

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

BOARD MEETING AGENDA

April 25, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 25, 2013, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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 11, 2013.\* Board requested to authorize.
  
  - B. BART Accessibility Task Force Membership Appointment.\* Board requested to authorize.
  
3. ADMINISTRATION ITEMS  
Director Murray, Chairperson
  - A. Small Business Opportunity Plan: Update.\* For information.
  
4. ENGINEERING AND OPERATIONS ITEMS  
Director Fang, Chairperson
  - A. Sole Source Procurement with Dailey and Wells Communications for Harris Radio Equipment.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
  
  - B. Award of Contract No. 15PU-130, K-Line 34.5KV Cable Section Replacement between KTE and KWS Substations.\* Board requested to authorize.
  
  - C. Earthquake Safety Program: Update.\* For information.
  
  - D. Customer and Employee Safety.\* For information.
  
5. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Blalock, Chairperson
  - A. District Art Program.\* For information.
  
  - B. BART Metro: Update.\* For information.
  
6. GENERAL MANAGER'S REPORT

7. BOARD MATTERS

- A. Board Member Reports. For information.  
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)
- 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. 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.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant General Manager, Operations; and Rudolph Medina, Department Manager – Labor Relations.

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

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 1,675th Meeting  
April 11, 2013

A regular meeting of the Board of Directors was held April 11, 2013, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice President Keller presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, and Saltzman.

Absent: Director Murray. Director Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 28, 2013.
2. Award of Contract No. 15NX-110, Ashby and North Berkeley Stations Sidewalk and Wayfinding Improvements.

Director Raburn made the following motions as a unit. Director Mallett seconded the motions, which carried by unanimous acclamation. Ayes - 7: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, and Saltzman. Noes - 0. Absent - 2: Directors Murray and Radulovich.

1. That the Minutes of the Meeting of March 28, 2013, be approved.
2. That the General Manager be authorized to award Contract No. 15NX-110, Ashby and North Berkeley Stations Sidewalk and Wayfinding Improvements, to Golden Bay Construction, Inc., for the Bid price of \$1,183,400.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

Mr. Duron announced that the regular Board Meetings of May 23 and June 13, 2013, would be evening meetings, pursuant to a pilot program discussed at a previous Board Meeting.

Director Saltzman, Vice Chairperson of the Administration Committee, brought the matter of Revision to the San Francisco International Airport Premium Fare Program for Airport-Badged Employees before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, and Ms. Pamela Herhold, Financial Planning, presented the item.

President Radulovich entered the Meeting.

The item was discussed.

The following individuals addressed the Board.

Mr. Kevin O'Connell

Ms. Lidia Rodriguez

Director Keller moved that the General Manager be authorized to execute the Letter Agreement for the BART Ridership Incentive Program for Airport-Badged Employees, and that the agreement include conditions for good faith efforts during the Airport's next union negotiations to move from parking oriented to transit oriented transportation options. Director Blalock seconded the motion. Discussion continued. The item was continued to later in the Meeting.

Director Saltzman brought the matter of Agreements with Associated Right of Way Services, Inc. (Agreement No. 6M4186), Interwest Consulting Group (Agreement No. 6M4187), and Paragon Partners LTD (Agreement No. 6M4291) for On-Call Real Property Comprehensive Acquisition and Relocation Services, before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, presented the item. Director Blalock moved that the General Manager be authorized to execute Professional Services Agreements to provide On-Call Real Property Comprehensive Acquisition and Relocation Services, each for a five-year term and for an amount not to exceed \$1,000,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Federal Transit Administration requirements related to protests, with Associated Right of Way Services, Inc., Interwest Consulting Group, and Paragon Partners Ltd. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Murray.

Director Saltzman brought the matter of Amendment to Agreement No. 6M4268, with Veolia Transportation Services, Inc., to Utilize Thomas P. Hock for Chief Negotiator Services, before the Board.

Director Fang exited the Meeting.

Mr. Mau presented the item. Director McPartland moved that the General Manager or her designee be authorized to execute an amendment to Agreement No. 6M4268 with Veolia Transportation, Inc., to utilize Thomas P. Hock for Chief Negotiator services for the District's 2013 collective bargaining, in the amount of \$300,000.00. Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Fang and Murray.

Director Saltzman brought the matter of Fiscal Year 2014 Preliminary Budget Overview before the Board.

Director Fang re-entered the Meeting.

Mr. Mau; Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis; and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

The following individuals addressed the Board.

Ms. Rhea Davis  
Mr. John Arantes  
Ms. Leah Berlanga  
Mr. Ron Stief  
Ms. Claire Haas  
Mr. Tim Paulsen  
Ms. Jessie Comacho  
Mr. Jerry Grace  
Ms. Lidia Rodriguez  
Ms. Yuri Hollie

The item was discussed.

Director Saltzman brought the matter of Fiscal Year 2014 Preliminary Budget: Release Budget Pamphlet, Set Date for Public Hearing, and Suspend a Portion of Board Rule 5-1.2, before the Board.

Mr. Jerry Grace addressed the Board.

Director Keller made the following motions as a unit.

1. That staff be directed to publish a Budget Pamphlet for Fiscal Year 2014 to be available for distribution no later than April 22, 2013.
2. That a public hearing on the Fiscal Year 2014 Preliminary Budget be set for Thursday, May 23, 2013, in the Board Room.
3. That the Board approve the suspension of the requirement in Rule 5-1.2 that the Fiscal Year 2014 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

Director Blalock seconded the motions. Director Raburn requested that the motions be amended to include the requirement that the Budget Pamphlet be made available on the District's web site. The maker and seconder of the motions accepted the amendment. The motions, as amended, carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Murray.

Director Saltzman returned the matter of Revision to the San Francisco International Airport Premium Fare Program for Airport-Badged Employees to the Board. Director Keller, with the concurrence of the seconder of the motion, withdrew the motion which had been made earlier in the Meeting and moved that the General Manager be authorized to execute the Letter Agreement

for the BART Ridership Incentive Program for Airport-Badged Employees; and that the Board President be authorized to send a letter indicating the Board's concern regarding the Airport administration's lack of support for public transit; and that staff be directed to report on the program's impact on ridership; and that staff report on the Airport's actions as a result of the President's letter. Director Blalock seconded the motion.

Mr. Jerry Grace addressed the Board.

The motion carried by electronic vote. Ayes - 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Saltzman, and Radulovich. Noes - 1: Director Mallett. Absent - 1: Director Murray.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109, with R&L Brosamer, Inc., for Additional Costs for Extended Work Period (C.O. No. 117), before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. The item was discussed.

Director Fang exited the Meeting.

Director McPartland moved that the General Manager be authorized to execute Change Order No. 17, Additional Costs for Extended Work Period, in an amount of \$956,236.67, to Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109, with R&L Brosamer, Inc. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Fang and Murray.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 79HT-110, Civic Center, 19<sup>th</sup> Street and Downtown Berkeley Stations Site Hardening, with Blocka Construction, Inc., for Asbestos Abatement (C.O. No. 008 Part II), before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute Change Order No. 008 Part II, Asbestos Abatement, to Contract No. 79HT-110, Civic Center, 19<sup>th</sup> Street and Downtown Berkeley Stations Site Hardening, to Blocka Construction, Inc., in an amount not to exceed \$365,972.23. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Fang and Murray.

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

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. Ms. Crunican announced that BART Police would act as celebrity waiters at a Special Olympics Northern California fundraising event on April 17, 2013.

President Radulovich called for Board Member Reports.

Director Mallett reported he had attended various city council meetings, a meeting with United Contractors and the International Partnering Institute, meetings with mayors and city managers, and meetings with District staff.

Director Blalock reported he had attended a Valley Transportation Authority meeting, the Citizen Review Board meeting, and a meeting regarding the Dublin parking garage.

Director Keller reported he had participated in a briefing on the Fleet of the Future and had attended the Contra Costa Mayors Conference in Brentwood.

President Radulovich called for Roll Call for Introductions.

Director Keller exited the Meeting.

Director Mallett requested the development of a "Get to Know Your Director" campaign in stations and on board trains, and requested an assessment of costs, timing and feasibility.

Director Mallett requested sequential District phone numbers for Directors, with the final digit designating the District represented, and calls to the number directed to voicemail for personal response/communication by Directors. The request includes an assessment of costs and feasibility.

President Radulovich called for General Discussion and Public Comment.

The following individuals addressed the Board.

Ms. Antonette Bryant

Ms. Dana Mims

Mr. Jerry Grace

Mr. George Sergio Figueroa

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-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 12:17 p.m.

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The Board reconvened in closed session at 12:30 p.m.

Directors present: Directors Blalock, Mallett, McPartland, Raburn, Saltzman, and Radulovich.



Absent: Directors Fang, Keller, and Murray.

The Board Meeting recessed at 1:14 p.m.

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The Board reconvened in open session at 1:16 p.m.

Directors present: Directors Blalock, Mallett, McPartland, Raburn, Saltzman, and Radulovich.

Absent: Directors Fang, Keller, and Murray.

Director Raburn moved that effective June 30, 2013, each of the five Board-appointed officers receive the same one percent salary increase that eligible represented employees will receive pursuant to the terms of their 2009 – 2013 collective bargaining agreements, and that the Board President be authorized to execute any necessary amendments to the employment agreements recommended by the Associate General Counsel to incorporate this change. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 6: Directors Blalock, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes – 0. Absent – 3: Directors Fang, Keller, and Murray.

The Board Meeting was adjourned at 1:16 p.m.

Kenneth A. Duron  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeLuca</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>4/19/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Robert Franklin Dept: Customer Access <i>Bob Franklin</i> Signature/Date: <i>4/15/2013</i>	General Counsel <i>MB 4/19/13</i>	Controller/Treasurer <i>Appointed for S. Schmidt</i> <i>4/17/13</i> [ ]	District Secretary [ ]	BARC <i>Carl Mann</i> <i>4-17-13</i> [ ]
Status: Routed		Date Created: 04/05/2013		

TITLE:

### BART Accessibility Task Force New Member Appointment

NARRATIVE:

#### Purpose:

For the BART Board of Directors to consider appointing a newly nominated member, Mr. Don Queen, to the BART Accessibility Task Force (BATF).

#### Discussion:

BATF has been in existence since 1975 to advise staff and the Board regarding accessibility issues at BART. In 1998 the Board voted to restructure the BATF to be an advisory body appointed by the Board, and in 2001 approved by-laws developed by staff and the BATF.

The BATF by-laws adopted in 2001 provided for the BATF to be composed of up to eighteen members and five alternates who live or work in the BART service area selected by a committee of the BART Board and BATF members.

In 2009, the by-laws were amended to allow more flexibility in recruiting and appointing members. These changes also included the elimination of alternates. The changes were approved by the General Manager as authorized by the Board.

#### Candidate for BATF Membership:

Don Queen, a candidate for membership to the BATF, was endorsed by a unanimous vote by the members of the BATF that were present on March 28, 2013, and his membership request is now being submitted to the BART Board for final approval.

The process for new membership is as follows: The by-laws require that out of four consecutive meetings, an interested applicant must attend three and then apply for membership. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval.

Mr. Queen has met the above qualifications. This prospective candidate, if approved by the BART Board for BATF membership, will be officially seated as a member of the BATF on April 25, 2013 to serve until June 30, 2013, or when the BART Board announces appointments and reappointments for a new term, whichever occurs later.

If approved, the BATF will include eighteen members.

**Fiscal impact:**

The fiscal impact is the \$15 monthly stipend of travel for which members are eligible. The funding source is operating budget of the Customer Access and Accessibility Department.

**Recommendation:**

Appointment of Don Queen to the BATF.

**Alternatives:**

Do not make the appointment.

**Motion:**

The BART Board accepts the recommendation of the BATF and appoints the nominated candidate, Don Queen, for membership to the BATF for a term effective April 25, 2013 to June 30, 2013, or until the Board makes new appointments, whichever occurs later.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**Memorandum**

**TO:** Board of Directors

**DATE:** April 19, 2013

**FROM:** General Manager

**SUBJECT:** Administration Agenda Item #3.A: Small Business Opportunity Plan Update

Staff will provide an update on the Small Business Opportunity Plan Initiatives at the April 25<sup>th</sup> Board of Directors meeting. If you have questions, please contact Wayne Wong, Department Manager, Office of Civil Rights at (510) 464-6134.








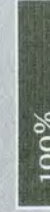



  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# Small Business Opportunity Plan



	Initiatives	Completion	Progress
1	OCR and Procurement involvement at the planning stages of all contracts and initial stages of change orders over \$100K. (Quinn, Oversier, Gomez, Wong)	November 2012	
2	Require a contracting plan for all projects. (Quinn, Oversier, Gomez, Wong)	November 2012	
3	Expand opportunities and participation of SBs in IFBs, MDDs and minor public works contracts. (Gomez, Wong)	December 2012	
4	Develop guidelines for unbundling. (Quinn, deVaughn, Gomez, Wong)	June 2013	
5	Explore the feasibility of an on-call pre-qualified list of construction contractors. (deVaughn, Gomez, Burrows)	June 2013	
6	Expand pre and post bid technical support for SBs. (Gomez, Wong)	June 2013	
7	Vendor Payment Tracking System. (Gomez, Wong)	March 2013	
8	OCR Standard Operating Procedures. (deVaughn, Wong)	January 2013	
9	Create training programs for construction management team. (Quinn, Oversier, Wong)	December 2012	
10	Implement Small Business Bonding Assistance Program. (Wong, Bridgeman)	March 2013	
11	Explore the feasibility of implementing enhancements to the Non-Discrimination in Subcontracting Program. (Gomez, Burrows, Wong)	November 2012	



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>4/17/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Melvin Ellis Jr Dept: M&E - Communications <i>Melvin Ellis Jr 4-12-13</i>	General Counsel <i>Audrey Kayes 4/12/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BART <i>[Signature]</i> <i>4/15/13</i>
Signature/Date:	[ ]	[ ]	[ ]	[ ]

TITLE:

### Sole-Source Procurement For Project 79LS000 Portable Radio Replacement

NARRATIVE:

**PURPOSE:** To obtain a Board finding by a two-thirds member vote that Dailey and Wells Communications is the single source of supply for Harris portable radios and that the purchase of this equipment is for the sole purpose of replacing outdated equipment in use at the District; and for the Board to authorize the General Manager to enter into negotiations and execute a sole source contract with Dailey and Wells Communications, in accordance with Public Contract Code Section 20227, to purchase portable radios pursuant to the requirements of Project 79LS000, Portable Radio Replacement.

**DISCUSSION:** BART currently operates with seven models of portable radios, most being placed in service in early 2000's. Three of the models are being replaced under a nation-wide Rebanding project funded by Sprint, but most of the other models have exceeded their expected life span and repair parts are difficult to obtain or are no longer available. Project 79LS000 will specifically replace the oldest radios that have a high failure rate with new model P7370. BART's existing 800 MHz radio system, manufactured by Harris Corporation, uses proprietary radio equipment. Harris is the sole manufacturer of the radio equipment compatible with BART's radio system. Dailey and Wells Communications is the only authorized distributor of Harris parts and equipment on the West Coast and is the sole source vendor for Harris radios.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Procurement contracts. Therefore, no DBE goal was set for this contract.

With this EDD, staff is proposing to purchase approximately 650 units of Harris portable radio model P7370.

The Office of the General Counsel will approve the contract as to form.

**FISCAL IMPACT:** Funding of \$2,200,000 for the award of portable radio procurement contract is included in the total project budget for the FMS #79LS000 – Portable Radio Replacement Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of March 14, 2013, \$2,200,000 is available for this project from the following sources:

Sole-Source Procurement For Project 79LS000 Portable Radio Replacement

Fund No.	Source	Fund Description	Amount
354R	Federal	CA-90-Y883 - FY10 Capital Projects	\$ 1,760,000
6017	Regional	Bridge Toll FY09-10 Alloc #10395402	\$ 440,000
		Total	\$ 2,200,000

BART has expended \$0, committed \$0, and reserved \$0 to date for other actions. This action will commit \$2,200,000 leaving an available fund balance of \$0 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:** The only alternative is to not replace the old and outdated portable radios and subject the District to operational delays and the potential for safety issues due to a lack of proper communication.

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

**MOTION:** The Board finds that in accordance with Public Contract Code 20227, Dailey and Wells Communications is the single source of supply for Harris radio equipment, the only equipment which is compatible with the BART 800 MHz radio system, and that this procurement is for the purpose of replacing old and outdated equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations with Dailey and Wells Communications and to execute a contract with Dailey and Wells Communications to provide approximately 650 units of model P7370 portable radios pursuant to the requirements of Project 79LS000, for a total price not to exceed \$2,200,000, including applicable taxes.

(Two-thirds vote required)



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alana de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 4/17/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Richard Pakulski Dept: Planning and Development - Systems <i>Richard Pakulski</i> Signature/Date: 4/17/13	General Counsel <i>MB 4/17/13</i>	Controller/Treasurer <i>[Signature]</i> 4/17/13	District Secretary [ ]	BARC <i>Paul Wenger</i> 4/17/13

TITLE:

### Award Contract No. 15PU-130 for K-Line 34.5kV Cable Section Replacement Between KTE and KWS Substations

#### NARRATIVE

To obtain Board authorization for the General Manager to award Contract No. 15PU-130, for K-line 34.5kV Cable Section Replacement Between KTE and KWS Substations, to Shimmick Construction Company, Inc.

#### Discussion:

This Contract is the third of three contracts funded under the BART Earthquake Safety Program to upgrade BART's 34.5kV sub-transmission system which supplies power to the traction power system.

Currently, the 34.5kV sub-transmission system which connects KTE and KWS substations consists of two forty year old, nitrogen filled cables, (KL and KR) which, because of age and design, would not be reliable in the event of a large magnitude earthquake. Damage to these cables would cause a power disruption to the traction power system which supports the Oakland Wye and a large section of the Transbay Tube. Upon completion of the work in Contract No. 15PU-130, one of the two cables will be replaced with a modern cable, featuring a seismic design that will withstand large magnitude earthquake.

Advance Notice to Bidders was mailed on November 12, 2012, to twenty-seven (27) prospective bidders, twenty-four (24) plan rooms, as well as to Minority Assistance Organizations. The Contract was advertised on November 14, 2012.

Contract No. 15PU-130 is a Security Sensitive Information (SSI) contract. All prime and sub contractors who participated in the bidding process for this contract signed a Nondisclosure Agreement for Release of Security Sensitive Information for Bidding Purposes. Copies of the contract documents were made available only to SSI qualified contractors. A total of six (6) firms/plan holders purchased copies of the Contract Documents.

A mandatory Pre-Bid Meeting and a site tour was held on Tuesday, February 19, 2013 and attended by six (6) prospective bidders. A matchmaking session was held on February 21, 2013.



A total of five (5) Bids were submitted and publicly opened on March 26, 2013.

The following Bids were received:

<b>Bidder</b>	<b>Location</b>	<b>Total Bid Amount</b>
<b>Shimmick Construction Co., Inc.</b>	Oakland, CA	<b>\$4,554,900</b>
Blocka Construction, Inc.	Fremont, CA	\$4,748,000
Cal Electro, Inc.	Redding, CA	\$4,776,000
Steiny and Company, Inc.	Vallejo, CA	\$4,905,900
LC General Engineering and Construction, Inc.	San Francisco, CA	\$4,922,183
<b>Engineer's Estimate</b>		<b>\$4,487,000</b>

The Contract documents include a provision for a 3% small business preference. Only one of the bidders, Cal Electro, Inc., is a certified Small Business Program (SBP) company. After adjustment for the 3% small business preference, Cal Electro, Inc.'s bid is higher than the apparent low bid submitted by Shimmick Construction.

The Bid submitted by Shimmick Construction Co., Inc. has been deemed to be responsive to the solicitation. Furthermore, staff's review of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$4,554,900 submitted by Shimmick Construction Co., Inc. is fair and reasonable.

Pursuant to the District's Nondiscrimination in Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Shimmick Construction Co., Inc., committed to subcontracting percentages of 65.91% MBE, and 34.09% WBE. The percentage of MBE and WBE refer to their percentages of total subcontracting. The Office of Civil Rights has determined that the Bidder has exceeded both MBE and WBE availability percentages for this Contract.

#### **FISCAL IMPACT:**

Funding for \$4,554,900 for award of Contract No. 15PU-130 is included in the total project budget for 15PU000, ESP 34.5kV Retrofit Work. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of April 1, 2013, \$42,490,000 is available for commitment from the proceeds of the General Obligation Bond for this project, with \$22,490,000 tracked in Fund 801F and \$20,000,000 tracked in 801J. BART has expended \$24,413,193 and encumbered \$1,413,037 to date. There are no other pre-encumbrances in BART's financial management system. This action will encumber \$4,554,900 leaving an available fund balance of \$12,108,870.

There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVE:**

The Board may decline to authorize award of this Contract. If the Contract is not awarded, the upgrading of the 34.5kV sub-transmission system will be delayed, leaving certain sections of the system vulnerable to loss of traction power after a catastrophic event such as an earthquake. The Board may also elect to reject all Bids and direct staff to readvertise. This would result in additional cost and time, but may not result lower bids.

**RECOMMENDATIONS:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award Contract No. 15PU-130, for K-Line 34.5kV Cable Section Replacement Between KTE and KWS Substations, to Shimmick Construction Co., Inc., for the Bid price of \$4,554,900, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

**FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM**

PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 4/15/13	REMARKS
<b>ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT</b>			
GEC (Bechtel Team)	\$105,000,000	\$257,500,000	
Other GEC	\$81,478,000	\$0	
<b>Subtotal GEC</b>	<b>\$186,478,000</b>	<b>\$257,500,000</b>	
CM	\$61,498,000	\$75,100,000	
Environmental	\$1,042,796	\$2,198,237	
<b>TOTAL E, E &amp; CM</b>	<b>\$249,018,796</b>	<b>\$334,798,237</b>	
<b>CONSTRUCTION</b>			
<b>Transbay Tube</b>			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
<b>San Francisco Ferry Plaza</b>			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$11,000,000	
Stitching	\$82,962,000	\$0	
Additional TBT Retrofits	\$0	\$166,500,000	
<b>Aerial Guideways</b>			
West Oakland/North Oakland	\$112,923,000	\$72,300,000	
Fremont	\$178,224,000	\$44,400,000	
Concord	\$36,500,000	\$12,370,889	
Richmond	\$80,155,000	\$34,800,000	
San Francisco/Daly City	\$36,590,000	\$9,600,000	
<b>Stations (18)</b>	<b>\$126,961,000</b>	<b>\$78,700,000</b>	
<b>Other Structures</b>			
LMA	\$5,529,000	\$12,100,000	
Yds & Shops	\$12,436,000	\$19,500,000	
Parking Structures	\$14,437,000	\$14,600,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$42,490,000	
<b>Systems</b>	<b>\$7,066,000</b>	<b>\$17,500,000</b>	
<b>TOTAL CONSTRUCTION</b>	<b>\$909,469,000</b>	<b>\$553,368,832</b>	
<b>PROGRAM COSTS</b>			
Program Costs ( Hazmat, ROW, Consult, Staff)	\$159,894,204	\$220,800,000	
Add Auth to Execute Agrmt w/Public & Private Entities		\$5,000,000	
Contingency	\$32,104,000	\$139,373,088	
<b>TOTAL PROGRAM COSTS</b>	<b>\$191,998,204</b>	<b>\$365,173,088</b>	
<b>BASELINE FUNDING</b>	<b>\$1,350,486,000</b>		
<b>REVISED FUNDING</b>		<b>\$1,253,340,157</b>	
		<b>\$1,221,275,376</b>	Adopted Funding
		<b>\$32,064,781</b>	Outside Adopted Funding
<b>15PU000 - 34.5KV Retrofit Work</b>			
Total Hard Costs	\$26,185,500	\$23,640,972	
Total Soft Costs	\$14,295,001	\$10,962,749	
Soft Cost/Hard Cost Ratio	55%	46%	

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** April 19, 2013

**FROM:** General Manager

**SUBJECT:** E&O Item #4.C: Earthquake Safety Program Project Update

At the April 25, 2013 Board of Directors meeting, staff will present the attached update on the Earthquake Safety Program.

If you have any questions about this presentation, please contact Chris Quinn at (510) 464-7539 or Tom Horton at (510) 287-4978.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**Memorandum**

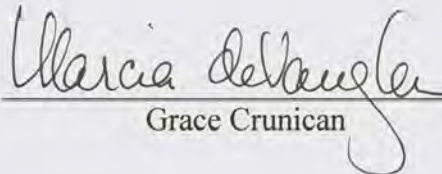
**TO:** Board of Directors

**DATE:** April 19, 2013

**FROM:** General Manager

**SUBJECT:** E&O Agenda Item 4.D: Customer and Employee Safety – For Information

At the April 25<sup>th</sup> Board of Directors meeting, staff will discuss actions and initiatives that have been taken or are underway to improve customer and employee safety. This informational presentation will include communications, training, and strengthening relationships among District staff and with outside agencies.

  
Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

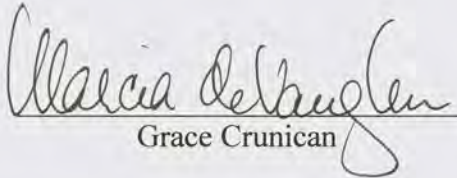
**DATE:** April 19, 2013

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda Item #5.A: District Art Program

Staff will discuss the District Art Program at the April 25<sup>th</sup> Board meeting as an information item that will be a vision for the future of how art will be an essential part of the overall revitalization of BART stations and a vital component of the Station Program. Staff will discuss how other transit agencies around the world and across the nation have used art to enhance place-making and to transform station environments.

Topics to be covered will include: Improved Customer Experience, Increased Station Activity, Development of a System-wide Vision, Building Public/Private Partnerships, Revitalizing Stations to Reflect Community, Various Types of Art (Temporary, Exhibits, and Performance), and Funding Opportunities.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** April 19, 2013

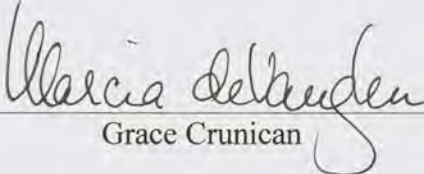
**FROM:** General Manager

**SUBJECT:** PPAAL Agenda Item #5.B: BART Metro Update

On April 25th, BART staff will provide an update of the BART Metro Vision Study. In 2012, the BART Board directed staff to prepare a project performance/cost effectiveness assessment of capacity, infill, and system expansion projects identified as viable candidate projects. The assessment will also consider critical state of good repair investments. Staff will provide an overview of the study approach, and an update on progress to date.

This is part one of a two-part discussion on evaluation criteria and metrics. Staff is seeking Board input as the evaluation process is initiated, and will return for additional input on evaluation criteria this summer.

If you have any questions, please feel free to contact Val Menotti at (510) 287-4794.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff