

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

BOARD MEETING AGENDA

April 12, 2012

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 12, 2012, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER
 - A. Roll Call.
 - B. Pledge of Allegiance.
 - C. Introduction of Special Guests.
Letter of Commendation for Bob Melrose. For information.

2. CONSENT CALENDAR
 - A. Approval of Minutes of the Meeting of March 22, 2012.* Board requested to authorize.

 - B. Award of Contract No. 15TH-110, Pleasant Hill Station Water Intrusion Repair.* Board requested to authorize. 4

3. ADMINISTRATION ITEMS
Director Sweet, Chairperson
 - A. Fiscal Year 2013 Preliminary Budget Overview.* For information. Pkg. A

 - B. Fiscal Year 2013 Budget: Release Budget Pamphlet and Set Date for Public Hearing.* Board requested to authorize. 6

4. ENGINEERING AND OPERATIONS ITEMS
Director Fang, Chairperson
 - A. Award of Contract No. 15IK-110, Replacement of Motorized Station Security Access Grilles.* Board requested to authorize. 8

 - B. Change Order to Contract No. 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punchlist Items, with Kennison's Metal Fabrication Inc., for Additional Work (C.O. No. 1).* Board requested to authorize. 11

5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Blalock, Chairperson
 - A. Report of the April 4, 2012, Planning, Public Affairs, Access, and Legislation Committee Meeting. For information.

6. GENERAL MANAGER'S REPORT
NO REPORT.

7. BOARD MATTERS

- A. Board Member Reports. For information.
- 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.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: Property Located at 899 Market Street, and APN 0327-024, San Francisco, CA

District Negotiators: Jeffrey P. Ordway, Department Manager, Real Estate and Property Development; Paul Oversier, Assistant General Manager, Operations; and Bernadette Lambert, Project Manager - Programs

Negotiating Parties: City and County of San Francisco and San Francisco Municipal Transportation Agency, and San Francisco Bay Area Rapid Transit District

Under Negotiation: Price and Terms

Government Code Section: 54956.8

10. 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 1,651st Meeting
March 22, 2012

A regular meeting of the Board of Directors was held March 22, 2012, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President McPartland presided; Kenneth A. Duron, District Secretary.

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

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

President McPartland noted that BART Police Officer Gerald Dominguez was in the hospital after a heart attack.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 8, 2012.
2. Consolidation of 2012 District Elections.
3. Award of Contract No. 79HS-110, Oakland Wye and Berkeley Hills Tunnel Intrusion Detection System.
4. Approval of East Bay Paratransit Consortium Service Plan for Fiscal Year 2013 Alameda County Measure B Claim.

Director Murray made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, and McPartland. Noes – 0. Absent – 2: Directors Radulovich and Sweet.

1. That the Minutes of the Meeting of March 8, 2012, be approved.
2. Adoption of Resolution No. 5188, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District Requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to Provide for the Consolidation of a District Election, Electing Members of the Board of Directors, with the State of California General Election, to Be Held on November 6, 2012.

3. That the General Manager be authorized to award Contract No. 79HS-110, Oakland Wye & Berkeley Hills Tunnel Intrusion Detection System, to Blocka Construction, Inc., for the Bid price of \$1,295,300.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests.
4. Adoption of Resolution No. 5189, In the Matter of Approving the East Bay Paratransit Consortium Service Plan for Fiscal Year 2013 for Submittal to Alameda County Transportation Commission.

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

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 49GG-210, Procurement of Vehicle Automatic Train Control (VATC) Refurbished Printed Circuit Boards and Modules, before the Board. Mr. Henry Kolesar, Group Manager for Engineering, Rolling Stock and Shops, presented the item.

Director Sweet entered the Meeting.

The item was discussed.

Director Radulovich entered the Meeting.

Director Raburn moved that the General Manager be authorized to award Contract No. 49GG-210, an estimated quantity contract for the procurement of new VATC printed circuit boards and modules, to LeeMah Electronics, Inc., for the Bid price of \$3,824,271.62, including applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transportation Administration's requirements related to protest procedures; and that subject to the availability of funds, the General Manager also be authorized to increase the value of the Contract to 150 percent of the award amount. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0.

Director Fang brought the matter of Oakland Airport Connector Project: Quarterly Update, before the Board. Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Robert S. Allen

Mr. Eddie Dillard

Director Fang brought the matter of National Organization of Black Law Enforcement Executives (NOBLE) Report Management Audit Response Matrix Update before the Board. Chief of Police Kenton Rainey presented the item.

Director Fang exited the Meeting.

The item was discussed.

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

The following individuals addressed the Board.

Mr. Eddie Dillard

Mr. Victor Martinez

The item was discussed.

Director Blalock moved adoption of the Core Disadvantaged Business Enterprise Program for the San Francisco Bay Area Rapid Transit District. (The Program is attached and hereby made a part of these Minutes.) Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Franklin, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 2: Directors Fang and Keller.

Director Sweet brought the matter of Execution of Contract Option for CDSNet, LLC, for the Sales and Exchange of Tickets before the Board. Ms. Jennifer Barton, Executive Manager, External Affairs, and Ms. Julie Yim, Department Manager of Customer Service, presented the item. The item was discussed.

Director Blalock exited the Meeting.

Director Radulovich moved that the General Manager be authorized to extend Agreement No. 6G4435, Operation of Booths for the Sale of Transit Tickets, for 60 days. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Franklin, Murray, Raburn, Radulovich, Sweet, and McPartland. Noes – 0. Absent – 3: Directors Blalock, Fang, and Keller.

Director Radulovich, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President McPartland called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. She advised the Board that the annual Report to Congress had been presented to the Congressional delegation during the APTA Legislative Conference. Ms. Crunican reminded Board members that there would be a groundbreaking event in Santa Clara on April 12.

President McPartland announced that Board Member Reports and Roll Call for Introductions would be combined.

Director Radulovich requested an update on the proposed robust late night bus service in the District's service area.

Director Franklin requested a report on the economic viability of the installation of fiber optic infrastructure on the Oakland Airport Connector alignment.

Director Murray reported that she had attended the Title VI community meeting in Concord, a TransPac meeting, and would attend a State of Good Repair tour.

Director Raburn reported that he had attended the Title VI community meeting in Oakland, a meeting with the City of Oakland regarding fiber optics, the Business Advisory Committee workshop, the Citizens Review Board meeting, and the American Public Transit Association's Legislative Conference in Washington, D.C.

Director Raburn requested that the proposal for late night bus service include information regarding what motivates passengers to use BART, including person security, and that those important features be included in the late night service program.

President McPartland reported he had attended meetings regarding BART to Livermore, a Joint Powers Authority for Hayward, and a Title VI community meeting.

President McPartland requested the status of his request for a standardized method of handling complaints.

Director Sweet exited the Meeting.

President McPartland called for General Discussion and Public Comment. The following individuals addressed the Board.

Mr. Robert S. Allen

Mr. Randall Glock

President McPartland announced that the Board would enter into closed session under Item 9-A (Public Employee Performance Evaluation) of the regular meeting agenda, and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 12:40 p.m.

The Board Meeting reconvened in closed session at 12:51 p.m.

Directors present: Directors Franklin, Murray, Raburn, Radulovich, and McPartland.

Absent: Directors Blalock, Fang, Keller, and Sweet.

The Board Meeting recessed at 1:49 p.m.

The Board Meeting reconvened in open session at 1:50 p.m.

Directors present: Director McPartland.

Absent: Directors Blalock, Fang, Franklin, Keller, Murray, Raburn, Radulovich,
and Sweet.

President McPartland announced that there was no action to be reported from closed session.

Board Meeting was adjourned at 1:50 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Oberlander</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>4/4/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Isaac Lim Dept: M & E <i>Isaac Lim</i> Signature/Date: <i>03/29/12</i>	General Counsel <i>Andrew Rivas</i> 3/29/12 []	Controller/Treasurer <i>[Signature]</i> 3/29/12 []	District Secretary []	BARC <i>Paul Jensen</i> 4/2/12 []

TITLE:

Award Contract No. 15TH-110 Pleasant Hill Station Water Intrusion Repair

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15TH-110, Pleasant Hill Station Water Intrusion Repair, to Taber Construction Inc. of Concord, CA.

DISCUSSION: The work of this Contract consists of providing all labor, materials, equipment, and other accessories necessary to complete the water intrusion repairs at Pleasant Hill Station. A new waterproofing membrane will be installed over the trackway concrete panels and expansion joints will be replaced at the platforms and trackways. In addition, trackway drains will be cleaned and new access panels will be installed at the drain clean-outs.

The District provided advance notice to 132 prospective Bidders on June 22, 2011 and Contract Documents were mailed to 23 plan rooms and minority assistance organizations. The Contract was advertised on June 24, 2011. A total of 22 firms purchased the Contract Documents. A pre-Bid meeting and site tour were conducted on July 8, 2011, with ten (10) prospective Bidders attending the meeting and eight (8) prospective Bidders attending the site tour. Five (5) Addenda were issued for extending the Bid deadline and revising the Contract Specifications and Contract Drawings. The following six (6) Bids were received on February 7, 2012:

BIDDER	LOCATION	TOTAL BID
Taber Construction, Inc.	Martinez, CA	\$1,724,400.00
West Bay Builders, Inc.	Novato, CA	\$1,870,600.00
ProVen Management, Inc.	San Francisco, CA	\$1,997,927.00
BEST Contracting Services, Inc.	Union City, CA	\$2,021,400.00
Giampolini & Co.	San Francisco, CA	\$2,157,181.00
LC General Engineering and Construction, Inc.	San Francisco, CA	\$2,398,092.00
Engineer's Estimate		\$1,874,785.00

After review by District staff, the Bid submitted by Taber Construction, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business

experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$1,724,400, which is approximately 8% below the Engineer's Estimate, is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment by the water intrusion repair work at the station, and that this contract is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Taber Construction, Inc. committed 94.2% MBE and 0% WBE. Taber Construction, Inc. did not meet the WBE percentage; therefore, Taber Construction, Inc. was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT: Funding of \$1,724,400 for the award of Contract 15TH-110 is included in the total project budget for FMS #15TH – Pleasant Hill Remedial Water Intrusion. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of February 14, 2012, \$3,736,864 is available for this project from the following source:

<u>F/G 851W - Capital Allocation FY07-11</u>	<u>\$3,736,864</u>
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BART has expended \$1,120,299, committed \$373,001, and reserved \$43,413 to date for other actions. This action will commit \$1,724,400 leaving an available fund balance of \$475,751 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the bid package and obtain new bids. The reissuance process will result in delay of water intrusion repairs, further deterioration of the existing expansion joints, and patron safety from slips and falls due to leaks. There is no assurance that with a resolicitation the Bids would be lower than the amount of the current Bids received.

RECOMMENDATION: It is recommended that the Board adopt the following motion:

MOTION: The General Manager is authorized to award Contract No. 15TH-110, Pleasant Hill Station Water Intrusion Repair, to Taber Construction Inc., for the Bid Price of \$1,724,400, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Place on the April 12, 2012 Board of Directors Agenda		
DATE: 4/4/12		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept: <i>Kimberly White</i> Signature/Date: <i>4.3.2012</i>	General Counsel <i>Audrey Rowan</i> <i>4/3/12</i>	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> <i>4-3-12</i> []
Status: Routed		Date Created: 03/27/2012		

TITLE:

Fiscal Year 2013 Preliminary Budget Procedural Actions

NARRATIVE:

PURPOSE:

1. To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2013 Preliminary Budget.
2. To set a public hearing on the Fiscal Year 2013 Preliminary Budget.
3. To obtain BART Board approval to suspend the requirement in Board Rule 5-1.2 that the tentative budget be submitted to the Administration Committee prior to its submission to the Board of Directors.

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 20, 2012. 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 24, 2012.

BART Board Rule 5-1.2 provides, in part: "[a]fter study and consideration of the tentative budget by the Administration Committee, the budget shall be submitted to the Board of Directors not later than the first regular meeting in May of each calendar year." Currently, the Board meetings format does not include regular meetings of the Administration Committee, making compliance with the requirement that the tentative budget first be considered by the Administration Committee problematic. However, the agendas of the Regular Meetings of the Board include a portion devoted to Administration matters, as necessary, and thus provide an opportunity for full Board study and consideration of the budget.

Board Rule 6-1.2 allows for suspension of a rule by majority vote of all members of the Board upon a showing satisfactory to them of a special situation justifying the suspension of the rule. It is recommended that the Board approve suspension of the requirement in Rule 5-1.2 that the FY 2013 budget be submitted to the Board only after study and consideration by the Administration Committee. This action does not preclude further consideration and discussion of the Preliminary Budget at future Administration Committee meetings.

FISCAL IMPACT:

According to Board Rules, the FY13 Preliminary Budget must be adopted on or before June 30, 2012.

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 2013 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.

The Board could choose not approve the suspension of the requirement that the tentative budget be studied and considered by the Administration Committee before submission to the Board of Directors. However, failure to do so will require that the Board suspend the requirement of Rule 5-1.2 that the budget be submitted to the Board of Directors by the first meeting in May.

RECOMMENDATION:

That the Board adopt the following motions:

Motions:

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2013 to be available for distribution no later than April 20, 2012.
2. That a public hearing on the Fiscal Year 2013 Preliminary Budget be set for Thursday, May 24, 2012 at 9:00 am in the Board Room.
3. The Board of Directors approves the suspension of the requirement in Rule 5-1.2 that the FY 2013 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaugha</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>4/4/12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bruce King Dept: Mechanical Engineering <i>C. Slippert 4/3/2012</i>	General Counsel <i>Michele Kayan 4/4/12</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul Gervin 4/4/12</i>
TITLE:				

Award of Contract No. 15IK-110, Replacement of Motorized Station Security Access Grilles

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15IK-110, Replacement of Motorized Station Security Access Grilles, to West Bay Builders, Inc., for the bid amount of \$2,545,957.00.

DISCUSSION:

BART has identified a need to enhance security at stations identified as "High Risk." These stations are Embarcadero, Montgomery St., Powell St., Civic Center, 12th St. Oakland, and 19th St. Oakland. To enhance station security during non-revenue hours and emergency situations, new grilles will be installed with significantly greater mechanical strength and an increased capacity to withstand vandalism.

This Contract is funded in part by a grant from the U.S. Department of Homeland Security (DHS), which requires the Bidders to take all necessary affirmative steps to assure that small and minority firms, women's business enterprises, and disadvantaged business concerns are used whenever possible. The DHS grant does not provide for Disadvantaged Business Enterprise (DBE) goals.

Contract 15IK-110 was advertised on January 27, 2012. Advance Notices were sent to 23 plan rooms and 70 prospective contractors. A pre-Bid meeting and site tour were held on February 14, 2012, with 19 contractors and sub contractors in attendance. The following six (6) sealed Bids were received and opened on March 13, 2012.

No	Bidder	Location	Bid Amount
1	West Bay Builders Inc.	Novato, CA	\$2,545,957.00
2	Proven Management Inc.	San Francisco, CA	\$2,677,777.00
3	Agbayani Construction Co.	Daly City, CA	\$2,718,500.00

4	L.C. General Engineering and Construction	San Francisco, CA	\$2,963,757.00
5	Alten Construction Inc.	Richmond, CA	\$3,295,271.00
6	Agnotti & Reilly Inc.	San Francisco, CA	\$3,447,798.00
	Engineer's Estimate		\$1,989,480.00

The Bid submitted by the apparent low Bidder, West Bay Builders, Inc., has been found responsive, and staff has determined that the bid price of \$2,545,957.00 is fair and reasonable. Staff has also determined that the Bidder is responsible based on an examination of the firm's business and financial status. The apparent low Bidder was 28% over the Engineer's Estimate due to extraordinary price premiums incurred from manufacturing grille curtains, grille tracks, and grille support brackets from non-standard Grade 316 stainless steel and its price volatility.

FISCAL IMPACT:

Funding of \$2,545,957 for the award of Contract 15IK-110 is included in the total project budget for FMS #15IK100 – Replace Downtown Security Grilles. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of March 15, 2012, \$8,104,300 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
353X	FY08/09 State Prop 1B - PTMISEA	4,500,000
3754	FY2009 TSGP Grant (DHS)	3,604,300
Total		8,104,300

BART has expended \$453,119, committed \$26,128, and reserved \$0 to date for other actions. This action will commit \$2,545,957 leaving an available fund balance of \$5,079,096 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative to awarding the Contract would be to reject all bids and to readvertise the Contract. Staff does not believe that rebidding would result in more competitive bids, or a lower price. Another alternative would be to decline to replace the grilles. Staff believes that station security would be compromised.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

Motion:

The General Manager is authorized to award Contract No. 15IK-110 for Replacement of Motorized Station Security Access Grilles to West Bay Builders, Inc., for the bid price of \$2,545,957.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Department of Homeland Security requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de Vanden</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>4/4/12</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Larry Kozimor Dept: TSD	General Counsel <i>Audrey Ramos 2/28/12</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul Covner 4/2/12</i>
Signature/Date: <i>[Signature]</i>		[]	[]	[]
Status: Routed		Date Created: 02/27/2012		

TITLE:

Change Order No. 01 to Contract No. 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punchlist Items - Greater Than 10 Percent

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager approve execution of Change Order No. 01 in the amount of \$18,000 to Contract No. 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punchlist Items, which will result in expenditures aggregating more than 10 percent of the original Contract amount of \$88,900 for the base contract, and resulting in an overall Contract value in excess of \$100,000.

DISCUSSION:

On July 14, 2011, the Procurement Department Manager authorized award of Contract No. 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punchlist Items, to Kennison's Metal Fabrication Inc., in the amount of \$88,900. Change Order No. 01 in the amount of \$18,000, or 20.25% over the awarded contract amount, includes chipping concrete below Ticket Vending Machine (TVM) bases at nine stations to achieve ADA height compliance. Field investigations revealed that the planned approach of exchanging TVM bases would not meet the requirement, requiring instead chipping out concrete below the TVM bases to achieve the ADA height requirement.

The cost of obtaining a new contractor to perform this scope is anticipated to cost more than proceeding with this Change Order No. 01. The Office of the General Counsel will approve the Change Order as to form.

FISCAL IMPACT:

Funding for \$18,000 for Contract 47BH-155A Change Order No. 01 will come from project budget 47BS000 – Accessible Fare Gates. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of February 15, 2012, \$7,724,869 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
352W	FTA CA-90-Y270	\$ 2,710,611
352X	FTA CA-90-Y339	\$ 975,240

352Y	FTA CA-90-Y421	\$ 1,200,000
352Z	FTA CA-90-Y541	\$ 1,200,000
6010	RM1 Bridge Toll	\$ 300,000
6213	RM2	\$ 300,000
8202	Sales Tax Rev Bond	\$ 243,810
8206	1998 Sales Tax Rev Bond	\$ 117,375
8301	1998 Bond Interest	\$ 677,653
Total		\$ 7,724,689

BART has expended \$6,839,584, committed \$268,224, and reserved \$385,102 to date for other actions. This action will commit \$18,000, leaving an available fund balance of \$213,779 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Alternative is to refrain from authorizing this Change Order and advertising another contract for the Change Order work so that the project will comply with ADA requirements.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to approve execution of Change Order No. 01 to Contract 47BH-155A, Fabrication and Installation of Architecturally Designed Finishes for AFC Punch List Items, in the amount of \$18,000.