months in a row. A disincentive of \$6,000 is assessed the second month that the percentage of very late trips exceeds 0.2%.

The Broker’s contracts with the Service Providers also provide for financial penalties charged directly to the Service Providers for late trips, in the form of liquidated damages.

12. RIDE TIME POLICY

Describe your policies concerning the maximum time a rider may be on a vehicle. Indicate if there is a maximum time, and if there is a standard for the percentage of trips that must be completed within this maximum time.

Response:

Because of its large service area and variability in ride distance, EBPC does not have a maximum ride time limit. The expectation is that paratransit ride will take no more time than an equivalent trip by bus, including access and transfers.

Mean and median ride times are calculated and monitored monthly as part of the on-time performance tracking system. Ride time for individual trips is tracked via complaint. In general when complaints have been received, the paratransit trip has been found to take less time than an equivalent trip by bus.

13. RESERVATION POLICIES

What are your policies for reserving trips? Describe these for each type of trip below. What advance notice is required or allowed? Are there limits on availability?

Individual Trip Reservations: All trips are by reservation. The reservation telephone center is open from 7:00 am to 7:00 p.m. daily, seven days per week. There is a 5:00 p.m. cut-off for next day service. Reservations are taken up to 7 days in advance.

Subscriptions (Standing orders): Standing order reservations are made for recurring trips. However, per ADA requirements, standing orders are limited to 50% of the service during times when there may be any denials due to capacity limitations. Requests for standing orders during constrained periods are placed on a first come/first served waiting list. Riders waiting for their desired time to open may make individual daily reservations up to one-week in advance.

Same day trips: Same day trips are generally provided only when necessary to meet medical “go backs” (e.g. the rider was unable to meet their original pick-up due to a late running doctor’s appointment).

Group/program trips: An extremely limited group trip program is available to Social Service Agencies. Certain restrictions apply and agencies scheduling group trips on this program must request the trip seven days in advance and provide written trip details.

14. CANCELLATIONS AND NO SHOWS

How far in advance is a rider required to cancel a trip before a no show is counted? Describe these for each type of trip below. What is your policy concerning riders with repeated no shows or late cancellations?

Response:

Cancellations must be made more than one hour prior to the beginning of the pick-up window. Cancellations made less than one hour before the pick-up window are counted as “no-shows” unless the cancellation is due to circumstances beyond the rider’s control, e.g. illness. The number of late cancels and other no-shows which are the rider’s fault are tracked. Riders may be suspended for 30 days for incurring more than six per quarter. There is an established procedure for such suspensions, including an appeals process. No-show and suspension policies are clearly spelled out in the Rider’s Guide given to all riders at the time of certification

15. PROGRAM ENROLLMENT

What is the maximum and average time between receiving an application and enrolling an applicant in the program?

Response:

The average processing time for applications for ADA paratransit eligibility at EBPC is 19 days. The ADA requirement is that if an eligibility determination has not been made within 21 days of receipt of a completed application, the agency must provide presumptive eligibility and service for that applicant until the process is complete. EBPC complies with this requirement, therefore 21 days is the maximum an eligible person waits for service, once their application is complete.

16. WAITING LIST

Is there a waiting list? If so, what are the policies that apply to it? How many people are on it? What is the average wait?

Response: Waiting lists are prohibited by the ADA. There is no waiting list for service from EBPC.

17. CUSTOMER SATISFACTION

Describe how you will measure customer satisfaction, for example, by participating in a county-wide rider survey, tracking customer comments, or other means?

Response:

EBPC measures customer satisfaction in several ways: EBPC contracts for an independent annual telephone survey of a random sample of 400+ riders. This survey asks questions

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

about many aspects of the service including overall customer satisfaction. The next survey is tentatively scheduled for April 2008.

Comment cards are available in the vehicles. These comments are almost always positive. If positive, they are tracked and reported monthly as commendations. If negative, they are processed like all other complaints.

EBPC has a Ride Reporter program where an individual rider from each of the four parts of our service area reports their travel experiences to the Program Coordinator. Ride Reporters' identities are not known to other staff. Although this is a small number of trips, the Program Coordinator uses information from the Ride Reporters as a double check on other methods.

18. COMPLAINTS AND COMMENDATIONS

Describe your complaint and commendation process. Please describe your process from beginning to end, including instructions provided to customers for filing complaints or commendations, your documentation procedures, your follow up and any changes you have made to your program as a result of customer complaints and commendations.

Response:

Customer complaints received by the Broker's Office by telephone, letter, or in person are responded to and tracked by type. The numbers of complaints are reported to staff and to the SRAC by category. Complaint statistics and details are used to determine areas of the service needing attention from staff. Information uncovered in the complaint process is used to improve the service most often through specific attention to individual employees or through modification of service practices. The Broker's Operations Manager regularly reviews complaints and their responses to identify trends and issues.

Commendations are received at the Broker's office, logged, tabulated, and distributed to the employee.

19. PLANNING PROCESS

- A. List all activities undertaken in connection with this plan, including consumer or public meetings, meetings with other agencies, presentations to boards, commissions or committees, and provide general dates for these activities.
- B. Indicate whether this plan has been reviewed by a local paratransit advisory committee.
- C. Describe any surveys or analysis conducted and staff reports.
- D. Describe how the planning process is connected to the service plan: how do the services planned correspond to the results of the planning process?

A. Public Meetings and Dates:

EBPC's Rider Advisory Committee, the Service Review Advisory Committee (SRAC), along with the EBPC executive committee, the Service Review Committee or SRC, reviewed

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

the FY 08-09 application for Measure B funding at their combined March 4, 2008 meeting and took action to approve it. The agenda and minutes from that meeting are attached.

BART's Board of Directors will review the plan April 10, 2008. The Board resolution will be forwarded.

B. Has this plan been reviewed by a local paratransit advisory group? Yes.

Committee Name: Service Review Advisory Committee

Meeting Date: March 4, 2008

Narrative Responses for C and D above:

EBPC is designed to fully meet the ADA paratransit obligations of BART and AC Transit in their combined service area. The FY 08-09 Measure B application maintains the agencies' objectives to meet all requirements of the ADA.

20. NEEDS IDENTIFICATION

- What needs or priorities have been identified that will be met by proposed service changes?
- What needs or priorities will still not be met even after implementing proposed service changes?
- How many potential riders do you estimate will use this service this coming fiscal year?

Response:

EBPC provides paratransit transportation for persons with disabilities who cannot use fixed route transit throughout Alameda County as well as other parts of the combined AC Transit and BART service area. The design meets the service criteria required under the ADA.

All ADA-required priorities are met by EBPC services. When individuals have needs that cannot be met by an ADA paratransit service, EBPC attempts to refer that person to other appropriate community services or paratransit systems.

EBPC has approximately 21,000 riders certified as eligible to use the ADA program as of January 2008. Of these, about 60% or 12,600 schedule at least one trip per year.

21. COORDINATION

Describe how services will be coordinated with other Measure B paratransit services and/or mandated ADA paratransit services so that trips can be made throughout Alameda County. Examples of coordination may include (but are not limited to) reciprocal fare agreements, reciprocal agreements to provide trips into adjoining areas, arrangements for clients to ride on other systems, and transfer arrangements. Attach copies of agreements or memoranda of understanding for coordination.

Response:

EBPC is one of three ADA paratransit services in Alameda County. The other two are LAVTA and Union City's services. Between the three services, travel is available for all eligible riders throughout the county and to adjoining areas. EBPC has on staff a full time regional trip coordinator to assist riders in placing reservations for travel into the service areas of adjacent operators.

There is frequent communication between staff of the cities operating local paratransit programs in Alameda County and EBPC, both informally and through ACTIA's Technical Advisory Committee meetings. This ongoing interaction has enhanced understanding and coordination between EBPC's ADA program and the local paratransit program offerings.

22. PERFORMANCE MEASUREMENT

- How will you obtain and/or track necessary financial and operating information for program management and reporting?
- If private vendors or contractors are providing the information, what steps will you take to verify or check the accuracy of the information?
- If performance data is collected by sampling, what steps will be taken to ensure that samples are representative and randomized?

Response:

A variety of financial and operation information is compiled, verified, and reviewed monthly by the Program Coordinator's office and agency staff. In addition, a performance report of key indicators is available for public review and is distributed in conjunction with the SRAC mailings.

On time performance is verified by a review of 100% of the driver manifests on five sample days, per month selected randomly, by the Program Coordinator's office.

EBPC data is audited by MTC (TDA Performance), and the BART internal audit department conducts periodic reviews. EBPC is also included in the FTA's Triennial Review of the individual transit agencies. In addition, EBPC underwent an FTA Paratransit Compliance Assessment in February 2003 during which no significant compliance issues were found.

23. PUBLIC INFORMATION AND OUTREACH

Describe planned outreach to ensure that potential users of the services (including coordinated services) learn about them.

Response:

EBPC informs potential users of our service through brochures and Rider's Guides which have been widely distributed to individuals and Senior Centers, social workers, dialysis centers, city program managers, adult day health centers and others.

Information about EBPC is included on both BART's and AC Transit's websites and in written materials about the agencies. EBPC is included in MTC's Welfare to Work information.

Staff meets with its Service Review Advisory Committee every other month. EBPC staff also organizes or participates in numerous rider outreach meetings, discussions with Social Service agency representatives, senior and disabled fairs, and paratransit and public transportation forums.

EBPC staff also participates regularly in paratransit rider based committees, such as ACTIA's Technical Advisory Committee and Paratransit Advisory and Planning Committee, AC Transit's Accessible Service Committee, and the BART Accessible Task Force.

24. BUDGET AND OPERATING PLAN AND FUND BALANCE RESERVE

Use the spreadsheet provided to show past, current, and planned financial and operating information. If the budget shows funds being carried over from the budget year to future years, explain below the purpose of this planned carryover in the space provided below.

Explanation of Fund Balance Reserve:

Total Measure B Fund Balance Reserve (includes designated and undesignated funds): **\$0.00**

Total Measure B Designated Funds* – Capital	\$
Total Measure B Designated Funds* – Operations	\$
Total Measure B Undesignated Funds	\$
Total Measure B Fund Balance Reserve	\$
Designated Capital Funds have been carried over for three years or less	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date when Capital Funds originally designated	/ /

Please describe how you plan to use your designated Capital funds*:

Please describe how you plan to use your undesignated funds, if any:

Additional explanation of any notable accounting, contracting, or performance measurement practices that would affect program statistics not noted on the budget spreadsheet:

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

**Please see "Measure B Budget and Reporting Instrucions" for a description of appropriate uses of designated funds. Designated Capital funds must be expended within three years of original designation.*

25. FTA SECTION 5310 FUNDS

Do you intend to apply for 5310 funds in the next fiscal year? ☐ Yes ☒ No.

26. MINIMUM SERVICE LEVEL (MSL) GAP GRANT FUNDS

The following questions are applicable if you intend to apply for minimum service level gap grant funding for the next fiscal year.

We are applying for minimum service level gap grant funding for this next fiscal year:

☐ Yes ☒ No

If "yes", please complete the table below.

Minimum Service Level (MSL)	Please describe how your program exceeds, meets or falls below each minimum service level	Program Requesting Minimum Service Level Gap funds to close this gap?
<p><u>WHO PROGRAM SERVES</u></p> <ul style="list-style-type: none"> • People 18 and above with disabilities who are unable to use fixed route services. • Seniors 80 and above without proof of disability <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF IS SERVES:</i></p> <ul style="list-style-type: none"> • Minors with disabilities • Seniors under 80 without proof of disability. 		<input type="checkbox"/> Yes

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

Minimum Service Level (MSL)	Please describe how your program exceeds, meets or falls below each minimum service level	Program Requesting Minimum Service Level Gap funds to close this gap?
<p><u>TYPE OF SERVICE PROGRAM PROVIDES</u></p> <ul style="list-style-type: none"> • Accessible individual demand-responsive service <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF:</i></p> <p>It offers additional services such as group trips or meal delivery.</p>		<input type="checkbox"/> Yes
<p><u>PROGRAM HOURS OF OPERATION</u></p> <ul style="list-style-type: none"> • At least five days per week between the hours of 8 am to 5 pm (excluding holidays). <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF IT OFFERS:</i></p> <ul style="list-style-type: none"> • Service more than five days a week • Service before 8 am and/or after 5 pm. 		<input type="checkbox"/> Yes

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

Minimum Service Level (MSL)	Please describe how your program exceeds, meets or falls below each minimum service level	Program Requesting Minimum Service Level Gap funds to close this gap?
<p><u>PROGRAM SERVICE AREA</u></p> <ul style="list-style-type: none"> Residents using this program are able to meet life needs, including but not limited to major medical facilities, full service grocery stores and other basic necessities if ADA services, or coordination between base programs are unable to provide these trips. <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF:</i> It provides trips to locations beyond those which residents would travel to meet life needs, such as recreational trips outside city boundaries.</p>		<input type="checkbox"/> Yes
<p><u>FARES FOR SERVICE</u></p> <ul style="list-style-type: none"> Fares comparable to EBP and equated to distance for van/sedan trips Fares for taxi trips not to exceed 50% of total cost of the trip <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF:</i> If a rider pays less than they would for an EBP trip of equal distance or the rider subsidy is less than 50% of the cost of the trip for a taxi trip.</p>		<input type="checkbox"/> Yes

Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities

Minimum Service Level (MSL)	Please describe how your program exceeds, meets or falls below each minimum service level	Program Requesting Minimum Service Level Gap funds to close this gap?
<p><u>INTERIM SERVICE FOR INDIVIDUALS APPLYING FOR OR AWAITING ADA CERTIFICATION</u></p> <ul style="list-style-type: none"> • Interim service provided within three business days upon receipt of application • Interim service provided at the request of a health care or ADA provider. <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF:</i> It provides interim service in less than three business days.</p>		<input type="checkbox"/> Yes
<p><u>PROGRAM RESERVATIONS PERIOD</u></p> <ul style="list-style-type: none"> • Program accepts reservations between 8 am and 5 pm Monday – Friday <p><i>YOUR PROGRAM EXCEEDS THIS MSL IF:</i> It accepts reservations before 8 am and/or after 5 pm or on weekends.</p>		<input type="checkbox"/> Yes

Additional Questions to determine minimum service levels gap grant funding:

1. Please explain how input from your local community has impacted your ability to meet/not meet minimum service levels?
2. Does your program provide ADA equivalent service to those outside the ADA service corridor in your jurisdiction?
3. If MSL gap funding were to not become available in future years, what other funding sources would you use?
4. To what extent have you explored and documented other transportation options for seniors and people with disabilities provided by non-profit organizations in your community that might also close this service gap?

27. ANNUAL AUDIT

Date Annual Program Compliance report submitted to ACTIA: December 21, 2007

28. APPROVALS AND ASSURANCES

Attach:

- A copy of a governing body resolution authorizing submittal of the plan, or a statement that the governing body has such an item on a forthcoming agenda.
- Resolution or comments from the relevant local consumer advisory group.
- Copies of agreements or memoranda of understanding for coordination.

The March 4, 2008 SRAC/SRC minutes and agenda are attached.
BART's Board resolution from their April 10, 2008 meeting will be forwarded once completed.

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED January 2008**

Jurisdiction: BART
Fiscal Year for Which Funds are Requested: FY 2008-09
Preparer: Susan Gallagher, Anne Muzzini
Date of Preparation: March 5, 2008

Line Number	Col. A Actual Prior FY - 06/07	Col. B Projected Current FY - 07/08	Col. C Plan for Budget FY - 08/09	Col. D Budget vs. Current
Section 1: Revenues				
1 Measure B	\$6,114,657	\$6,185,742	\$6,206,804	0.3%
2 MSL Gap Grant				
3 Fares	\$1,874,455	\$1,869,650	\$1,908,625	2.1%
4 General fund	\$18,398,455	\$20,504,558	\$20,905,812	2.0%
5 Fund balance--undesignated*				
6 Reserve funds--designated for capital*				
7 Reserve funds--designated for operations				
8 Other:				
9 Total reported revenue	\$26,387,567	\$28,559,950	\$29,021,241	1.6%
10 Fares retained by vendors**				
11 Adjusted revenue	\$26,387,567	\$28,559,950	\$29,021,241	1.6%

*See "Definitions of Terms" for definitions of "Fund Balance" and "Reserve." Total fund balance and reserve funds for the Budget FY should equal projected Net Revenue (Line 30) for the current FY.

**If accounting procedures permit, include fares retained by providers with "fares." Otherwise show them here.

Section 2: Operating Expenditures by Expense Category				
12 Labor and fringe				
13 Administrative expense	\$233,928	\$267,418	\$266,377	-0.4%
14 MSL Gap Grant Expenditures				
Contracts and grants (list each):				
15 Veolia Contract	\$25,864,754	\$28,127,532	\$28,616,458	1.7%
16				
17				
18				
19 Taxi reimbursement				
20 Purchase of EBP Tickets				
21 Transportation expense				
22 Miscellaneous	\$288,885	\$165,000	\$138,406	-16.1%
23 Total reported operating expenditures	\$26,387,567	\$28,559,950	\$29,021,241	1.6%
24 Adjusted operating expenditures*	\$26,387,567	\$28,559,950	\$29,021,241	1.6%

*Including fares retained by providers and not reported as revenue.

Section 3: Capital Expenditures				
25 Vehicles				
26 Other:				
27 Total capital expenditures	\$0	\$0	\$0	
Section 4: Depreciation				
(if allowed)				
29 Section 5: Net Revenue	\$0	\$0	\$0	

**Alameda County Transportation Improvement Authority
Special Transportation for Seniors and People with Disabilities
Budget for Fund Application
REVISED January 2008**

Jurisdiction: BART
Fiscal Year for Which Funds are Requested: FY 2008-09

Col. A Actual Prior FY - 06/07	Col. B Projected Current FY - 07/08	Col. C Plan for Budget FY - 08/09	Col. D Budget vs. Current
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Section 6: Operating Expense Allocation by Function

30 Management	\$143,928	\$177,418	\$176,377	-0.6%
31 Customer service & outreach	\$570,000	\$570,000	\$570,000	0.0%
32 Trip provision	\$25,673,639	\$27,812,532	\$28,274,864	1.7%
33 Purchase of EBP tickets				
34 Meal delivery				
35 MSL Gap Grant Expenditures				
36 Other services (explain below)				
37 Adjusted operating expenditures*	\$26,387,567	\$28,559,950	\$29,021,241	1.6%
38 Explanation of other trips or services:				
39 Description of MSL Gap Grant Expenditures:				

*This total should match Line 24. Any fares retained by providers and not reported as fares should be included in allocated cost for trip provision.

Section 7: Operating Statistics (Programs receiving under \$50,000 may report total trips on the line for "other trips")

Trips provided

40 Individual demand-responsive trips	644,474	644,707	646,991	0.4%
41 Lift/ramp-assisted trips included in above	152,284			
42 Taxi trips included in above				
43 Same-day trips included in above				
44 Subscription trips included in above	244,494			
45 Group trips				
46 Shuttle or fixed-route trips				
47 Other trips:				
48 Subtotal - Trips provided	644,474	644,707	646,991	0.4%
49 Attendant trips included in above	103,116			
50 Companion trips included in above	7,089			
51 Number of EBP Tickets Purchased				
52 Meals delivered				
53 Vehicle service hours for providing trips (excluding taxis)	367,621	368,404	359,440	-2.4%

54 Explain any notable accounting, contracting, or performance measurement practices that would affect program statistics.

Operating statistics for subscriptions, attendants, companions, and lift assisted passengers are not projected or budgeted. Actual data collected is reported.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: 4/2/08		BOARD INITIATED ITEM: No	
Originator/Prepared by: Ersten Y Imaoka Dept: M & E Signature/Date: 4/1/08	General Counsel 4/1/08	Controller/Treasurer 4/1/08	District Secretary BARC 4/2/08

Status: Routed	Date Created: 03/06/2008
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TITLE:

Award Contract 15QA-110, Relamp 15 BART Stations

NARRATIVE:

PURPOSE: To authorize the General Manager to award Contract No. 15QA-110, Relamp 15 BART Stations.

DISCUSSION: Contract Description: The work of this Contract shall include furnishing all labor, equipment, materials, and services required to relamp existing fluorescent fixtures and High Intensity Discharge (HID) fixtures at 15 BART Stations. Relamping shall be done in public and non-public areas of station platform and concourse levels, including, but not limited to, under-platform utility spaces, operator walkways, and subway structures. The BART stations included in this contract are: Lake Merritt, Coliseum, Castro Valley, Dublin/Pleasanton, Lafayette, Walnut Creek, North Concord/Martinez, Pittsburg/Bay Point, Ashby, El Cerrito Del Norte, Richmond, Embarcadero, Glen Park, Balboa Park, and Colma Stations.

Also included in the Contract are: Washing and cleaning light fixtures and lenses, replacing burnt-out ballasts and lamp sockets, replacing missing and broken lenses, recycling replaced lamps, and disposing of replaced ballasts.

The Advance Notice to Bidders was mailed on February 11, 2008 to 84 prospective bidders. Contract Books were mailed to 14 Plan rooms and Minority Assistance Organizations. The Contract was advertised on February 14, 2008. A Pre-Bid meeting and Site Inspection Tour were conducted on February 21, 2008, with nine prospective bidders attending the meeting, and three prospective bidders attending the site tour. The following five timely bids were received on March 4, 2008:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
Amtech Lighting Services	Oakland	\$336,128.10
HJ Integrated System, Inc	San Francisco	\$367,388.95
Vista Universal, Inc	Hayward	\$431,804.15
CF Contracting	Fairfax	\$468,888.00
Eshone Electric, Inc	Cupertino	\$792,370.00
Engineer's Estimate		\$471,000.00

After review by District staff, the bid submitted by Amtech Lighting Services has been deemed to be responsive. Furthermore, a review of this bidder's license, business experience, and financial capabilities has resulted in a determination that the bidder is responsible. Staff has also determined that its bid of \$336,128.10, which is approximately 29% below the Engineer's Estimate, is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment from this relamping work on existing structures, and that it is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for maintenance of existing structures involving negligible or no expansion of use beyond that which currently exists.

FISCAL IMPACT: Funding for this \$336,128.10 contract award is included in the total project budget for 15QA, Relamp 16 Stations FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

FY06 Capital Allocation

50W

\$336,128

As of the period ending February 24, 2008, \$1,336,416 is available for commitment from this fund source for this project and \$398,235 has been committed to date by BART. There are no pending commitments in BART's financial management system. This action will commit \$336,128, leaving an uncommitted balance of \$602,053.

There is no fiscal impact on available unprogrammed District capital funds.

ALTERNATIVES: The alternative is to reject all bids, which will compromise the District's ability to support anticipated lighting requirements at these locations.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QA-110, Relamp 15 BART Stations, to Amtech Lighting Services for the bid price of \$336,128.10, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcy Blaugen</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the E & O Committee		
DATE: c <i>4/2/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Keith Fullington Dept: <i>Keith Fullington</i>	General Counsel <i>MB 3/21/08</i>	Controller/Treasurer <i>Jeff Kuzmanian 3/21/08</i>	District Secretary []	PARC <i>Paul Chernier 3/31/08</i>
Signature/Date: <i>3/31/08</i>				

TITLE:

AWARD CONTRACT NO. 17BJ-120B FOR ELEVATOR NO. 83 MODIFICATIONS AND UTILITIES ISOLATION FOR THE LMA DISMANTLING PROJECT.

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 17BJ-120B, LMA Dismantling Project Elevator No. 83 Modifications and Utilities Isolation, to Kudsk Construction, Inc.

DISCUSSION:

The District has initiated an Earthquake Safety Program for the purpose of upgrading the original system that was built more than 30 years ago. The goal of this program is to develop prudent and cost-effective seismic retrofit solutions to ensure the safety of both BART patrons and employees during and after a major seismic event in the San Francisco Bay Area.

The Lake Merritt Administration Building ("LMA") in downtown Oakland was designed in the late 1960's. LMA is immediately adjacent to BART's Lake Merritt Station. The administration building does not meet current seismic codes. The building also contains hazardous materials, including asbestos used to fireproof the structural steel. These and other issues led to the decision to dismantle the building rather than to seismically retrofit the building to meet current standards.

The work to be performed under this Contract is the second step in preparing the LMA building for dismantling. Concourse and platform levels under the footprint of the building contain critical facilities that will remain in operation both during and after the dismantling. The heating and air conditioning equipment for the offices and equipment rooms in the two underground floors is located in the penthouse of the LMA building. In order to prepare the building for the dismantling process, these functions need to be relocated to street level.

The passenger-carrying elevators in the building are traction type elevators with the traction motors in the penthouse in the LMA building. They will be removed during the dismantling process and the elevators will be out of service. The hydraulic freight elevator that services

the lower floors at LMA will be modified to carry employees only between the two lower floors during the dismantling process.

On February 13, 2008, the General Manager forwarded the proposed decision denying the protest by Rubecon on the previous Bid submittal which was authorized for award at the December 6, 2007 Board Meeting. Thereafter, both Bidders were notified that the protest was denied and that both Bids were non-responsive.

On March 3, 2008 the Advance Notice to Bidders was mailed to 72 prospective Bidders. Contract Documents were sent to 19 plan rooms and Minority Assistance Organizations. The Contract was advertised on March 5, 2008. A total of four firms purchased copies of the Contract Documents. A pre-Bid meeting was held on March 14, 2008 with four prospective Bidders attending. Bids were publicly opened on March 25, 2008.

The following Bids were received:

Bidder	Location	Total
Kudsk Construction, Inc.	Berkeley, Ca.	\$1,356,000
Rubecon General Contracting	San Francisco, Ca.	\$1,635,723
Engineer's Estimate		\$1,638,835

The apparent low Bid price submitted by Kudsk Construction, Inc. is \$1,356,000 which is 17% lower than the Engineer's Estimate of \$1,638,835.

After review by District staff, the low Bid has been deemed to be responsive to the solicitation. Furthermore, staff's review of the low Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$1,356,000 submitted by Kudsk Construction, Inc. is fair and reasonable.

Fiscal Impact:

Funding for the \$1,356,000 for Award of Contract No. 17BJ-120B is included in the total project budget for the FMS #17BJ, Lake Merritt Building Dismantling. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 01F Earthquake Safety General Obligation Bond

\$1,156,000

As of the month ending February 24, 2008, \$12,103,000 is available for commitment from this fund source for this project and BART has committed \$5,096,459 to date. There are pending commitments of \$469,663 in BART's financial management system. This action will commit an additional \$1,156,000 leaving an uncommitted balance of \$5,380,878 in this fund source.

F/G 90W FEMA/OES-Lake Merritt Bldg

\$200,000

As of the month ending February 24, 2008, \$4,000,000 is available for commitment from this fund source for this project and there has been no commitment against this fund. There are no pending commitments in BART's financial management system. This action will commit \$200,000 leaving an uncommitted balance of \$3,800,000 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

Reject all bids and not award the Contract. If the Contract is not awarded, Staff will have to issue a new Invitation to Bid and restart the contract bidding process. In that event, the schedule for dismantling the LMA building would be delayed.

RECOMMENDATION:

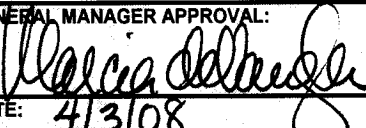
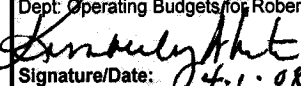
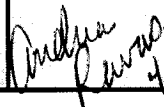

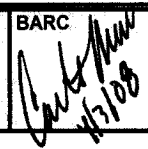
Adoption of the following motion.

MOTION:

The General Manager is authorized to award Contract No. 17BJ-120B, LMA Dismantling Project Elevator No. 83 Modifications and Utilities Isolation, to Kudsk Construction, Inc. for the Bid amount of \$1,356,000 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FEMA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Place on the Administration Committee Agenda for April 10, 2008		
DATE: 4/3/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept. Operating Budgets for Robert Umbreit  Signature/Date: 4.1.08	General Counsel  4/1/08	Controller/Treasurer  4/3/08	District Secretary []	BARC  4/3/08 []
Status: Routed		Date Created: 03/28/2008		

TITLE:

Fiscal Year 2009 Preliminary Budget Procedural Actions

NARRATIVE:

PURPOSE:

To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2009 Preliminary Budget.

To set a public hearing on the Fiscal Year 2009 Preliminary Budget.

DISCUSSION:

The rules of the Board of Directors provide that the Board direct a Preliminary Budget Pamphlet to be prepared no later than the first day of June (Rule 5-1.2). Staff's schedule calls for this pamphlet to be available by April 11, 2008. The rules of the Board of Directors also provide that a public hearing on the budget be held on or before June 20 (Rule 5-1.3). Staff proposes that this hearing be held on May 22.

FISCAL IMPACT:

According to Board Rules, the FY09 Preliminary Budget must be adopted on or before June 30, 2008.

ALTERNATIVES:

Under Board Rules 5-1.2 and 5-1.3, publishing a budget pamphlet and holding a public hearing are required steps to adopt the Fiscal Year 2009 annual budget. The Board could suspend rules 5-1.2 and 5-1.3 or postpone the hearing to another date prior to June 20.

RECOMMENDATION:

That the Board adopt the following motions:

Motions:

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2009 to be available for distribution no later than April 11, 2008.
2. That a public hearing on the Fiscal Year 2009 Preliminary Budget be set for Thursday, May 22, 2008 at 9:00 am in the Board Room.