

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

**BOARD MEETING AGENDA**

April 11, 2019

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 11, 2019. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 <sup>th</sup> Street Mall – Third Floor 2040 Webster Street Oakland, CA 94612	Hilton Garden Inn 4201 Genesee Street Buffalo, NY 14225  Check at front desk
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Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), at [www.bart.legistar.com](http://www.bart.legistar.com), and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Jacqueline R. Edwards  
Assistant District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
  - i. BART Leadership Academy Graduates.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of March 21, 2019 (Special) and March 28, 2019 (Regular).\* Board requested to authorize.
- B. BART Earthquake Safety Program Citizen's Oversight Committee Membership Appointments.\* Board requested to authorize.
- C. Bond Oversight Committee Appointments and Re-Appointments.\* Board requested to authorize.
- D. Employee Recruitment and Relocation for the Chief of Police and Assistant General Manager, External Affairs.\* Board requested to authorize.
- E. Invitation For Bid No. 9052, Station Agent and Foreworker Uniforms.\* Board requested to authorize.
- F. Invitation For Bid No. 9057, Procurement of Fiber – Reinforced Yard Access Ladders.\* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Fiscal Year 2020 Budget Procedural Actions: Set Date for Public Hearing, Publish Pamphlet.\* Board requested to authorize.
- B. Fiscal Year 2020 Preliminary Budget.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Agreement No. 6M3388A, with Sperry Rail Services Inc. to provide Ultrasonic Rail Flaw Detection Testing Services.\* Board requested to authorize.

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

Director Raburn, Chairperson

- A. Amendment with Scoop Technologies for Carpool Services.\* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)
  - a. In memory of Wayne Wong, recently retired Department Manager of the Office of Civil Rights.

9. PUBLIC COMMENT

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer

Employee Organizations:

- (1) Amalgamated Transit Union, Local 1555;
- (2) American Federation of State, County and Municipal Employees, Local 3993;
- (3) BART Police Officers Association;
- (4) BART Police Managers Association;
- (5) Service Employees International Union, Local 1021; and
- (6) Service Employees International Union, Local 1021, BART Professional Chapter
- (7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

B. PUBLIC EMPLOYEE EMPLOYMENT:

Title: Inspector General

Government Code Section: 54957(b)(1)

11. OPEN SESSION

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

Board of Directors  
Minutes of the 1,836th Meeting  
March 21, 2019

A special meeting of the Board of Directors was held March 21, 2019, convening at 10:51 a.m. in the Board Room, 2040 Webster Street, Oakland, CA; 1720 Market Street, San Francisco, CA; and 3999 Lakeside Drive, Richmond, CA. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present in Oakland: Directors Allen, McPartland, Saltzman, Simon, and Dufty.

Director present in San Francisco: Director Li.

Director present in Richmond: Director Foley.

Absent: Directors Ames and Raburn.

President Dufty called for Public Comment on Item 3 Only. No comments were received.

President Dufty brought the matter of 2019 Organization of Committees and Special Appointments: Creation of Inspector General Ad Hoc Committee, before the Board. Director Allen moved that the 2019 Organization of Committees and Special Appointments be revised to include the Inspector General Ad Hoc Committee. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes – 7: Directors Allen, Foley, Li, McPartland, Saltzman, Simon, and Dufty. Noes – 0. Absent – 2: Directors Ames and Raburn.

The Meeting was adjourned at 10:53 a.m.

Patricia K. Williams  
District Secretary

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

Board of Directors  
Minutes of the 1,837th Meeting  
March 28, 2019

A regular meeting of the Board of Directors was held March 28, 2019, convening at 9:02 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty.

Absent: None. Director Allen entered the meeting later.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meetings of March 14, 2019 (Special) and March 14, 2019 (Regular).
2. BART Accessibility Task Force Membership Appointment.
3. Amendment to Legal Services Agreement with Glynn & Finley, LLP.
4. Reject All Bids for Contract No. 59EP-110, Real-Time Display Enhancement Project.

Director Saltzman made the following motions as a unit. Director Raburn seconded the motions, which carried by electronic and voice vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes - 0. Absent – 1: Director Allen.

1. That the Minutes of the Meetings of March 14, 2019 (Special) and (Regular), be approved.
2. That the BART Board accepts the recommendations of the Bart Accessibility Task Force (BATF) and appoints the nominated candidate, Larry Bunn, for membership to the BATF for a term beginning March 28, 2019 for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs sooner.
3. That the Board approves the amendment of agreement with Glynn & Finley, LLP to continue its representation of the District to handle the defense of Senior Disability Advocates as necessary.
4. That all Bids for Contract No. 59EP-100, Real-Time Display Enhancement Project, be rejected.

President Dufty called for Public Comment. No comments were received.

Director Simon, Chairperson of the Administration Committee announced that the order of the Administration Committee would change. Director Simon brought the matter of Agreement with iLand Internet Solutions (iLand), for the District's Enterprise Licensing Agreement, before the Board. Mr. Travis Engstrom, Assistant Chief Information Officer, presented the item.

Director Allen entered the meeting.

The item was discussed.

Director Raburn moved that the General Manager or her designee is authorized to negotiate and execute a 5-year Enterprise License Agreement with iLand Internet Solutions in an amount not to exceed \$2,350,000.00 for Disaster Recovery as a Service (DRaaS). Director Li seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty. Noes - 0. Absent – 0

Director Simon brought the matter of Pension Funding Policy and an Internal Revenue and Service (IRS) §115 Irrevocable Supplemental Pension Trust before the Board. Ms. Grace Crunican, General Manager; Ms. Rose Poblete, Controller/Treasurer; Mr. Michael Jones, Assistant General Manager, Administration; Ms. Diane Iwata, Human Resources, Division Manager; and Ms. Mary Beth Redding, Vice President, Bartel Associates, presented the item.

The item was discussed.

Gena Alexander addressed the Board.

Discussion continued.

Director Saltzman moved that the Board adopts the Pension Funding Policy and authorizes the Controller/Treasurer to establish a District-controlled IRS Section 115 Irrevocable Supplemental Pension Trust or join a group trust with multiple employers. President Dufty seconded the motion. Discussion continued.

Director Allen made a substitute motion that the Board authorizes the Controller/Treasurer to continue investing with CalPERS and lock in the applied amortization base. Director McPartland seconded the substitute motion. Discussion continued.

The substitute motion failed by electronic vote. Ayes - 3: Directors Allen, Ames and McPartland. Noes – 6: Directors Foley, Li, Raburn, Saltzman, Simon and Dufty.

The original motion that the Board adopts the Pension Funding Policy and authorizes the Controller/Treasurer to establish a District-controlled IRS Section 115 Irrevocable Supplemental Pension Trust or join a group trust with multiple employers carried by electronic vote. Ayes - 7: Directors. Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty. Noes – 2: Directors Ames and Allen. (The Policy is attached and hereby made a part of these minutes.)

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Agreements for Temporary Bus Bridge Services, before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. Joel Soden, Senior Transportation Engineer, presented the item. The item was discussed.

Director Raburn requested an amendment to include the language “after thirteen weekends of disruptions” to the motion.

Director Raburn moved that the General Manager is authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to County Connection, to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$60,000 per day for each day that the District is unable to provide complete train service between affected stations due to track maintenance projects. This authorization will expire on December 31, 2019 or after thirteen weekends of disruptions. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Ames, Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty. Noes - 0. Absent – 0

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Federal and State Legislation Update before the Board. Mr. Roddrick Lee, Department Manager of Government and Community Relations; and Ms. Amanda Cruz, Program Manager I, Government and Community Relations, presented the item.

The item was discussed.

President Dufty called for the General Manager’s Report.

General Manager Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items. She noted the addition of Early Bird service at the Fruitvale BART Station and Fleet of the Future car update in the system. Kerry Hamill, Assistant General Manager, External Affairs gave a report on the Transit Driver Appreciation Day.

Director Saltzman requested a monthly update on the Early Bird Express Service.

Director Raburn requested a Fleet of the Future Update.

Director Allen requested ridership numbers for the Early Bird Express Service.

Director Saltzman requested that the website is updated regularly with new fleet information.

President Dufty called for the Independent Auditor’s Report. Mr. Russell Bloom, Independent Police Auditor presented the report.

President Dufty called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director McPartland reported he had attended a meeting with BART staff on a briefing for Valley Transportation Authority, the Urban Area Security Initiative (UASI) for the Office of Emergency Services in Dublin, CA, and the California early emergency services great shake out,



earthquake early warning exercise for the Stafford Act which consists of eighteen emergency support functions.

Director Foley inquired about a structured ambassador program at BART for people with special needs. Director Simon and General Manager Crunican addressed the programs and task force that work with the special need community in coordination with transit and BART.

Director Saltzman reported attending the Orinda and San Leandro State of the City addresses, Oscar Grant Foundation 10 Year Gala. Thanked staff for the Transit Driver Appreciation Day. Direction Saltzman requested that the meeting be adjourned in honor of Rob Browning a City of Berkeley small business owner and husband of former Berkeley City Councilmember Linda Maio.

President Dufty reported he attended a meeting with BART staff on a briefing for Valley Transportation Authority, the Oscar Grant Foundation 10 Year Gala and thanked staff for participating. He announced that a report to address fare evasion will come forward on May 23, 2019 and looking forward to the unveiling of the Oscar Grant Mural at the Fruitvale Station. President Dufty thanked officer David Touye on his work with the BART Police Department and the community. He thanked and congratulated Assistant General Manager, Kerry Hamill on her retirement and years of service and Martin Gran, Chief Labor Relations Officer on his retirement.

Director Simon thanked Kerry Hamill for her service. She reported on participation in future meetings for a townhall at the Pinole City Hall with West Contra Costa Transportation Advisory Committee (WCCTAC) and would report back, and meeting with Supervisor Gioia and WCCTAC regarding ferry service to increase bus service from Pinole to Oakland.

Director Li reported she had attended with Directors Saltzman and Dufty the first Lesbian, Gay, Bi-Sexual, Transgender, Queer (LGBTQ) leaders conference in Sacramento. She reported participating on a California High Speed Rail working group and thanked Dave Hardt & John Arantes for her tour of the Daly City Yard.

Director Raburn reported attending the American Public Transportation Association Conference in Washington D.C. and the Conference of Minority Transportation Officials Breakfast celebrating Women Who Move The Nation. He thanked Fred Edwards for his assistance, and Operations point of view in Washington D.C.

Director Raburn requested the following as an item under Roll Call for Introductions: Currently BART lacks the ability to offer schools or other large institutional partners a Clipper Card option for group travel that is convenient for both BART and the institution to administer. Providing groups with magnetic stripe tickets is financially complicated by the surcharge and constrains BART's ability to migrate to Clipper.

- What are the best practices employed by other transportation agencies?
- Is this issue a priority to be addressed by Clipper II?
- Is there an interim solution – like the SFSU Gator Pass – that the MTC can provide?

Director Simon seconded the request.

Director Ames reported she had attended the American Public Transportation Association Conference in Washington D.C. and thanked Kerry Hamill for her leadership in Washington D.C.

President Dufty called for Public Comment. No comments were received.

President Dufty announced that the Board would enter into closed session under Item 11-B (Public Employee Employment) of the regular meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 11:51 a.m.

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The Board Meeting reconvened in closed session at 12:00 p.m.

Directors present: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty.

Absent: None.

Director Saltzman exited the meeting.

Director Simon exited the meeting.

The Board Meeting recessed at 12:35 p.m.

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The Board Meeting reconvened in open session at 12:36 p.m.

Directors present: Directors Allen, Ames, Foley, Li, McPartland, Raburn, and Dufty.

Absent: Directors Saltzman and Simon.

President Dufty reported there were no announcements to be made.

The Meeting was adjourned at 12:37 p.m. in memory of Rob Browning.

Patricia K. Williams  
District Secretary

## **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

### ***PENSION FUNDING POLICY***

***AS ADOPTED March 28, 2019***

The San Francisco Bay Area Rapid Transit District ("District") has an important responsibility to its riders, the citizens of the Bay Area, and its employees and retirees to manage its CalPERS pension costs and liabilities both in the short term and the long term. It is especially important that the District be able to meet its obligations to make required employer contributions to CalPERS ("CalPERS Contributions"), even in times of economic change and uncertainty. In order to understand the potential for dramatic increases in CalPERS Contributions, the District Board and staff have spent over a year consulting with an outside independent actuary to analyze the trends and drivers of such contributions for the District. The Board and staff have also fully analyzed and considered the various tools available to the District to help it meet its anticipated obligations for CalPERS Contributions. Based on this extensive analysis and its commitment to make all CalPERS Contributions as they come due, the District will establish the following goals and strategies for funding its CalPERS pension obligations:

#### **GOALS**

- A. Pay all CalPERS Contributions fully and on a timely basis.
- B. Establish and maintain reserves sufficient to ensure that the District can satisfy its obligations to make CalPERS Contributions and adjust to economic downturns.
- C. Manage District funds and resources to lower overall CalPERS liabilities when appropriate.

#### **STRATEGIES**

- 1. Review the District's CalPERS Contributions annually during the annual budget process and adopt a budget that includes adequate funding to meet the required pension contributions.
- 2. At least biennially, update 10-year projections of expected future CalPERS Contributions and incorporate them into the District's financial projections. As part of such biennial review, analyze whether making additional payments towards the District's unfunded actuarial liability would be appropriate.

3. Establish a supplemental pension fund, in the form of an Internal Revenue Code section 115 trust ("Trust") or join an established group Trust with multiple employers, to accumulate monies to be used to fund future pension obligations.
  - a. Contributions to the Trust shall be recommended by District staff, included in the annual budget, and approved by the Board.
    - i. Recommended contributions shall consider expected future required CalPERS Contributions in relation to the District's expected future budget.
    - ii. District staff currently recommends a contribution of \$10 million each year for the next 10 years beginning in FY19. The amounts are projected to accumulate a Trust balance of between approximately 75% and 100% of one year's required CalPERS contribution after 10 years.
    - iii. The District may elect to make additional, non-budgeted contributions to the Trust from year-end surpluses.
  - b. Distributions from the Trust shall only be for pension funding, for Trust administration, to make a payment directly to CalPERS or to reimburse the District for such a payment.
  - c. Distributions from the Trust shall be recommended by District staff and approved by the Board.
    - i. Funds may be used to mitigate the budget impact of increasing CalPERS Contributions, which are currently expected to be highest in about FY33.
    - ii. Funds may be used to mitigate the budget impact of CalPERS Contributions in the event of an economic downturn or an unexpected increase in required CalPERS contributions.
    - iii. This policy does not require the District to make distributions from the Trust if the District can otherwise meet its required obligations.
  - d. At least biennially, the District shall review the Trust's balance in relation to projected CalPERS Contributions and the District's budget and financial forecast.
  - e. An investment policy for the Trust will be recommended by staff and approved by the Board.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Rhet M. Penum</i> 3 APRIL 2019		<b>GENERAL MANAGER ACTION REQ'D:</b> Yes		
<b>DATE:</b> 3/13/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Zecharias Amare <b>Dept:</b> Design and Construction	<b>General Counsel</b> <i>[Signature]</i>	<b>Controller/Treasurer</b> <i>Chris Gan</i>	<b>District Secretary</b>	<b>BARC</b> <i>[Signature]</i>
<b>Signature/Date:</b> <i>Zecharias Amare</i> 4/1/19	<i>[Signature]</i> 4/1/19 [ ]	<i>[Signature]</i> 4/2/19 [ ]	[ ]	<i>[Signature]</i> 4.2.2019 [ ]

### BART Earthquake Safety Program Citizens' Oversight Committee Membership Appointment for the 2019 – 2021 Term

**PURPOSE:**

Request that the General Manager seek BART Board of Directors appointment of the Nominated Candidates to the BART Earthquake Program Safety Citizens' Oversight Committee (ESP COC) for the 2019-2021 term.

**DISCUSSION:**

In November 2004, voters in the San Francisco Bay Area Rapid Transit District passed Measure AA, giving BART the authority to issue bonds not to exceed \$980 million to make earthquake safety improvements to the BART System. Measure AA also required that a Citizens' Oversight Committee (Committee) be established to review and report to the public the expenditure of the bond proceeds. Since January 2006, the BART Committee has been in existence. The measure authorized the BART District to issue bonds for \$980 million dollars to make earthquake safety improvements to BART facilities in Contra Costa, San Francisco and Alameda counties, stipulating that BART establish a Citizens' Oversight Committee (Committee) to verify that bond measures are spent as promised.

The measure called for a five-member panel to be created from interested individuals who must reside within the three-county BART District. The Committee is comprised of one Committee member and one alternate representing specific expertise and fulfillment of one of the following areas:

- Seismic Retrofitting

- Auditing
- Engineering
- Public Finance or Project Management
- Community at Large

The Committees' duties and oversight is confined to bond proceeds generated under Measure AA in the following areas as described in its bylaws, as set forth in BART Board Resolution 4920, passed by the BART Board in June 2004: 1) Review scheduling and budgeting of projects to be funded by Measure AA bond funds. 2) Confirm that work is completed, and bond funds are expended in accordance with Measure AA. 3) Inform the public concerning the expenditure of bond funds.

It is expected that if approved by the Board, the new and/or reappointed five members and five alternates will be the seventh Committee to begin serving a new two-year term. Below is the list of Nominated Candidates for the BART Earthquake Safety Program Citizens' Oversight Committee 2019-2021 Term:

<u>NAME</u>	<u>AREA OF EXPERTISE:</u>	<u>NEW OR REAPPOINTMENT</u>
Derek Schaible	Seismic Retrofitting	Reappointment
Clinton J.Loftman	Auditing	Reappointment
Karen Varnado	Community-at-Large	Reappointment
Eric Tandy	Engineering	New Appointment
Sang Bak Lee	Project Management / Public Finance	Reappointment
Thomas Horton	Seismic Retrofitting - Alternate	New Appointment
Katherine Buckley	Auditing – Alternate	New Appointment
Monica Tell	Community-at-Large - Alternate	New Appointment
Ken Mark	Engineering – Alternate	New Appointment
Louise Engel	Project Management / Public Finance – Alternate	New Appointment

**FISCAL IMPACT:**

Members may elect to receive a \$15.00 Clipper card stipend for roundtrip travel to attend regularly scheduled committee meetings.

Funds will be budgeted in the Earthquake Safety Program Department budget (Department 1010261, Account 690300). Additionally, agenda management support services are provided through The Allen Group, LLC On-Call Community Relations Contract #6M-

8042. Funding for the COC Clipper card stipend and on-call community relations services in the Fiscal Year are included in the Department's budget for the Earthquake Safety Program.

This action is not anticipated to have any fiscal impact on the unprogrammed District reserves in the current fiscal year.

**ALTERNATIVES:**

Do not make the appointments of the BART ESP COC Nominated Candidates. However, this would result in BART being out of compliance with the terms of Measure AA, which requires the establishment of the Citizens' Oversight Committee.

**RECOMMENDATION:**

Approve the Nominated Candidates for the BART Earthquake Safety Program Citizens' Oversight Committee for the 2019-2021 Term.

Attached is the Summary Document, listing each nomination by seat, county residence, past committee service if applicable, and preference for seat or alternate position; and background.

**MOTION:**

The BART Board hereby appoints the Nominated Candidates for BART Earthquake Safety Program Citizens' Oversight Committee (ESP COC) and appoints the nominated candidates for membership and/or alternate seat appointments for the 2019-2021 Term as described in the attached Summary Document.



## Earthquake Safety Program Citizens' Oversight Committee Membership Appointment 2019 – 2021 Term Summary

<u>Area of Expertise</u>	<u>First Name</u>	<u>County</u>	<u>Status</u>
Seismic Retrofitting	Derek Schaible	San Francisco	Member – Reappointment
<p><b>Derek Schaible</b> is the incumbent member representing the Seismic Retrofitting expertise seat since May 2015 and has served as Committee Chair for the past two terms. Mr. Schaible has a degree in Geology and juris doctorate with a license to practice in California (Bar #310777). <b>Mr. Schaible is seeking to continue into the new term in the Member seat, Seismic Retrofitting.</b> In 2017, Mr. Schaible was interviewed by NBC 11 Bay Area News as chair of the Earthquake Safety Program and provided the last Citizens' Oversight Committee report to the BART Board of Directors in May 2017. Mr. Schaible recently served as a member of San Francisco Civil Grand Jury (2017-2018), is a classically-trained choral baritone, conversationally fluent in German and on a quest to find the perfect ballpoint pen. He currently works as a project manager for <i>Tradeshift</i>, leading major strategic initiatives focusing on law and policy, and driving cross-functional product launch strategies. His work experience also includes working in various positions with the California Coastal Commission, Supreme Court of the United States and United States Senate. Mr. Schaible has his Juris Doctorate from the University of California at Hastings Law School where he also served as co-editor-in-chief for the <i>Hastings Science and Technology Law Journal</i>. He has a BA in Geology &amp; Political Science from Pomona College.</p>			
Auditing	Clinton J. Loftman	Alameda	Member - Reappointment
<p><b>Clinton Loftman</b> is the incumbent member representing the Auditing expertise seat since May 2015. <b>Mr. Loftman is seeking to continue into the new term in the Member seat, Auditing.</b> Mr. Loftman has over 20 years of experience in real estate development, urban planning, community and economic development, and finance in the public and private sectors. He is currently a Development Program Manager for the Oakland Housing Authority, where he has financed and developed award-winning affordable residential and mixed-use real estate development projects. Mr. Loftman has been active in the Bay Area community including, among others, serving as charter member on the Treasure Island Restoration Advisory Board, on the Boards of Directors of The Development Fund and San Francisco Beautiful, and as a judge for Stanford University's Social Entrepreneurs Challenge Competitions. He has an MBA from Northwest University's Kellogg School of Management, a Certificate in Urban Design from Harvard University Graduate School of Design, and a B.A. from Williams College.</p>			



**Community At Large**      **Karen Varnado**      Alameda      Member - Reappointment

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**Karen Varnado** is the incumbent member representing the Community at Large seat since July 2018 due to a vacancy that opened the seat. Ms. Varnado has served on the Committee since 2015 as an Alternate having missed only one meeting. **Ms. Varnado is seeking to continue into the new term in the Member seat, Community at Large.** She is an international educator and speaker on the topic of financial literacy. Ms. Varnado has over 20 years' experience with IBM, Oracle and a Venture Capital firm as a sought-after global business development strategist working on profitability for companies that operate globally. Ms. Varnado is an expert on teaching you how money works so that you can become your own money manager. Her motto, "Don't leave your financial future to someone else, 'Watch Your Own Wallet'." She delivers financial literacy presentations as live events and speaks domestically and internationally. Ms. Varnado most recently spoke at the United Nations. Visit [www.karenvarnado.com](http://www.karenvarnado.com)

**Engineering**      **Eric Tandy**      Contra Costa      Member – New Appointment

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**Eric Tandy** is a retired Bechtel Infrastructure employee who served as the Engineer Project Manager on the BART Earthquake Safety Program from 2006 through 2018. **Mr. Tandy is seeking to fill the Member, Engineering Seat which will be vacated by Ching Wu in the new term.** Mr. Tandy is a career Bechtel employee working on regional, national and international engineering projects in various capacities: project manager, construction manager, county manager, capture manager, civil project superintendent, field engineering manager, executive assistant, project field engineer, constructability engineer, and job engineer. Additionally, he served as general manager for S.B.D. Inc., Assistant General Manager and Project Manager for C.S. McCandless & Sons, Inc., and as Chief Estimator and Project Manager for Ray Wilson Company. Mr. Tandy is interested in BART, the earthquake safety retrofit program, and the patrons (BART riders).

**Project Management**      **Sang Bak Lee**      Contra Costa      Member – Reappointment

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**Sang Bak Lee** is the incumbent member representing the Project Management Expertise seat on the current BART Earthquake Safety Program Citizens' Oversight Committee and began his service on the Committee as an Alternate in 2015. **Mr. Lee is seeking to continue into the new term in the Member seat, Project Management.** He is currently the Founder and Chief Executive Officer of Lee Intelligence Network Associates (LINA). LINA provides project and construction management consulting services to major engineering and construction companies with regional activity in North America, Asia and the Middle East. Their major clients include Bechtel Corporation in addition to other major engineering and construction firms. Prior to founding LINA, Mr. Lee was the Principal Vice President serving as Country Manager for Bechtel International in Korea. He also has 27 years of engineering and construction experience with Bechtel Corporation in San Francisco, 10 years with Hyundai Construction in Seoul, Korea, and 7 years with LINA in Orinda.

**Alternate – Seismic  
Retrofitting**

**Thomas Horton**

Contra Costa

Alternate – New Appointment

**Thomas “Tom” Horton** is a career civil engineer with extensive experience in seismic retrofitting. **He is seeking to fill the Alternate, Seismic Retrofitting seat.** Mr. Horton retired in 2018 after serving 17 of his 22 years at BART as the Group Manager for the Earthquake Safety Program, among other capital project responsibilities. Prior to working with BART, he worked as a facilities engineering manager and utilities coordinator for the Los Angeles County Metropolitan Transportation Authority (MTA); prior to MTA, he worked as the sole engineer with the US Army Corps of Engineers Los Angeles District; and prior to that, he served with the US Army in the 8<sup>th</sup> (Republic of Korea) as company commander for a 160-person heavy engineer company, including more than 60 representing the Republic of Korea, and in the 7<sup>th</sup> (Republic of Germany) as platoon leader, heavy equipment platoon leader and battalion adjutant within a 600-person combat engineer battalion. Mr. Horton has a MS graduate degree in Construction Engineering and Management from University of California at Berkeley, and his BS in General Studies from the United States Military Academy.

**Alternate - Auditing**

**Katherine Buckley**

San Francisco

Alternate – New Appointment

**Katherine “Kathy” Buckley** is a seasoned audit professional; bringing more than 17 years of experience in internal audit & audit management in Bay Area governmental organizations. Throughout her career, she has identified and delivered recommendations that prevent financial losses, improve compliance, and strengthen internal controls. In doing so, Ms. Buckley has built collaborative relationships while ensuring compliance with relevant regulations, policies, and professional standards. **Ms. Buckley is seeking to fill the Alternate, Auditing seat.** She believes that all of us should do our part to support our communities and the public good. Ms. Buckley sees serving on the Citizens’ Oversight Committee as an opportunity to make a positive contribution, by leveraging her 17 plus years of internal audit experience for the City and County of San Francisco, and Port of Oakland.

**Alternate –  
Community At Large**

**Monica Tell**

Alameda

Alternate – New Appointment

**Monica Tell** is a lifelong resident of Oakland and is committed to making a difference where she lives and works. She is raising her 5-year old daughter to value herself, community and resources -- one of those resources being BART. In her career and community work, she has spent many hours working with stakeholders, community leaders, international visitors, and understands that diversity is not just a reflection of the people, but also its geography and resources. Ms. Tell previously served as the Chair of the Community Development Block Grant (CDBG) Board for the Fruitvale District. That role allowed Ms. Tell to understand the needs of the community at a deeper level as well as understand the role and services provided by the non-profits within those communities. In her capacity as a CDBG Board member and chair, she reviewed applications, set metrics and selected recipients for federal grants. Additionally, the CDBG Board completed follow-ups and assessments once funds were disbursed to

ensure that programs stayed on-track, complied with goals, and delivered the services to the community as described in their proposals. **Ms. Tell is seeking to fill the Alternate, Community at Large seat.** She believes that she is well-suited for this position, given her professional and academic experience along with her civic engagement activities and understanding of communities, not just locally, but regionally. Ms. Tell is also fluent in Spanish and understands that the mode and method of communication is integral to message delivery.

**Alternate -  
Engineering**

**Ken Mark**

Alameda

Alternate – New Appointment

**Kenneth “Ken” Mark** is a retired structural engineer and project manager since 2016. He is seeking to fill the Alternate, Engineering seat. Mr. Mark’s brings strong engineering expertise with a PhD in structural mechanics/ earthquake engineering, an MBA in Management, along with 30-years of experience in earthquake engineering, structural engineering, and project management. He is also a registered structural engineer. Mr. Mark is also a retired Bechtel employee who would bring historical, relevant, and expertise experience to the Committee with a strong desire to see the successful completion of the BART Earthquake Safety Program.

**Alternate – Project  
Management/ Public  
Finance**

**Louise Engel**

Alameda

Alternate – New Appointment

**Louise Engel** is an urban planning professional and project manager with vast experience working on transportation and commercial development projects within planning, environmental and economic development departments. **Ms. Engel is seeking to fill the Alternate, Project Manager seat.** Ms. Engel is registered with the American Institute of Certified Planners (AICP), Project Management Institute (PMI), Association of Environmental Professionals (AEP), and American Planning Association (APA). She has worked in the private and public sector with organizations such as: RBF Consulting (currently Michael Baker Corporation), Port of Oakland, Clorox, Port of Portland, City of Salem, Oregon; and is currently the independent business owner of MP Dreams, Inc. since 2007. Ms. Engel is trained in emergency response with the following certifications as a citizen volunteer: Flood Fight Methods, Alameda County Fire Department (2019), Community Emergency Management Institute (CERT) Basic Training (2017), FEMA – Emergency Management Institute, IS-00317, Introduction to CERT, Certificate of Achievement (2017). Ms. Engel would like to continue her volunteer service activities in the regional community, drawing upon her prior work experience in major infrastructure projects.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhet M. Pourn</i> 3 APRIL 2019		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 4/2/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Yvonne Rusting Dept: Office of External Affairs <i>Yvonne Rusting</i> Signature Date:	General Counsel <i>[Signature]</i> 4/3/19 [ ]	Controller/Treasurer <i>Chui Gan</i> 4/3/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 4.3.2019 [ ]
Status: Approved		Date Created: 4/2/2019		

## Bond Oversight Committee New Appointment & Re-appointments

### PURPOSE:

Request the BART Board of Directors appoint two Bond Oversight Committee nominated candidates, Catherine Newman and Leah E. Edwards to fill the two vacated seats in the current Committee term, which began on July 1, 2017 and ends June 30, 2019; and then re-appoint the entire Committee to a second two year term beginning July 1, 2019 and ending June 30, 2021.

### DISCUSSION:

On June 9, 2016 the BART Board of Directors passed resolution 5321, which placed Measure RR a \$3.5 billion **BART Safety, Reliability and Traffic Relief** bond on the November 8, 2016 ballot subject to independent oversight and annual audits. Section 11 of the resolution called for the establishment of a Bond Oversight Committee, which would consist of seven members appointed for two year terms and eligible to serve for up to six years in total. The resolution specified that members be recruited from the following organizations:

- American Society of Civil Engineers (1 member)
- American Institute of Electrical Engineers (1 member)
- American Institute of Certified Public Accountants (1 member)
- Association of Budgeting and Financial Management section of the American Society of Public Administration (1 member)

- Project Management Institute (1 member)
- League of Women Voters (2 members)

Both appointed committee members representing the League of Women Voters (LWV) have resigned their seats. The LWV has put forward two qualified candidates to fill the vacated seats. They are Catherine Newman and Leah E. Edwards. Ms. Newman has a PhD in mechanical engineering and is an industrial designer and developer from Oakland. Ms. Edwards is an investment management professional from San Francisco. If appointed, they would finish out the term of the LWV seats that have been vacated. The term of the current Committee ends on June 30, 2019.

**FISCAL IMPACT:**

Each of the seven Committee members is eligible for a \$15 per meeting Clipper card reimbursement for transportation expenses. The Committee typically meets once per quarter.

**ALTERNATIVES:** The Board could reject some or all of the applicants and direct staff to re-open the application process.

**RECOMMENDATION:**

Fill the current vacancies of the Bond Oversight Committee. Appoint two members recommended by staff.

**MOTION:**

That the BART Board of Directors first appoint the following individuals effective May 1, 2019 to fill the two vacated LWV seats in the current term of the Bond Oversight Committee, which ends June 30, 2019:

1. Catherine Newman
2. Leah E. Edwards

That the BART Board re-appoint the following individuals to serve on the Bond Oversight Committee for two years beginning July 1, 2019 and ending June 30, 2021:

1. Michael McGill (Chair)
2. John Post (Vice Chair)
3. Michael Day
4. Mariam Breitbart
5. Daren Gee
6. Catherine Newman
7. Leah E. Edwards



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Robert M. Pown</i> 4 APRIL 2019		<b>GENERAL MANAGER ACTION REQ'D:</b> No		
<b>DATE:</b> 4/3/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Gia Ilole Dept: Human Resources Administration <i>Gia Ilole</i> Signature/Date: 4/4/2019	<b>General Counsel</b> <i>[Signature]</i> 4/4/19 [ ]	<b>Controller/Treasurer</b> <i>Chris Gunn</i> 4/4/19 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b> <i>[Signature]</i> FOR FILE FROM H. GORDON [ ]

### Employee Recruitment and Relocation Assistance for the Chief of Police and AGM, External Affairs

**PURPOSE:**

To obtain Board authorization for a national recruitment and relocation agreement to assist the District with filling the positions of Chief of Police and the Assistant General Manager, External Affairs.

**DISCUSSION:**

On March 11, 1993, the Board adopted Resolution 4487, requiring Board approval prior to any recruiting activity to employ a person who is not a current District employee for an annual salary of \$50,000 or more. The resolution also states that the District should confine its recruiting to the State of California, consistent with provisions of the law, and that no relocation or moving expenses would be offered to new employees without prior Board approval.

The Chief of Police and the Assistant General Manager, External Affairs are executive level positions that require specialized skills derived from unique managerial/technical experience and education, which are critical to the District's progress. The Chief of Police is part of the executive team reporting directly to the General Manager, and will be responsible for the BART Police including both sworn and non-sworn staff. The role is critical to the safety and security of employees, patrons, and the community. The incumbent will be accountable for accomplishing goals and objectives and providing strategic direction as it relates to the department. The AGM, External Affairs is also an executive team member that provides leadership and key interactions with local, state and federal government and directs external communications and media relations for the District.

The expertise of a recruiting firm that has a deep familiarity with police, external affairs and/or a transit environment, as well as with recruiting sources and prospects will constitute a resource beyond that which is available internally. Likewise, the ability to offer relocation assistance in the event that a successful candidate is not from the immediate area will enhance the District's competitive posture in this search.

By adopting this motion, the Board will authorize staff to use an executive search firm for the recruitment of each role. The objective in using a search firm is to increase the candidate pool and identify highly qualified applicants. In the recruitment work plan, every effort is made to locate qualified individuals in California and the San Francisco Bay Area in particular. However, recruitment will not be confined to California. Staff's intent is to enter into a search agreement for each position.

The Board's action will allow for executing a relocation agreement for each role within the parameters of current District practice as provided in Management Procedure 70. This procedure sets a maximum reimbursement for relocation and it does not allow for reimbursement for loss on sale of residence.

#### **FISCAL IMPACT:**

Chief of Police: Costs for search firm fees for the Chief of Police will be funded by the FY19 and/or FY20 Operating Budget of the Office of the Chief of Police. Any subsequent relocation agreement cost will be funded by the FY19 and/or FY20 Operating Budget of the Office of the Chief of Police.

#### Proposed Funding - Office of Chief of Police

FY19 or FY20	Amount	Cost Center	Account
Search Firm	\$120,000 approx, max	0701282	681300
Relocation Assistance	\$18,000 approx*	0701282	681300

*\*Any increase over this approximation will be reviewed and approved by Operating Budgets.*

AGM, External Affairs: Costs for search firm fees for the AGM, External Affairs will be funded by the FY19 and/or FY20 Operating Budget of the Office of External Affairs. Any subsequent relocation agreement cost will be funded by the FY19 and/or FY20 Operating Budget of the Office of External Affairs.

#### Proposed Funding - Office of External Affairs

FY19 or FY20	Amount	Cost Center	Account
Search Firm	\$90,000 approx, max	0602356	681300
Relocation Assistance	\$18,000 approx*	0602356	681300

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*\*Any increase over this approximation will be reviewed and approved by Operating Budgets.*

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

These actions are not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

**ALTERNATIVES:**

Fill the positions using in-house District recruitment resources and without relocation assistance which could result in inability to attract adequate talent.

**RECOMMENDATION:**

Adopt the following motion:

**MOTION:**

That the General Manager or her designee is authorized, in conformance with established District procedures governing the use of executive search services to identify suitable candidates both inside and outside of California for the position of Chief of Police and AGM, External Affairs. In addition, the General Manager is authorized to enter into a relocation agreement, if necessary, for each role, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 April 2019</i> <i>T. Hankins</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/26/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tera Stokes-Hankins Dept: Transportation <i>Tera Hankins</i> Signature/Date: 4/1/19	General Counsel <i>[Signature]</i> 4/1/19 [ ]	Controller/Treasurer <i>Chris Gan</i> 4/2/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 4.1.2019 [ ]

### Invitation for Bid No. 9052, Purchase of Station Agent and Foreworker Uniform

#### PURPOSE:

To obtain Board Authorization for the General Manager to award Invitation For Bid No. 9052, for the procurement of Station Agent and Foreworker Uniforms to M & H Uniforms, Burlingame, CA.

#### DISCUSSION:

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

This is a three (3) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, the District is required to purchase from the supplier a minimum amount of fifty percent (50%) of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to one hundred fifty percent (150%) of the contract bid price, subject to funding availability.

The District's Nondiscrimination Program for Subcontracting is not applicable to Invitations for Bid. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this IFB.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this IFB for Small Businesses certified by the California Department of General Services. The sole Bidder, M&H Uniforms, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

A notice requesting bids was published on December 21, 2018. On the same day this solicitation was uploaded onto the BART Vendor Portal. Bids were opened on March 18, 2019 and one (1) bid was received:

Bidders Total Bid Price:

<u>Bidder</u>	<u>Grand Total including 9.25% Sales Tax *</u>
<b>M &amp; H Uniforms Burlingame, CA</b>	<b>\$1,263,309.64</b>

Independent cost estimate by BART staff: \$1,312,141.60

Staff has determined that the sole bidder, M & H Uniforms, submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on bid competition.

**FISCAL IMPACT:**

Funding of \$1,263,309.64 for this three (3) year contract will be provided from the Transportation Department’s operating budget. Funds will be budgeted in the Transportation operating budget (Department 0805762 - Budget & Administration, Account 502190 - Uniform Allowance). Total funding for this contract, not to exceed 150% of the contract bid price. The uniforms are to be procured over the contract’s three (3) year period at the following estimated annual costs:

- FY19 \$315,827.41
- FY20 \$315,827.41
- FY21 \$631,654.82
- \$1,263,309.64

Funding for FY19 is provided for in the approved FY19 Transportation Department budget. Funding for subsequent years, FY20 and FY21 will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

**ALTERNATIVES:**

Staff could reject all bids and re-advertise. However, staff considers it unlikely that the District would receive lower bids. This would also require additional time, which would not

allow the District to meet its obligation to provide uniforms per the collective bargaining agreement.

**RECOMMENDATION:**

Based on the analysis by staff and certification by the Controller-Treasurer, the funds are available for this purpose, it is recommended that the Board adopt the motion.

**MOTION:**

The General Manager is authorized to award Invitation For Bid No. 9052 an estimated quantity contract for the procurement of Station Agent and Foreworker Uniforms to M & H Uniforms, for the amount of \$1,263,309.64, including taxes, pursuant to notification to be issued by the General Manager.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>T. M. Pauer</i> 3 April 2019		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and forward to Board of Directors		
<b>DATE:</b> 3/11/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Samuel Hoffman <b>Dept:</b> M&E, Mechanical Engineering  <b>Signature/Date:</b> <i>Samuel Hoffman</i> 4/1/19	<b>General Counsel</b> <i>[Signature]</i> 4/1/19 [ ]	<b>Controller/Treasurer</b> <i>Chad Egan</i> 4/2/19 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b> <i>[Signature]</i> 4.1. 2019 [ ]

### Procurement of FRP Access Ladders, IFB 9057

**PURPOSE:**

To request Board Authorization to Award Invitation for Bid #9057 to Fibergrate Composite Structures, inc., in the amount of \$165,752.13 (including all taxes) for the purchase of Fiber Reinforced Plastic Access Ladders.

**DISCUSSION:** The Fiber Reinforced Plastic (FRP) access ladders will be used in the District Yards, where means of boarding cars is not available by ramp, stairs or platform. Installed near primary car doors, along the sides of the trains, and at several locations along the storage and transfer track lengths, the ladders will facilitate access to the vehicles by emergency response, train operator and maintenance personnel, for both the existing and future fleets.

This is a twelve (12) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on January 28, 2019, and this solicitation was uploaded onto the BART Vendor Portal on the same day. Correspondence was sent to four (4) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on March 5, 2019 and two (2) bids were received:

Bidder (including 9.75% Sales Tax)	Lot Price	Grand Total
Fibergrate Composite Structures, Inc. Dallas, TX	\$151,027.00	\$165,752.13
Aims International, Inc. Houston, TX	\$175,000.00	\$192,062.50

Both bids were determined responsive by the Engineer, and both bidders determined responsible.

Independent cost estimate by BART staff: \$200,000.00

#### **CAPITAL FISCAL IMPACT:**

Funding in the amount of \$165,752 to award Invitation for Bid #9057 is included in the total project budget for FMS# 54RR002 – M&E Bond Projects - Wet Fire Protection Upgrades

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

<b>Proposed Funding</b>	
F/G 802A – 2017 Measure RR	\$ 6,519,770
<b>TOTAL</b>	<b>6,519,770</b>

As of March 14, 2019, \$6,519,770 is the total budget for this project. BART has expended \$1,013,265, committed \$26,018, and reserved \$2,437,739 to date. This action will commit \$165,752, leaving an available fund balance of \$2,876,996 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid (IFB). Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this IFB.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Local Small Business Prime Preference for this IFB for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa, or San Francisco counties) by the District. Aims International is not a verified Local Small Business. The lowest responsive Bidder, Fibergrate Composite Structures, is not a verified Local Small Business and, therefore, is not eligible for the 5% Local Small Business Prime Preference, but is still the lowest responsive Bidder.

**ALTERNATIVES:** To reject all bids and invite new bids for IFB #9057; however, if all bids were to be rejected, it is not expected that the rebid process would produce a different outcome.

**RECOMMENDATION:** On the basis of analysis by staff certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the motion. Further, it is recommended to award the low bid.

**MOTION:** The General Manager is authorized to award IFB #9057 to Fibergrate Composite Structures, Inc. for an estimated quantity contract for the purchase of fifty (50) FIBER REINFORCED PLASTIC ACCESS LADDERS in the amount of \$165,752.13 including taxes, subject to compliance with the District's protest procedures.



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poun</i> 3 APRIL 2019		GENERAL MANAGER ACTION REQ'D: Place on April 11, 2019 Board of Directors Agenda		
DATE: 4/1/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hang Nguyen Dept: Performance & Budget	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Hang Nguyen</i> 4/2/19	<i>Ni B...</i> 4/2/19 [ ]	<i>Chris...</i> 4/2/19 [ ]	[ ]	<i>Alcello</i> FOR PAM HANG NGUYEN [ ]

## Fiscal Year 2020 Preliminary Budget Procedural Actions

### PURPOSE:

1. To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2020 Preliminary Budget.
2. To set a public hearing on the Fiscal Year 2020 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 May 1, 2019. 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 23, 2019.

The budget will be presented and discussed at the BART Accessibility Task Force meeting April 25, 2019, the Limited English Proficiency Committee meeting on May 6, 2019, and the Title VI/Environmental Justice Advisory on May 28, 2019.

### FISCAL IMPACT:

This action has no fiscal impact.

### 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 2020 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:

**MOTION:**

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2020 to be available for distribution no later than May 1, 2019.
2. That a public hearing on the Fiscal Year 2020 Preliminary Budget be set for Thursday, May 23, 2019 in the Board Room.



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

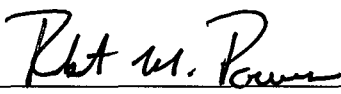
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**MEMORANDUM**

**TO:** Board of Directors **DATE:** April 5, 2019  
**FROM:** General Manager  
**SUBJECT:** FY20 Preliminary Budget Overview presentation

Attached is the “FY20 Preliminary Budget Overview” presentation that will be presented to the Board at the April 11, 2019 meeting as an information item. The presentation summarizes information from the FY20 Preliminary Budget Memo, which was emailed to Board members on March 29, 2019.

If you have any questions about the document, please contact Pamela Herhold, Assistant General Manager - Performance and Budget, at 510-464-6168.

  
\_\_\_\_\_  
for Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <i>Rat M. P...</i> 3 APRIL 2019		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 3/25/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Gregory Shivy Dept: Maintenance and Engineering <i>[Signature]</i> <b>Signature/Date:</b> 4/2/19	<b>General Counsel</b> <i>[Signature]</i> 4/2/19 [ ]	<b>Controller/Treasurer</b> <i>Chris Gar</i> 4/2/19 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b> <i>[Signature]</i> 4-2-2019 [ ]

### To Award Agreement for Ultrasonic Rail Flaw Detection Services

**PURPOSE:**

To authorize the General Manager to award Agreement No. 6M3388A to Sperry Rail Services Inc., Danbury, CT., to provide Ultrasonic Rail Flaw Detection Testing Services of the District's running rail for a base term of two (2) years with two (2), one (1) year options, for an amount not to exceed \$2,214,000.00.

**DISCUSSION:**

Current California Public Utilities Commission (CPUC) requirements, District safety standards and industry practice require the running rail to be tested twice per year. Train Control Modernization Project (TCMP) requires an additional test starting year 2, therefore the test will be performed tri-annually after year 1. The ultrasonic process, the present industry standard, can detect extremely small cracks and defects inside the rail. Periodic ultrasonic inspection of the rail identifies and locates potential defects at an early growth stage and allows appropriate action to be taken to enhance safety and minimize damage.

Request for Proposal (RFP) No. 6M3388A was issued seeking a firm to conduct ultrasonic rail flaw detection of BART's running rail.

On October 23, 2018, the District provided Advance Notice to seven (7) Prospective Proposers, including four (4) Plan Rooms. On October 24, 2018, RFP 6M3388A was advertised in several Bay Area newspapers and publications and the RFP documents were posted on the District's Vendor Portal. Five (5) Prospective Proposers downloaded the RFP. A pre-proposal conference was held on November 1, 2018 with attendance by BART staff only. Two (2) proposals were received on November 13, 2018 from the following firms:

1. Sperry Rail Services Inc., Danbury, CT
2. Herzog Services, Inc. Saint Joseph, MO

The two proposals were reviewed by the Source Selection Committee, chaired by Contract Administration and consisting of representatives from Maintenance & Engineering and Office of Civil Rights Departments. The Committee reviewed the technical proposals for compliance with the six (6) minimum technical requirements set forth in the RFP. The Committee determined clarifications were needed. Clarification requests were submitted to both proposers with a due date. The Committee received clarifications from Sperry Rail Inc. which the Committee determined satisfied the six (6) minimum technical requirements. Herzog Services, Inc. did not submit clarifications by the due date requested and was therefore deemed non-responsive.

The Price proposal for Sperry Rail, Inc. was opened and evaluated on December 20, 2018. In accordance with the RFP, the selection is based on the lowest-priced technically acceptable proposal methodology. Price Proposals received are summarized as follows:

PROPOSER	BASE (2) YEARS	OPTION YEARS
Sperry Rail Services Inc., Danbury, CT	\$972,000.00	\$1,242,000.00
Herzog Services, Inc., St. Joseph, MO	Non-Responsive	Non-Responsive

The Engineer's Estimate was \$1,160,026.92, calculated using the rate from the previous contract. Sperry Rail Services, Inc. is the sole technically acceptable proposal. Their \$2,214,000 proposal is above the Engineers' Estimate due to recent increased industry insurance requirements of rail inspection companies.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services (DGS). It was determined that there were no certified Small Businesses certified by the DGS among the responsive Bidders and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Sperry Rail Services Inc., will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Source Selection Committee determined that the Price Proposal submitted by Sperry, was fair and reasonable and therefore recommends Sperry Rail Services Inc. for award.

**FISCAL IMPACT:**

This two (2) year Base Agreement with two (2) one (1) year options covers the District's current 270 track miles and the 20 miles eBART extension in Contra Costa County. The funding requirements below reflect the cost per 8-hour shift to perform the required testing that the District plans to have performed by the Firm under this Agreement from 07/01/19 - 06/30/23.

Funding the amount not to exceed \$2,214,000.00 for this two (2) year Base Agreement and two (2) one (1) year options is estimated to come from operating and capital projects.

**Operating Projects:**

M&E Department 802831, Account 681300	\$1,500,000.00
FY20 \$360,000.00	
FY21 \$360,000.00	
FY22 \$390,000.00	
FY23 \$390,000.00	
 eBART Department 807200, Account 681300	 \$144,000.00
FY20 \$36,000.00	
FY21 \$36,000.00	
FY22 \$36,000.00	
FY23 \$36,000.00	

Funding the above operating projects for FY20 has been requested in the proposed operating budget of Departments 802831 and 807200, subject to Board approval. Funding in subsequent years from FY21 to FY23 will be requested in future operating budgets of Departments 802831 and 807200, subject to Board Approval. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

**Capital Project:**

PD&C- Funding Source - Project 49GH001 (TCMP)	\$570,000.00
FY20 \$0.00	
FY21 \$180,000.00	
FY22 \$195,000.00	
FY23 \$195,000.00	

As of March 19, 2019, \$882,000 is the total budget for this project from operating allocations to capital. BART has expended \$78,581, committed \$8,984, and reserved \$93,069 to date. This action will commit \$570,000 leaving \$131,366 available. The Controller-Treasurer certifies that funds are available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

**ALTERNATIVES:**

The District could re-advertise the RFP. However, there is no assurance that new Proposals would be lower than the amount of the current Proposals received.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Agreement No. 6M3388A to Sperry Rail Services Inc. for Ultrasonic Rail Flaw Detection Testing Services for the two (2) year Base Agreement and two (2) one (1) year options in an amount not to exceed \$2,214,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>4 April 2019</i> <i>Rht M. Powner</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/2/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jumana Nabti Dept: Systems Development Signature/Date: <i>[Signature]</i> <i>4/4/2019</i>	General Counsel <i>[Signature]</i> <i>4/4/19</i> [ ]	Controller/Treasurer <i>Chris Gen</i> <i>4/4/19</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>4/4/2019</i> [ ]

### Amendment with Scoop Technologies for Carpool Services

#### PURPOSE:

To seek Board approval for a change order to increase the not-to-exceed amount for Scoop Technologies by \$97,510 to \$327,510, in order to finalize a short-term contract for carpool services.

#### DISCUSSION:

In June 2018, the Board authorized entering into a short-term contract with Scoop Technologies ("Scoop"), and an increase in Scoop's not-to-exceed amount to \$230,000, based on forecasted work. This short-term contract would provide a smooth transition to a longer-term carpool solution that would meet the carpool program needs of BART.

Since June 2018, staff has developed a long-term solution that meets these needs by incorporating carpool parking payment and verification into the BART mobile app. Although it was initially anticipated that the program would be completed by March 2019, the parking features needed for the BART 5 AM opening service delayed the completion to the end of May 2019. Staff recommends allocating funding to Scoop through June 2019 in case of delays that may arise during final testing of BART's mobile app.

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In coordination with the Metropolitan Transportation Commission's (MTC) 511 Carpool Program, BART and Scoop developed a Scoop to BART incentive program for carpoolers in early 2016. The program provides rideshare matching services through Scoop to assist in

the formulation of carpools. BART provides a guaranteed parking space for those passengers who use Scoop to come to a BART station.

This partnership won a Federal Transit Administration (FTA) Mobility on Demand Sandbox grant in October 2016. The grand funding agreement between BART and the FTA had a start date of January 20, 2017. It was scheduled to end on June 30, 2018, but was extended to December 31, 2018, and again extended to December 31, 2019.

In January 2017, a pilot program was launched at the Dublin/Pleasanton station through a no-cost contract between BART and Scoop. A second contract between BART and Scoop in conjunction with the FTA grant was signed in August 2017 to expand the program throughout the BART system. That contract expired on June 30, 2018. The second contract detailed how the grant funding was to be spent and each party's responsibilities. Grant funds were allocated to Scoop for outreach and enhancement of the Scoop mobile app to tailor it for BART passengers. Scoop did not require fees from BART to provide their carpool matching service.

Following expiration of the contract in June 2018, BART and Scoop desired to continue the program; however, Scoop changed its business model and proposed a service fee of \$20,000 to \$25,000 per month. For this proposed service fee, Scoop would continue to match BART riders into carpools through its mobile app, provide support services such as transferring carpool information to BART Police for enforcement purposes, and complete outstanding deliverables.

Staff recommended entering into a short-term contract with Scoop while a long-term comprehensive carpool program solution was prepared for the following reasons: 1) Scoop requested the monthly payment, 2) other companies were entering the carpool matching market, 3) there was potential to include carpool payment and verification into the forthcoming BART mobile app, and 4) a short-term contract would allow a smooth transition to a long-term program. A smooth transition would maintain the gains in carpooling, funding, and staff time invested in the program; allow continued growth in the carpool program during the interim period; and continue the provision of data on the program for the FTA. The long-term solution was envisioned to comprehensively address carpooling to BART, close occupancy verification and enforcement loopholes, and meet the needs of all types of carpoolers.

The contract amendment with Scoop was not finalized due to complications related to BART's FTA reporting requirements. In order to finalize the contract amendment for the period from July 1, 2018 to June 30, 2019, staff is now requesting an increase of \$97,510 in Scoop's not-to-exceed amount to \$327,510, for the following reasons:

1. A three month extension of the Scoop contract amendment to June 30, 2019, to accommodate the launch of carpool parking payment and verification through BART's

mobile app.

2. Previous invoices for actual work performed by Scoop to adapt their mobile app to BART program needs were higher than anticipated.

Since June 30, 2018, Scoop has continued to provide carpool matching services, including the data needed for enforcement, on the assumption that the two parties would agree on contract amendment terms. However, until the contract amendment is signed, Scoop will not provide the full data set as set forth in the contract, including user surveys, and will not provide parking payment for Scoop users parking at BART.

### **FISCAL IMPACT:**

Funding in the amount of \$97,510 for change order to Scoop contract amendment is included in the total project budget for FMS# 91CD002 – Carpool to Transit Access Project.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

<b>Proposed Funding</b>	
F/G 0031 - BARTD Operating Fund	50,000
F/G 3608 - CA-2017-019 MOD Sandbox Prg	358,000
F/G 652A - MTC - In-Kind Match	30,000
F/G 7006 - SCOOP - In-Kind Match	63,000
F/G 8529 - FY15 Bart Op to Capital (BOAC)	20,000
F/G 8528 - Station & Access Proj Alloc	75,000
<b>TOTAL</b>	<b>596,000</b>

As of April 2, 2019, \$596,000 is the total budget for this project. BART has expended \$375,410, committed \$120,126, and reserved \$0 to date. This action will commit \$97,510, leaving an available fund balance of \$2,954 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

### **ALTERNATIVES:**

One alternative is to not enter into the contract amendment with Scoop. This would put in jeopardy parking payments from Scoop anticipated at over \$90,000. It would also forfeit a



full data set, including user surveys, that would provide a more complete evaluation of the program under the FTA Mobility on Demand Sandbox Grant program.

**RECOMMENDATION:**

Staff recommends the following motion.

**MOTION:**

Authorize the General Manager to increase the not-to-exceed amount for the Scoop Technologies Integrated Carpool to Transit Program services agreement to \$327,510 to provide interim carpool matching services between July 1, 2018 and June 30, 2019.