SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA April 24, 2014 5:00 p.m.

A regular meeting of the Board of Directors will be held at **5:00 p.m.** on Thursday, April 24, 2014, 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 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 <u>BoardofDirectors@bart.gov</u>; 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.

2. CONSENT CALENDAR

A. Approval of Minutes of the Meeting of April 10, 2014 (Regular).* 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 Saltzman, Chairperson

- A. New Employee Relocation Expense Reimbursement.* Board requested to authorize.
- B. Agreement with Alameda-Contra Costa Transit District for Feeder Service Payments for Fiscal Year 2015 Fiscal Year 2020.* Board requested to authorize.
- C. Fiscal Year 2015 Preliminary Budget: Overview.* For information.
- D. Fiscal Year 2015 Preliminary Budget: Release Budget Pamphlet, Set Date for Public Hearing, and Suspend a Portion of Board Rule 5-1.2.* Board requested to authorize.
- E. BART to Oakland International Airport Project Operating Financial Outlook.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. East Contra Costa County BART Extension: Award of Contract No. 04SF-140, Procurement of eBART Vehicles.* Board requested to authorize.
- B. Award of Contract No. 15EI-160, Substations CNC, ANA, WCR, CER, LRT, LEC, LSR 34.5KV Transformers Upgrade and Replacement.* Board requested to authorize.

- C. Regional Clipper® Card Program Update.* For information.
- 6. <u>PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS</u> Director Raburn, Chairperson NO ITEMS.

7. GENERAL MANAGER'S REPORT

A. Proposed Roll Call for Introductions Procedure. For discussion.

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.)
- 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 Memorium.

 (An opportunity for Board members to introduce individuals to be commemorated.)

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.)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors Minutes of the 1,706th Meeting April 10, 2014

A regular meeting of the Board of Directors was held April 10, 2014, convening at 9:02 a.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

Directors present:

Directors Fang, Mallett, McPartland, Raburn, Radulovich, Saltzman, and

Keller.

Absent:

None. Directors Blalock and Murray entered the Meeting later.

President Keller called for Introduction of Special Guests. Director McPartland read a letter of appreciation to the Board from the family of Christopher Sheppard.

Director Blalock entered the Meeting.

Consent Calendar items brought before the Board were:

- 1. Approval of Minutes of the Meetings of March 27, 2014 (Regular), and March 28 and 29, 2014 (Special).
- 2. Procurement of Replacement Non-Revenue Service Vehicles.
- 3. Award of Contract No. 15QL-120, Maintenance Yards Surface Improvement ORY.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Raburn, Radulovich, Saltzman, and Keller. Noes - 0. Absent – 1: Director Murray.

- 1. That the Minutes of the Meetings of March 27, 2014 (Regular), and March 28 and 29, 2014 (Special), be approved.
- 2. That the General Manager be authorized, pursuant to Government Code Section 54205 and Public Contract Code Section 10298, to purchase replacement non-revenue service vehicles through State of California Department of General Services contracts for an amount not to exceed \$990,000.00, including applicable taxes and State fees.
- 3. That the General Manager be authorized to award Contract No. 15QL-120, Maintenance Yards Surface Improvement ORY, to ALB Inc., of Pittsburg, California, for the Bid price of \$306,089.00, pursuant to

notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2014 Second Quarter Financial Report.

President Keller announced that the Board would enter into closed session in the adjoining conference room under Item No. 3-A (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 9:05 a.m.

The Board reconvened in closed session at 9:07 a.m.

Directors present:

Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn,

Radulovich, Saltzman, and Keller.

Absent:

None.

The Meeting recessed at 9:55 a.m.

The Board reconvened in open session at 9:56 p.m.

Directors present:

Directors Blalock, Fang, Mallett, McPartland, Raburn, Saltzman, and

Keller.

Absent:

Directors Murray and Radulovich.

Director Blalock moved that the Board approve two increases to base salary – one increase of 1.8607 percent effective January 1, 2014, and another increase of 1.8607 percent effective July 1, 2014 – for each of the Board appointees – the General Manager, the General Counsel, the Controller-Treasurer, the District Secretary, and the Independent Police Auditor; and that the Board President be authorized to execute any amendments to the Officers' employment agreements to implement these changes that are recommended by the Associate General Counsel.

Directors Murray and Radulovich entered the Meeting.

Directors Fang and Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes - 0.

Director Blalock introduced and welcomed Mr. James Pierre. Mr. Pierre addressed the Board.

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

Director Fang, Chairperson of the Labor Negotiations Review Ad Hoc Committee, brought the matter of Agreement for Consulting Services for Assistance in Assessing the Processes and Procedures during the 2013 Collective Bargaining between the District and the Unions Representing District Employees before the Board. The item was discussed. Director Fang moved that the General Counsel be authorized to execute an agreement with Rhonda Hilyer, Agreement Dynamics, Inc., to provide consulting services for assistance in assessing the processes and procedures during the 2013 collective bargaining between the District and the unions representing District employees, in an amount not to exceed \$225,000.00. Director Mallett seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 1: Director Radulovich.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Small Business Opportunity Initiatives Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item.

The following individuals addressed the Board.

Mr. Bernard Ashcraft

Mr. Eddie Dillard

Ms. Edie Lopez

The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Invitation for Bid No. 8929, Gasoline and Diesel Fuel, before the Board. Mr. Larry Fisher, Maintenance and Engineering, presented the item.

Director Radulovich exited the Meeting.

The item was discussed. Director Blalock moved that the General Manager be authorized to award Invitation for Bid No. 8929, an estimated quantity contract for gasoline and diesel fuel, to Valley Oil Co. of Mountain View, California, for the Bid price or \$3,569,519.80, including all applicable sales and other taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director McPartland brought the matter of Sole Source Procurement with Dailey and Wells Communications for Interoperable Radio Network for the Warm Springs Extension Lake Elizabeth Tunnel before the Board. Mr. Thomas Herold, Manager of Telecommunications

Engineering, presented the item. Director Blalock moved that the Board find, in accordance with Public Contract Code Section 20227, that Dailey and Wells Communications, Inc., is the single source for procurement of equipment necessary to provide upgrades to certain trunked radio equipment, and that the procurement is for the purpose of duplicating or replacing equipment or material in use at the District; and that the General Manager be authorized to enter into direct negotiations with Dailey and Wells Communications, Inc., and to execute a contract with Dailey and Wells Communications, Inc., to provide engineering, parts, software, equipment placement, and startup services necessary to design and furnish an Interoperable Radio Network for the Warm Springs Extension Fremont Central Park Subway, for a total price not to exceed \$725,000.00, plus applicable taxes. President Keller seconded the motion.

Mr. Jerry Grace addressed the Board.

The motion carried by unanimous electronic vote by the required two-thirds majority. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes -0. Absent - 1: Director Radulovich.

Director Fang recognized and welcomed Mr. Lee Davis. President Keller recognized and welcomed former Director Michael Bernick.

Director McPartland brought the matter of Agreements for General Engineering Services for BART Projects before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, presented the item. The item was discussed. Director Fang made the following motion:

That the General Manager be authorized to award the below listed Agreements to provide General Engineering Services for BART Projects in an amount not to exceed \$15,000,000.00 each, pursuant to notification to be issued by the General Manager; with the awards subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

- 1. Agreement No. 6M8067 to PGH Wong Engineering, Inc.
- 2. Agreement No. 6M8068 to Transit Modernization Partnership, a Joint Venture
- 3. Agreement No. 6M8069 to B&C-URS Joint Venture
- 4. Agreement No. 6M8070 to STV Incorporated (dba STV VBN)
- 5. Agreement No. (TBD) to Kal Krishnan Consulting Services, Inc.
- 6. Agreement No. (TBD) to Acumen/Parsons, a Joint Venture

The awards to Kal Krishnan Consulting Services, Inc. and Acumen/Parsons, a Joint Venture are subject to approval by staff of the firms' rates and markups in the same manner as applied to proposers numbered 1 through 4 above.

Director Blalock requested the addition of the following to the motion.

Staff is directed to provide annual reports, beginning with December 2014, on the progress of Agreements with all six firms.

Director Fang accepted Director Blalock's addition, and Director Blalock seconded the motion.

Director Murray recused herself from voting on Agreement No. 6M8069 on the grounds of a potential conflict of interest. The motion was bifurcated, and the motion to award agreements to PGH Wong Engineering, Inc.; Transit Modernization Partnership, a Joint Venture; STV Incorporated (dba STV VBN); Kal Krishnan Consulting Services, Inc., and Acumen/Parsons, a Joint Venture, carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

Director Murray exited the Meeting.

The motion to award an agreement to B&C-URS Joint Venture carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Fang, Mallett, McPartland, Raburn, Saltzman, and Keller. Noes – 0. Absent - 2: Directors Murray and Radulovich.

Director McPartland brought the matter of East Contra Costa County BART Extension (eBART Project): Approval of Cooperative Agreement between the East Contra Costa Regional Fee and Financing Authority and BART for Funding of the eBART Project, before the Board.

Directors Fang and McPartland exited the Meeting, and Vice President Blalock assumed the gavel.

Mr. Ric Rattray, eBART Project Manager, presented the item. The item was discussed.

Directors Fang, McPartland and Murray re-entered the Meeting, and Director McPartland assumed the gavel.

President Keller moved that the Board approve Cooperative Agreement No. 26-14 between the East Contra Costa Regional Fee and Financing Authority and the San Francisco Bay Area Rapid Transit District and authorize the General Manager to execute the agreement. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

Director McPartland brought the matter of eBART Project: Station Naming, before the Board. Mr. Rattray presented the item. The item was discussed. Director Keller moved that the Board find that the new Antioch Station and Pittsburg Civic Center Station provide riders with the information necessary to clearly identify each station and to distinguish them from other stations, and that the new station in the City of Antioch shall be called the Antioch Station, and the new station in the City of Pittsburg shall be called the Pittsburg Civic Center Station. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 1: Director Radulovich.

Director McPartland brought the matter of eBART Project: Procurement of eBART Vehicles, before the Board. Mr. Rattray presented the item.

The following individuals addressed the Board. Mr. Stephen Bonina

Mr. Jerry Grace

The item was discussed.

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

President Keller called for the General Manager's report. Ms. Grace Crunican, General Manager, reported on steps she had taken and activities and meetings she had participated in. She reminded the Board of upcoming events: unveiling the Fleet of the Future train car model, Oakland Chinatown Chamber Year of the Horse awards ceremony, and two Earth Day events.

Director Fang exited the Meeting.

President Keller brought the matter of Review of Roll Call for Introductions Report (Director Mallett's request) before the Board. Director Mallett noted that the General Manager had provided a proposed plan and made a commitment to the Board to resolve aged requests.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Murray reported she had attended the California Rail Summit in Los Angeles.

Director Blalock reported he had attended the Pete Snyder Plaza dedication ceremony and had given a talk at a Mission San Jose High School government class.

Director Saltzman reported she had attended the BART-AC Transit Interagency Liaison Committee meeting and gave a brief report on the committee discussion.

Director Saltzman requested the development of a technological solution to the charging of an excursion fare when a customer enters and exits a station in a short period of time due to a system delay. A near term interim solution could include making announcements at affected stations about the excursion fare when there are major delays. This could enable customers to avoid paying a large fare that most of them don't know about.

Director Raburn reported he had attended the BART-AC Transit Interagency Liaison Committee meeting and the BARTmobile tenth anniversary celebration. Director Raburn announced that he would throw out the first pitch at the Oakland Athletics baseball game on April 23, 2014. Sacramento regarding the Intercity Passenger Rail Program.

Director Mallett reported he had attended a Bay Area Council event.

Director Mallett requested the evaluation of costs and feasibility of increasing the volume of contract awardees for on-call services.

Director Mallett requested the development of an engineering cost estimate for the implementation of automated service advisory announcements at stations that would be linked to the existing BART Service Advisory (BSA) information feed. Among other options, this system

can announce an update every five minutes and instantaneously whenever a change is made to the BSA information.

Mr. Jerry Grace addressed the Board.

President Keller announced that the Board would enter into closed session in the adjoining conference room under Item No. 11-A (Conference with Legal Counsel) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 12:32 p.m.

The Board reconvened in closed session at 12:41 p.m.

Directors present:

Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and

Keller.

Absent:

Directors Fang and Radulovich.

The Meeting recessed at 1:01 p.m.

The Board reconvened in open session at 1:02 p.m.

Directors present:

Director Keller.

Absent:

Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn,

Radulovich, and Saltzman.

President Keller announced that the Board had met in closed session, and that the Board had authorized the General Counsel to continue to use the firm of Dillingham & Murphy to represent the District in that ongoing litigation by the following vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Absent - 2: Directors Fang and Radulovich.

The Board Meeting was adjourned at 1:03 p.m.

Kenneth A. Duron District Secretary

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:	GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization
DATE: c 4/17/14	BOARD INITIATED ITEM: No
Originator/Prepared by: Patrice McElroy Dept: Human Resources Signature/Date:	Controller/Treasurer District Secretary BARC

New Employee Relocation Expense Reimbursement

NARRATIVE:

Purpose:

To obtain Board authorization to pay relocation expenses in accordance with Management Procedure 70, New Employee Relocation Expense Reimbursement for the individual to be selected to fill the position of Assistant General Manager, Employee Relations, if needed.

Discussion:

The Assistant General Manager, Employee Relations is a newly created position that will assume the full executive management responsibility for all of the District's Human Resource and Labor Relations functions and activities including labor relations, human resources information systems, drug testing, classification/compensation, employment, Benefits, worker's compensation and attendance management. The position will provide strategic leadership in the execution of long and short-term plans as they relate to human resources' and labor relations' policies and programs including the creation of the attendance management program and the implementation of the recently bargained agreements.

Executive and senior management position recruitments are generally conducted by an outside recruitment firm, and authorization for the payment of relocation expenses, if needed, is requested in conjunction with the request for authorization to conduct an outside recruitment. In this case, the District is using its own Human Resources Department to conduct the recruitment.

The position is currently being advertised on the District's external website which provides broad access to local and national candidates. Through these efforts, a number of both local and out-of-area candidates are under consideration for the position.

As the selection process advances the District would like the ability to offer reimbursement of eligible relocation expenses for the selected candidate.

Fiscal Impact:

The limit on reimbursement of eligible relocation expenses is \$18,000.00 per successful candidate. Funding for the relocation expenses would come from the FY 2014 adopted budget of

New Employee Relocation Expense Reimbursement

the Human Resources Department.

Alternative:

Not to offer relocation expense reimbursements. This alternative might limit the District's ability to attract appropriate talent for its executive and senior management level positions.

Motion:

That the General Manager or her designee be authorized to enter into a relocation expense reimbursement agreement with the successful candidate for Assistant General Manager, Employee Relations in an amount not to exceed \$18,000, consistent with Management Procedure No. 70, New Employee Relocation Expense Reimbursement.

EXECUTIVE DECISION DOCUMENT

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GENERAL MANAGER APPROVAL:			GENERAL MANAGER A	CTION REQD:	
DATE: 4/17/14			BOARD INITIATED ITEN	n: No	
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FY15-FY20 BART/AC Transit Feeder Payment Agreement

NARRATIVE:

PURPOSE

To authorize the General Manager to execute a new Feeder Payment Agreement with AC Transit to provide for feeder service payments for the period July 1, 2014 through June 30, 2020.

DISCUSSION

Background

Twenty-one BART stations are located in the AC Transit service area, and over eighty AC Transit routes stop at BART stations, allowing passengers to access the BART system. Based on survey data, AC Transit estimates that 13% of its local trips (excluding trunk and Transbay trips) transfer to or from BART.

BART has been making feeder service payments to AC Transit since 1985. Over the years, adjustments to feeder service payment amounts to AC Transit have primarily been linked to BART's sales tax growth. The annual feeder payments have ranged from \$3 million (M) to \$6.7M. Since 1993, the Metropolitan Transportation Commission (MTC) has been transferring feeder service payments directly to AC Transit from BART's share of State Transportation Assistance (STA) funds, with amounts largely based on BART's sales tax growth. In 2010, MTC directed that BART and AC Transit negotiate a multi-year agreement to establish a more fair formula for determining feeder payment amounts.

In 2010, BART and AC Transit signed an Interim Agreement to establish the FY11 payment to AC Transit. The agreed-upon amount was \$3.6M, of which \$2.46M was transferred directly to AC Transit and \$1.14M was held in escrow by MTC pending agreement on the methodology for payment increases. Although the Interim Agreement has expired and no agreement on methodology was reached, feeder service payments have continued through the present, as follows (in millions):

Fiscal	Transfer Payment	Amount Held in
Year	to AC Transit	Escrow by MTC
FY11	\$2.46M	\$1.14M
FY12	\$2.86M	\$0.74M
FY13	\$2.46M	\$1.14M
FY14	\$3.60M	\$0.0

The total amount currently held in escrow is approximately \$3M.

In 2013, BART executed a feeder service payment agreement with SFMTA. The agreement established a new methodology for calculating annual increases in payment. The new formula adjusts the previous fiscal year's feeder service payment by the year-to-year percentage change in actual individual trips transferring from Muni to BART based on Clipper® data and the year-to-year percentage change in inflation based on the San Francisco Bay Area Consumer Price Index (CPI), with a maximum increase or decrease of five percent (5%) annually.

As directed by MTC's Programming and Allocations Committee in June 2013, MTC has facilitated discussions between AC Transit and BART to address both the one-time release of escrow funds and the ongoing feeder service payments. The terms of this AC Transit Feeder Payment Agreement are intended to be similar to the 2013 SFMTA feeder payment agreement terms. Discussions have also addressed adding a provision to place a percentage of payments in an escrow fund held by MTC (the "Fare Coordination Fund"), to be used towards fare coordination efforts between the two agencies. These efforts include the Inner East Bay Fare Discount Pilot Project, a recommendation of the Comprehensive Operations Analysis (COA), which was part of MTC's Transit Sustainability Project (TSP). The terms of this AC Transit Feeder Payment Agreement require the approval of both the BART Board and the AC Transit Board. The AC Transit Board approved the terms of the agreement on February 26, 2014.

FY15-FY20 BART/AC Transit Feeder Agreement Terms

Key terms of the FY15-FY20 BART/AC Transit Feeder Agreement are as follows:

- Term: FY2015 through FY2020.
- Release of Escrow Funds for FY14: Of the \$3.0 million currently held in escrow by MTC, the two agencies agree that:
 - o 90%, or \$2.7M, will be released to AC Transit immediately following the execution of the Agreement; and
 - o 10%, or \$0.3M, will be retained by MTC and placed in the Fare Coordination Fund.
- FY15 Payment: The Feeder Payment Amount for FY15 is equal to the FY14 payment amount, or \$3.6M.
- FY16 Payment: For FY16, the payment amount will be adjusted by the formula described in Attachment A.
- FY17-FY20 Payments: For FY17-FY20, the payment amount will be adjusted by the formula described in Attachment A, except with the previous fiscal year's amount as the base amount.
- Adjustments to the payments for FY16-FY20 will be capped at 5% maximum increase or decrease each year.
- 10% of each year's payment will be held in escrow by MTC and placed in the Fare Coordination Fund.
- The Fare Coordination Fund shall hold no more than \$1M at any given time.
- BART will make payments to AC Transit in quarterly installments, within 60 calendar days of receipt by BART of its STA quarterly payments from MTC.
- MTC will draw the amounts to be held in escrow from BART's share of the STA funds.

The FY15-FY20 BART/AC Transit Feeder Agreement will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT

Assuming that the Ridership Change and Inflation Change will result in the maximum +5% change to

payments each year (worst case scenario), the financial impact over FY15-FY20 is shown in the table below (in millions):

Year	Payment to AC Transit	Escrow Amount Held by MTC	Estimated Financial Impact to BART
FY14 Release	\$2.7	\$0.3	\$0.0*
FY15	\$3.2	\$0.4	\$3.6
FY16	\$3.4	\$0.4	\$3.8
FY17	\$3.6	\$0.4	\$4.0
FY18	\$3.8	\$0.4	\$4.2
FY19	\$4.0	\$0.4	\$4.4
FY20	\$4.1	\$0.5	\$4.6
		Estimated Total	\$24.5

^{*}The escrow funds are currently being held by MTC. Release to AC Transit does not have a fiscal impact on BART's current or future funds.

Beginning in FY15, payments to AC Transit will be recorded as an expense under the Purchased Transportation section of the FY15 Budget. This payment will be offset by an increase in STA Funds by the same amount passed through from MTC. The expenditures from FY 2015 will be included in future operating budgets of the Customer Access Department and are subject to future budget adoption.

ALTERNATIVE

Do not authorize execution of the FY15-FY20 BART/AC Transit Feeder Agreement and direct staff to renegotiate the terms of the agreement.

RECOMMENDATION

Adoption of the following motion.

MOTION

The General Manager is authorized to execute the FY15-FY20 BART/AC Transit Feeder Payment Agreement between AC Transit and the San Francisco Bay Area Rapid Transit District for FY2015 through FY2020.

ATTACHMENT A

The formula for calculating each year's feeder payment based on the payment from the previous year is described below.

FY16 Feeder Payment = FY15 Feeder Payment x (1 + Ridership Change) x (1 + Inflation Change), where:

- Ridership Change is the year-over-year percentage change in total Clipper® transactions that are transfers from AC Transit to BART and from BART to AC Transit, expressed as decimals (e.g., 3% = 0.03); and
- Inflation Change is the percentage change in the San Francisco Bay Area CPI for All Urban Consumers for all items, with an index based period of 1982 through 1984 = 100, as reported by the Bureau of Labor Statistics, U.S. Department of Labor.

Example: If

- o FY15 Payment is \$3.6M
- o Based on Clipper® data, transfers increase from 3.8M to 3.9M, or by 2.6% (0.026 in decimals)
- o The CPI increases from 176.2 to 178.8, or by 1.5% (0.015 in decimals)

Then:

FY16 Feeder Payment = $3.6M \times (1+0.026) \times (1+0.015) = 3.6M \times (1.04139) = 3.7M$

EXECUTIVE DECISION DOCUMENT

DATE: c BOARD INITIATED ITEM: No Originator/Prepared by: Robert Umbreit Dept: Operating Budget Signature/Deta: District Secretary BARC Signature/Deta: District Secretary BARC	GENERAL MANAGER APPROVAL	amendett amendet amende som til til amende til state av s	GENERAL MANAGER A Place on the April 2		Directors Agenda
Dept: Operating Budget	DATE: C 4/17/14	う	BOARD INITIATED ITEM	n: No	
TITLE	Dept: Operating Budget Signature/Date: Dilmhut 4/17/14	A Wall	Controller/Treasurer HITHE	District Secretary	BARC MAN

Fiscal Year 2015 Preliminary Budget Procedural Actions

NARRATIVE:

PURPOSE:

- 1. To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2015 Preliminary Budget.
- 2. To set a public hearing on the Fiscal Year 2015 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 30, 2014. The rules of the Board of Directors also provide that a public hearing on the budget be held on or before June 20 (Rule 5-1.3). Staff proposes that this hearing be held on May 22, 2014.

BART Board Rule 5-1.2 provides, in part: "After 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 2015 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 FY15 Preliminary Budget must be adopted on or before June 30, 2014.

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 2015 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 to 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 2015 to be available for distribution no later than April 25, 2014.
- 2. That a public hearing on the Fiscal Year 2015 Preliminary Budget be set for Thursday, May 22, 2014 in the Board Room.
- 3. The Board of Directors approves the suspension of the requirement in Rule 5-1.2 that the FY 2015 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO:

Board of Directors

DATE: April 18, 2014

FROM:

General Manager

SUBJECT: Administration Agenda Item #4.E: BART to Oakland International Airport

Project Operating Financial Outlook – For Information

At the April 24th Board meeting, staff will make an informational presentation on the BART-to-Oakland International Airport Project operating financial outlook (see attached). The presentation includes information on ridership projections; fare options, including an airport employee discount program; and financial outlook.

This is the first in a series of Project related items the Board will receive. The next item for consideration will be the Title VI equity analysis report on May 8th, followed by a May 22nd Public Hearing on Project fares, and on June 12th the Board will be asked to approve Project fares and the airport employee discount program.

If you have any questions about this informational presentation or process, please contact Carter Mau, Assistant General Manager, Administration and Budget, at 510-464-6194.

Attachment

cc:

Board of Directors

Board Appointed Officers Deputy General Manager

Executive Staff

EXECUTIVE DECISION DOCUMENT

GUNERAL MANAGER APPROVAL:		GENERAL MANAGER A	CTION REO'D:	
R TA		Approve and forward to the Board of Directors for		
Maxay Clay ber Ver		Action		
DATE: 6 4414 /	Λ	BOARD INITIATED HEM	No.	
Originator/Prepared by: Otga Besez Op Dept: P&B Signature/Date:	General Counsel	Controller Pressures/	District Secretary BARC 0	
TITLE:		120		

AWARD OF CONTRACT NO. 04SF-140 FOR PROCUREMENT OF CBART VEHICLES

NARRATIVE:

PURPOSE

- 1) At the Board meeting on April 10, 2014, to provide information to the Board regarding the staff recommendation to obtain Board authorization for the General Manager to award Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG.
- 2) At the Board meeting on April 24, 2014 or a subsequent Board meeting, to obtain Board authorization for the General Manager to award Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG.

DISCUSSION

Public Contract Code Section 20216 governs the process for the District's procurements of electronic and specialized rail transit equipment by competitive negotiation under Public Contract Code Section 20229.1. Section 20216(e) provides that such a contract may not be awarded until 15 days after the staff's recommendation is made available to the public. Therefore, staff's recommendation for award of the subject Contract will be made available to the public on April 7, 2014, and will be presented at the Board meeting on April 10, 2014, for information purposes only. Staff will request that the Board authorize the General Manager to award the Contract at the Board meeting on April 24, 2014.

For ease of reference, this single Executive Decision Document supports both the staff's information only item on the April 10, 2014 Board meeting agenda and the action item on the April 24, 2014 Board meeting agenda, or an agenda on a subsequent Board meeting.

The East Contra Costa BART Extension Project (eBART Project) will introduce a new rail passenger service comprising approximately 9.5 miles of new track between the existing Pittsburg/Bay Point BART Station and a new station in the City of Antioch. The eBART Project will use independently propelled railcars (eBART Vehicles) known as Diesel Multiple Units (DMUs) that will operate on a standard gauge rail guideway to be constructed and owned by the District. The guideway will be located in the median of State Route 4 on a right-of-way for the

exclusive use of eBART. The eBART Project is subject to regulation by the California Public Utilities Commission (CPUC) and is subject to other regulations, standards, and codes but is not subject to regulation by the Federal Railroad Administration.

On June 11, 2009, the Board of Directors authorized the procurement of eBART Vehicles by competitive negotiation under Public Contract Code Section 20229.1. This process allows award to be made to the qualified Proposer whose proposal, as modified by a Best and Final Offer, is most advantageous to the District with price and other factors considered. The award recommendation is not solely based on price.

Prior to advertising a Request for Proposals (RFP) for the eBART Vehicles, the District conducted two separate series of industry review meetings to inform prospective proposers of the upcoming RFP. The purpose of the industry review meetings was to familiarize prospective proposers with the Contract requirements and the RFP process, and to receive comments and questions before finalizing the RFP. These industry review meetings were held in July 2010 and November 2011 in the District's offices with six prospective proposers. Discussions centered around the carbuilders' available vehicle models and configurations, delivery schedules, and compliance with emissions standards and CPUC regulations. The eBART Vehicles are required to comply with the Environmental Protection Agency's Tier 4 emissions requirements. In addition, the eBART Vehicles are required to meet the requirements in CPUC General Order No. 143B which includes several safety related features including collision protection.

On October 26, 2012, the District advertised RFP No. 04SF-140 for the Procurement of eBART Vehicles. The scope of work for the Base Contract in the RFP, as amended, generally consists of providing the design, engineering, manufacture, assembly, testing, delivery, materials, spare parts, special tools and equipment, performance and acceptance testing for eight (8) new service proven, lightweight low-floor DMU Vehicles. The RFP also includes Option 1, for two additional Vehicles, and Option 2, for four additional Vehicles, each of which may be exercised by the District at any time up to five years after award of the Contract. The RFP also includes Option 3 for Primary Spare Parts, Option 4 for Secondary Spare Parts and Option 5 for Miscellaneous Spare Parts, each of which may be exercised at any time up to 180 calendar days after the issuance of the Notice to Proceed.

To provide ample time to potential proposers to submit proposals and to maximize competition, the Proposal due date was established as April 30, 2013. The RFP was also mailed to 130 interested firms, including seventeen carbuilders. A Pre-Proposal Conference was held on November 13, 2012 with 32 interested firms in attendance.

A single Proposal was received on April 30, 2013 from Stadler Bussnang, AG (Stadler). The Proposal was reviewed by the Proposal Evaluation Committee (Committee), consisting of two independent Subcommittees, a Technical Evaluation Subcommittee, and a Price Evaluation Subcommittee. The Subcommittees evaluated the initial Technical Proposal and Price Proposal in accordance with the RFP and the Detailed Evaluation Procedure for the procurement.

After the completion of the initial evaluation of the Technical Proposal, a site visit committee

conducted a site visit at Stadler's facility in Switzerland and determined that Stadler's facility meets the capability requirements in the following four key areas of the Technical Specifications: Program Management, Design, Manufacturing, and Quality Assurance.

After the Technical Evaluation Subcommittee completed its review of the Technical Proposal, the Price Evaluation Subcommittee opened the initial Price Proposal submitted by Stadler.

The initial Price Proposal and the Engineer's Estimate are shown below:

Engineer's Estimate, (Base Order Proposal Price): \$65,000,000

Stadler Bussnang, AG, (Base Order Proposal Price): \$57,329,900

The Committee completed its initial evaluation of the Proposal and entered into negotiations with Stadler. Numerous face to face meetings and conference calls were held between the Committee and Stadler's negotiation team during the months of June 2013 through January 2014.

As negotiated, modifications to both the commercial terms and conditions and the Technical Specifications were made and included in a Request for Best and Final Offer (BAFO) that was issued on February 7, 2014. Prior to issuing this Request for BAFO, another Engineer's Estimate was completed. Stadler submitted its BAFO on March 11, 2014 and this was evaluated by the Committee in accordance with the same requirements and criteria as the initial Proposal.

Stadler's BAFO Price Proposal of \$58,124,419 is 2% below the revised Engineer's Estimate of \$59,460,647 and is considered to be fair and reasonable. Staff has also determined that the Proposal submitted by Stadler fully meets the eBART Vehicle performance requirements, and is the most advantageous to the District with price and other factors considered. Further, review of Stadler's business experience and financial capabilities has resulted in a determination that Stadler is responsible and possesses the requisite technical expertise, business experience, and financial capabilities for Contract award.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this Contract are 10% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Stadler does not commit to subcontract any percentage of the subcontracted amount to MBEs or to WBEs. Therefore, Stadler was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by Stadler, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 1% Small Business (SB) Participation Goal for this Contract. Proposers who meet the SB Participation Goal are eligible for a Small Business preference of 3% of the lowest responsible proposer's proposal. Stadler did not meet the SB Participation Goal and therefore is not eligible for the 3% Small Business preference.

FISCAL IMPACT:

Funding of \$58,124,419 for the award of Base Contract No. 04SF-140 plus applicable taxes is included in the total project budget for FMS #04SF140 – eBART - Vehicles (DMU). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table describes funding assigned to the referenced project since March 2014, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund Number	Fund Description	Fund Source	Funded Amount
6103	RMI eBART Alloc #11383305	Regional	52,000,000
6404	AB1171 - eBART Alloc #11391413	Regional	14,000,000
Total			66,000,000

As of March 27, 2014, \$66,000,000 is the total budget for this project. BART has expended \$0, committed \$0 to date for other actions. This action will commit \$58,124,419 leaving an available fund balance of \$7,875,581 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

Reject the Proposal and cancel the procurement for eBART Vehicles and readvertise the RFP. This would very likely result in: 1) delay of the procurement by at least 18 to 24 months, 2) additional District staffing costs and higher vehicle prices, 3) delay in the final construction of Contract No. 04SF-130 which includes systems elements that must be integrated with the eBART Vehicles, and 4) inability to meet commitments for revenue service for the eBART Project.

RECOMMENDATION:

Adopt the following motion at the Board meeting on April 24, 2014, or a subsequent Board meeting:

MOTION:

The Board finds that Stadler Bussnang, AG's proposal is most advantageous to the District with price and other factors considered. The General Manager is authorized to award Contract No. 04SF-140, Procurement of eBART Vehicles, to Stadler Bussnang, AG for the Total Base Order BAFO Proposal Price of \$58,124,419, plus applicable taxes for the Base Order Items. The General Manager is also authorized to exercise Option 3, for Primary Spare Parts, for the Total Option 3 BAFO Proposal Price of \$1,521,577 plus applicable taxes, and Option 4, for Secondary Spare Parts for the Total Option 4 BAFO Proposal Price of \$1,918,232 plus applicable taxes, and Option 5 for Miscellaneous Spare Parts for the Total Option 5 BAFO Proposal Price of \$1,926,799 plus applicable taxes, subject to certification from the Controller-Treasurer of the availability of funding. Should the District choose to exercise Option 1, for two additional

vehicles, for the Total Option 1 BAFO Proposal Price of \$16,640,000 plus applicable taxes and/or Option 2, for four additional vehicles, for the Total Option 2 BAFO Proposal Price of \$29,200,000 plus applicable taxes, staff will return to the Board for authorization.

EXECUTIVE DECISION DOCUMENT

10			
GENERAL MANAGER APPROVAL		GENERAL MANAGER	ACTION REQ'D:
Welga, de Vaugen	Approve and Forward to the Board		ard to the Board
DATE: 4/16/14 (BOARD INITIATED ITEM	n: No
Originator/Prepared by: Reza Hessabi Dept: Maintenance & Engineering Signature/Date:	General Counsel	Controller Treasurer	District Secretary BARC
Status: Routed		Date Created: 04 /	08/2014
TITLE:			

Award Contract No. 15EI-160 – Substations CNC, ANA, WCR, CER, LRT, LEC, LSR 34.5KV Transformers Upgrade and Replacement

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15EI-160 for Substations CNC, ANA, WCR, CER, LRT, LEC, LSR 34.5KV Transformers Upgrade and Replacement.

DISCUSSION:

During 2012 and 2013, one out of two cast coil transformers failed at each of the following Substations: North Concord (CNC), Nineteenth Ave (ANA), Camino Real (WCR), Evora Road (CER), Radio Tower (LRT), Eden Canyon Road (LEC) and Schaefer Ranch (LSR). It was determined that each transformer failure was due to defects in manufacturing similar to that found in previous cast coil transformers. BART Facility Standards now require use of natural-ester (biodegradable) oil filled transformers for 34.5kV Power Substation applications.

This Contract will provide four new 3 megawatt natural ester oil filled traction power transformers at Substations WCR and CNC and relocate existing transformers among seven substations to properly match the transformers at each substation. The proper pairing of the transformer is essential to achieve the best load sharing. The work under this Contract will restore the power redundancy for the traction power substations to the original design level.

The Advance Notice to Bidders was mailed to 75 prospective bidders and contract documents were sent to 23 plan rooms, on February 17, 2014. The Contract was advertised on February 18, 2014. A Pre-Bid meeting and jobsite tour were conducted on February 28, 2014 with 7 prospective bidders attending. There were two (2) Addenda issued for this Contract. The following 4 Bids were received and publicly opened on March 18, 2014.

BIDDER

TOTAL BID

Blocka Construction, Inc.	Fremont, CA	\$2,835,000.00
Cal Electro, Inc.	Redding, CA	\$3,805,000.00
Shimmick Construction Co., Inc	. Oakland, CA	\$4,580,000.00
DMZ Builders	Concord, CA	\$4,797,500.00
Engineer's Estimate		\$3,353,448,00

Bids were evaluated and staff determined that the apparent low Bid submitted by Blocka Construction, Inc. of Fremont, CA is responsive to this solicitation. Further examination of business experience and financial capabilities of Blocka Construction, Inc. has resulted in the determination that the Bidder is responsible and the Bid of \$2,835,000.00 submitted by Blocka Construction, Inc. is fair and reasonable based upon sufficient price competition.

DBE GOAL:

This contract was advertised pursuant to the revised DBE Program requirements. The Office of Civil Rights reviewed the scope of work for this contract and determined that there were no subcontracting opportunities; therefore, no DBE participation goal was set for this contract.

FISCAL IMPACT:

Funding of \$2,835,000 for the award of Contract 15EI-160 is included in the total project budget for FMS #15EI600 – 34.5Kv Rectifier – Transformer. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since October 2012, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund Number	Fund Description	Fund Source	Funded Amount
3001	FY11 Capital Improve FG MOD	FTA	1,200,000
3401	FG MOD - FY 12 Capital Improve	FTA	800,000
347X	FTA CA-05-0211-00 FY06	FTA	3,200,000
347Z	FTA CA-05-0216-00 FY07 FG MOD	FTA	101,273
6018	FY11-12 Prj Match MTC Res#4044	Regional	200,000
850W	FY00-06 Capital Alloc	BART	800,000
850Z	Capital Mainten. Alloc	BART	53,450
851W	FY07-11 Capital Alloca	BART	77,685
8523	Cap Surchrg-Statn 2 St	BART	300,000
Total			6,732,408

As of April 1, 2014, \$6,732,408 is the total budget for this project. BART has expended \$175,907, committed \$839,300 and reserved \$250,000 to date for other actions. This action will commit \$2,835,000 leaving an available fund balance of \$2,632,201 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject all bids and re-advertise the Contract. It is staffs' opinion that rejecting the Bids and re-advertising the Contract is not likely to result in better pricing and would delay this critical ongoing replacement.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Contract No. 15EI-160, for Substations CNC, ANA, WCR, CER, LRT, LEC, LSR 34.5KV Transformers Upgrade and Replacement to Blocka Construction, Inc. for the Bid price of \$2,835,000.00 pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA's requirements related to protests.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO:

Board of Directors

DATE: April 18, 2014

FROM:

General Manager

SUBJECT: E&O Agenda Item #5.C: Regional Clipper Card Program Update - For Information

At the April 24, 2014 Board of Directors meeting, staff will present attached update on the regional Clipper fare collection program. If you have any questions about this presentation, please contact Chris Quinn at (510) 464-7539.

Attachment

cc:

Board Appointed Officers Deputy General Manager

Executive Staff