

BOARD MEETING AGENDA

May 8, 2014
9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 8, 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 BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. PUBLIC HEARING

- A. Modifications to South Hayward Parking Fee Program as Recommended by South Hayward Joint Powers Authority Board.*

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of April 24, 2014.* Board requested to authorize.
- B. Award of Contract No. 15QL-110, Maintenance Yards Surface Improvement – OHY.* Board requested to authorize.
- C. Award of Contract No. 15SV-120, BART Earthquake Safety Program Seismic Retrofit Miscellaneous Structures.* Board requested to authorize.

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

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Johnson et al. vs. BART, U.S. District Court / Northern District Case No. C09-00901
Government Code Section: 54956.9(a)

5. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Approval of BART to Oakland International Airport Project New Fare and New Service Title VI Equity Analysis.* Board requested to authorize.
- B. Fiscal Year 2015 Preliminary Budget Operating Sources, Uses, and Service Plan.* For information.

6. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 04SF-130, Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes.* Board requested to authorize.

- B. Award of Contract No. 59CT-110A, Wayfinding Improvements Phase II.* Board requested to authorize.
 - C. Train Control Modernization Project Update.* For information.
 - D. Quarterly Performance Report, Third Quarter Fiscal Year 2014 - Service Performance Review.* For information.
7. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson
- A. Downtown Berkeley Bike Station One-Year Lease Extension.* Board requested to authorize.
 - B. Reconciliation of South Hayward BART Station Access Authority Implementation of Action Plan, including Parking Fees.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
 - C. BART Vision Update.* For information.
8. GENERAL MANAGER'S REPORT
- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of June 11, 2014.* For information.
9. CONTROLLER/TREASURER'S REPORT
- A. Quarterly Report of the Controller/Treasurer.* For information.
10. 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 Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)
11. 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 1,707th Meeting
April 24, 2014

A regular meeting of the Board of Directors was held April 24, 2014, convening at 5:02 p.m. in the Board Room, 344 20th Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Mallett, Murray, Raburn, Saltzman, and Keller.

Absent: Director McPartland. Directors Fang and Radulovich entered the Meeting later.

President Keller called for Introduction of Special Guests. General Manager Grace Crunican introduced and welcomed Miss Raven Rainey, attending as part of Take Our Daughters and Sons to Work Day.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meeting of April 10, 2014.

Director Blalock moved that the Minutes of the Meeting of April 10, 2014, be approved. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 6: Directors Blalock, Mallett, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent - 3: Directors Fang, McPartland, and Radulovich.

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

President Keller called for Public Comment. The following individuals addressed the Board.

Mr. Milo Hanke
Mr. David Armstrong
Mr. Kevin Bard
Ms. Karen Hester
Mr. Harold Friedman
Mr. Hale Zukas

Director Radulovich entered the Meeting.

Vice President Blalock, in the absence of the Chairperson and Vice Chairperson of the Engineering and Operations Committee, brought the matter of East Contra Costa County BART Extension: Award of Contract No. 04SF-140, Procurement of eBART Vehicles, before the Board. Mr. Ric Rattray, eBART Project Manager, presented the item. The item was discussed.

Director Fang entered the Meeting.

Director Mallett moved that the Board find that Stadler Bussnang, AG's, proposal is most advantageous to the District with price and other factors considered; and that the General Manager be authorized to award Contract No. 04SF-140, Procurement of eBART Vehicles, to Stadler Bussnang, AG, for the Total Base Order Best and Final Offer (BAFO) Proposal Price of \$58,124,419.00, plus applicable taxes, for the Base Order Items; and that the General Manager be authorized to exercise Option 3, for Primary Spare Parts, for the Total Option 3 BAFO Proposal Price of \$1,521,577.00, plus applicable taxes, and Option 4, for Secondary Spare Parts, for the Total Option 4 BAFO Proposal Price of \$1,918,232.00, plus applicable taxes, and Option 5 for Miscellaneous Spare Parts, for the Total Option 5 BAFO Proposal Price of \$1,926,799.00, plus applicable taxes, subject to certification from the Controller-Treasurer of the availability of funding; and that should the District choose to exercise Option 1, for two additional vehicles, for the Total Option 1 BAFO Proposal Price of \$16,640,000.00, plus applicable taxes, and/or Option 2, for four additional vehicles, for the Total Option 2 BAFO Proposal Price of \$29,200,000.00, plus applicable taxes, staff would return to the Board for authorization. Director Murray seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Mallett, Murray, Raburn, and Keller. Noes – 2: Directors Radulovich and Saltzman. Absent – 1: Director McPartland.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of New Employee Relocation Expense Reimbursement before the Board. Ms. Patrice McElroy, Human Resources Program Manager, presented the item. The item was discussed. Director Blalock moved 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 \$18,000.00, consistent with management Procedure No. 70, New Employee Relocation Expense Reimbursement. Director Radulovich seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 1: Director Mallett. Absent – 1: Director McPartland.

Director Saltzman brought the matter of Agreement with Alameda-Contra Costa Transit District for Feeder Service Payments for Fiscal Year 2015 – Fiscal Year 2020 before the Board. Ms. Mariana Parreiras, Access Coordinator, Transit and Shuttles, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute the Fiscal Year 2015 through Fiscal Year 2020 BART/AC Transit Feeder Payment Agreement between AC Transit and the San Francisco Bay Area Rapid Transit District for Fiscal Year 2015 through Fiscal Year 2020. Director Radulovich seconded the motion. Discussion continued. The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Mallett, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0. Absent – 1: Director McPartland.

Director Saltzman brought the matter of Fiscal Year 2015 Preliminary Budget: Overview, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis; and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item. The item was discussed.

Mr. Chris Finn addressed the Board.

Director Saltzman brought the matter of Fiscal Year 2015 Preliminary Budget: Release Budget Pamphlet, Set Date for Public Hearing, and Suspend a Portion of Board Rule 5-1.2, before the Board. Director Murray moved the following motions as a unit.

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. That the Board approve the suspension of the requirement in Rule 5-1.2 that the Fiscal Year 2015 tentative budget first be studied and considered by the Administration Committee prior to submission to the Board of Directors.

Director Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Mallett, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0. Absent – 1: Director McPartland.

Director Saltzman brought the matter of BART to Oakland International Airport Project Operating Financial Outlook before the Board. Ms. Pamela Herhold, Financial Planning, presented the item.

Mr. Joel Ramos addressed the Board.

The item was discussed.

Mr. Jeff Hobson addressed the Board.

Director Fang, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EI-160, Substations CNC, ANA, WCR, CER, LRT, LEC, LSR 34.5KV Transformers Upgrade and Replacement, before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering, presented the item. Director Mallett moved that the General Manager be 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 Federal Transit Administration's requirements related to protests. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Mallett, Murray, Raburn, Radulovich, Saltzman, and Keller. Noes – 0. Absent – 1: Director McPartland.

Director Fang brought the matter of Regional Clipper® Card Program Update before the Board. Ms. Chris Quinn, Chief Extensions Officer, presented the item.

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

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. Crunican reported on steps she had taken and activities and meetings she had participated in, and she reminded the Board of upcoming events.

Ms. Crunican gave a presentation on Proposed Roll Call for Introductions Procedure. The item was discussed.

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

Director Murray reported she had attended a BART to Oakland International Airport Project tour, a Contra Costa Transportation Authority Meeting.

Director Blalock reported he had attended the Fleet of the Future event in Fremont and the Alameda County Transportation Commission meeting.

Director Saltzman reported she had attended the unveiling of the Fleet of the Future train car and the Transform Summit in Sacramento.

Director Saltzman gave a brief report on the April 23, 2014, meeting of the Labor Negotiations Review Ad Hoc Committee.

Director Raburn reported he had attended Fleet of the Future events, the Transform Summit, and the Bay Area Business Roundtable.

Director Mallett reported he had visited many stations and a Fleet of the Future event.

President Keller announced that the Board would adjourn in memory of former Director Robert S. Allen's wife, Thelma Allen, and Ralph Garrow, Sr.

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

The Board Meeting was adjourned at 8:22 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeKruze</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to May 8, 2014 E&O Committee meeting		
DATE: c 5/1/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: M&E <i>Hamed Tafaghodi</i> Signature/Date: 4/30/14	General Counsel: <i>Audrea Powell</i> 4/30/14	Controller/Treasurer: <i>[Signature]</i>	District Secretary: []	BARC: <i>Paula [Signature]</i> 5/1/14

TITLE:

Award Contract No. 15QL-110 Maintenance Yards Surface Improvement-OHY

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15QL-110, Maintenance Yards Surface Improvement-OHY to Bay Cities Paving & Grading, Inc. of Concord, California.

DISCUSSION:

The work of this contract consists of providing all labor, equipment, materials, and services required for repaving the access road to the existing Hayward maintenance facilities from Sandoval Way to the south side of Hayward Training Center building, a distance of approximately 0.55 mile, repaving the damaged and cracked pavement areas of the employee parking lots and repairing / repaving selected segments of Yard's interior access roads and selected Yard's surface areas as requested by Shop managers and as indicated in the contract documents. This contract has one option to fully repave and restripe the north employee parking lot which is used the most and is located adjacent to the Shop's main entrance. This option was created for cost control. However, staff recommends exercising the option since funds are now available to cover the cost of the option. This is the first paving project in the District using rubberized asphalt paving material. The new standard specifications which were developed for use of rubberized asphalt in this project will be incorporated into the next version of BART Facilities Standards (BFS). The paving material specified contains Terminal Blend (industry term) rubberized asphalt product. It utilizes 12 pounds of recycled tire rubber, equivalent to two recycled passenger car tires, per ton of paving material mix. Approximately 5000 tons of material will be used in this project. In addition 15% of the aggregate (by weight) used in the material mix comes from recycled asphalt thus, enhancing its environmental benefits and reducing material cost.

Advance Notice to Bidders was e-mailed and mailed on January 22, 2014 to two hundred and twenty-six (226) prospective Bidders. Contract Books were mailed to twenty-three (23) plan rooms. The Contract was advertised on January 21, 2014. A pre-bid meeting was held on February 5, 2014, with fourteen (14) prospective Bidders attending the meeting. Eighteen (18) plan holders purchased the Contract Book.

The following four (4) Bids were received on March 11, 2014:

No	BIDDER	CALIFORNIA LOCATION	TOTAL BASE BID(\$)	TOTAL BID WITH OPTION(\$)
1	Bay Cities Paving & Grading, Inc.	Concord	1,030,000.00	1,179,500.00
2	America Asphalt	Hayward	1,160,109.00	1,289,207.00
3	J.A Gonsalves & Son Construction, Inc.	Napa	1,389,449.00	1,589,452.00
4	L C General Engineering and Construction, Inc.	San Francisco	2,272,248.00	2,513,248.00
	Engineer's Estimate		1,284,766.00	1,407,546.00

After review by District staff, the Bid submitted by Bay Cities Paving & Grading, Inc. (Bidder) has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Total Bid of \$1,179,500.00, comprised of the Base Bid and the Option, is approximately 19% below the Engineer's Estimate and is fair and reasonable.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The Bidder committed to 0% MBE and 79% WBE. The Bidder did not meet the MBE percentage therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this contract for Small Businesses (SB) certified by the California Department of General Services (DGS). It was determined that there were no DGS SB certified firms among the responsive bidders and therefore the Small Business Program will not alter the award to Bay Cities Paving & Grading, Inc.

FISCAL IMPACT:

Funding of \$1,179,500.00 for the award of Contract No. 15QL-110 is included in the total project budget for FMS 15QL-000. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 4/20/14, \$2,150,000.00 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
851W	FY2007-11 Capital Allocation	1,750,000.00
8525	FY2013 Capital Allocation	400,000.00
		2,150,000.00

BART has expended \$100,053.48, committed \$0.00 and reserved \$400,000.00 to date for other actions. This action will commit \$1,179,500.00 leaving an available balance of \$470,446.52 in this project funding.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received. The ensuing delay of this refurbishing work if it has to be rebid will potentially result in costlier repairs.

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

MOTION: The General Manager is authorized to award Contract No. 15QL-110, Maintenance Yards Surface Improvement- OHY, to Bay Cities Paving & Grading, Inc. of Concord, California, for the Bid price of \$1,030,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise the Option Bid price of \$149,500.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors	
DATE: <i>4/30/14</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Hong Mei Dept. Department of Planning and Development - Earthquake Safety Program	General Counsel <i>[Signature]</i> 4/30/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i> BART <i>[Signature]</i> 4/30/14
Signature/Date: <i>[Signature]</i>	[]	[]	[]
Status: Approved		Date Created: 04/22/2014	

TITLE:

Contract No. 15SV-120 Earthquake Safety Program Seismic Retrofit - Miscellaneous Structures

NARRATIVE:

PURPOSE:

To obtain the Board's authorization for awarding Contract No. 15SV-120, Earthquake Safety Program, Seismic Retrofit - Miscellaneous Structures to Ashron Construction and Restoration, Inc.

DISCUSSION:

As part of BART's Earthquake Safety Program, Contract No. 15SV-120 will provide:

1. Structural and related work consisting of bracing existing elevator towers and adjacent structures at three (3) District-owned parking structures at Concord, Walnut Creek and El Cerrito Del Norte Stations.
2. Installation of Metal Enclosures for bird deterrents at Four (4) locations of Concord, El Cerrito Del Norte, El Cerrito Plaza, and Rockridge Stations.
3. Installation of seismic restraints and replacement of existing acoustical ceiling at Lake Merritt Administration (LMA) Building Central Computer Room.

The District sent out 274 Advance Notices on February 6, 2014. The Contract was advertised on February 10, 2014 and Contract Books were sent to 26 plan rooms. A total of 19 firms purchased copies of the Bid Documents. A Pre-Bid meeting and Jobsite tour were conducted on March 5, 2014 with a total of 17 potential Bidders in attendance. A total of one (1) Addendum was issued during the Bid period. Two (2) Bids were received and publicly opened on Tuesday, April 8, 2014.

Tabulation of the Bids, including the Engineer's Estimate, is as follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT</u>
1. Ashron Construction and Restoration, Inc.	Milpitas, CA	\$1,037,715.00
2. Proven Management, Inc.	San Francisco, CA	\$1,949,000.00

Engineer's Estimate

\$1,250,000.00

The apparent low bid submitted by Ashron Construction and Restoration, Inc. (Ashron) was deemed responsive to the solicitation. A mathematic summation error was found in Ashron's Bid which reduced the amount of Ashron's original Bid Price by \$600 from \$1,038,315.00 to \$1,037,715.00. The Bid Price was determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Bidder committed to 58% MBE and 12.9% WBE participation. The Office of Civil Rights has determined the apparent low Bidder has exceeded both the MBE and WBE availability percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive low Bidder, Ashron, is a certified Small Business making it eligible for the preference. Since Ashron is the lowest responsive Bidder, and is eligible for the 5% Small Business preference, the application of the Small Business Program will not alter the award to Ashron.

FISCAL IMPACT:

Funding of \$1,037,715 for award of Contract No. 15SV-120 is included in the total project budget for the FMS #15SV000, ESP- Site Restoration Outside Core. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds needed to meet this request will be expended from a combination of these sources as listed:

F/G 801F - ESP GO Bond	\$7,568,197
F/G 801J - ESP GO Bond	\$6,500,000
Total	\$14,068,197

As of April 17, 2014, \$14,068,197 is the total budget for this project. BART has expended \$7,666,541 and committed \$1,855,100 and reserved \$271,000 to date for other actions. This action will commit \$1,037,715 leaving an available fund balance of \$3,237,841 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid will require expenditure of additional District costs and is not likely to result in better pricing. Moreover, a rebid will result in delay on performing the required seismic retrofit work. There is no assurance that the Bids on a re-solicitation would be lower than those now available for Award.

The Board may reject all Bids and not award a Contract. If no Contract is awarded, BART will be unable to complete the seismic retrofit of miscellaneous structures identified at this time, creating risks for these facilities if an earthquake occurs.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15SV-120, Earthquake Safety Program Seismic Retrofit - Miscellaneous Structures to Ashron Construction and Restoration, Inc. for the Bid Price of \$1,037,715.00 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 4/28/14	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$257,500,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$257,500,000	
CM	\$61,498,000	\$75,100,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$334,798,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
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	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$72,300,000	
Fremont	\$178,224,000	\$45,700,000	
Concord	\$36,500,000	\$12,370,889	
Richmond	\$80,155,000	\$34,800,000	
San Francisco/Daly City	\$36,590,000	\$9,600,000	
Stations (18)	\$126,961,000	\$78,700,000	
Other Structures			
LMA	\$5,529,000	\$12,100,000	
Yds & Shops	\$12,436,000	\$19,500,000	
Parking Structures	\$14,437,000	\$14,600,000	
Miscellaneous Cleanup		\$1,383,395	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$42,490,000	
Systems	\$7,066,000	\$17,500,000	
TOTAL CONSTRUCTION	\$909,469,000	\$556,052,227	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$220,800,000	
Add Auth to Execute Agrnt w/Public & Private Entities		\$5,000,000	
Contingency	\$32,104,000	\$192,789,693	
TOTAL PROGRAM COSTS	\$191,998,204	\$418,589,693	
BASELINE FUNDING	\$1,350,486,000		
REVISED FUNDING		\$1,309,440,157	
		\$1,221,275,376 Adopted Funding	
		\$32,064,781 Outside Adopted Funding	

Soft Cost/Hard Cost Ratio = 84%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marco DeLuca</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 5/1/14		BOARD INITIATED ITEM: No			
Originator/Prepared by: Rachel Russell Dept: OCR <i>Rachel Russell</i> Signature/Date: 5/1/2014	General Counsel <i>Andrew Keefe</i> 5/1/14	Controller <i>Mark...</i> 5/1/14	Treasurer <i>S. Sch...</i> []	District Secretary []	BARC <i>...</i> 5-1-14 []
Status: Approved		Date Created: 04/21/2014			

TITLE:

BART-to-Oakland International Airport Project Title VI Equity Analysis

NARRATIVE:

Purpose:

To request Board approval of the BART-to-Oakland International Airport Project Title VI Equity Analysis (Project Analysis).

Background:

The Federal Transit Administration (FTA) Title VI Circular 4702.1B (Title VI Requirements and Guidelines for Federal Transit Administration Recipients [Circular], October 1, 2012) requires that the District conduct a Title VI Service and Fare Equity Analysis (Title VI Equity Analysis) 6 months prior to revenue service. This analysis determines whether a project's fare and service will have a disparate impact on minority populations or a disproportionate burden on low-income populations based on the District's Disparate Impact and Disproportionate Burden Policy (DI/DB Policy) adopted by the Board on July 11, 2013 which followed extensive public participation.

Discussion:

The BART-to-Oakland International Airport Project (Project) is a 3.2 mile Automated Guideway Transit (AGT) system which will provide a rapid transit link between the Coliseum Station and the Oakland International Airport Station (OAK). Currently, the AirBART bus service operates between OAK and the Coliseum Station. The Project is a new service and once revenue service begins, AirBART will cease operations.

The Project will not result in any reductions or adverse changes to existing BART service.

Current AirBART Fare:

The current fare for the AirBART bus service is \$3.00. Children (12 and under), seniors (65 and over), and persons with disabilities now pay a discounted AirBART fare of \$1.00. Oakland International Airport (OIA) employees currently pay a discounted AirBART fare of \$2.00.

Project New Fare:

When revenue service commences, the BART fare charged to travel to OAK will consist of the Project fare plus the existing BART fare between Coliseum Station and the riders origin or destination station. The District is considering values for the Project fare that include the following:

- 1) A fare that starts at the lower end, perhaps \$4.00, and rises on a regular, pre-planned basis to \$5.00 and then increases to \$6.00 in 2017.
- 2) A fare that starts higher, for example \$5.00, but remains at that level for a longer period of time, potentially through 2017.

Project New Fare Discounts:

Children (12 and under), seniors (65 and over), and persons with disabilities will receive the existing BART discount rate of 62.5% off the Project fare.

As a separate action, staff intends to return to the Board with a recommendation that OIA employees continue to receive the existing discount by paying a \$2.00 Project fare.

Public Participation:

Staff conducted extensive and inclusive multilingual public participation during the development of the Project Analysis. From March 3 through March 7, 2014, 8 outreach events were held concurrently at both the Coliseum Station and at the AirBART drop-off at the OIA. Multilingual handouts and comment forms were distributed to collect demographic data and public opinion on the new service and new fare value options. Handouts and comment forms were made available in English, Spanish, Chinese, Korean and Vietnamese. Handouts and comment forms intended specifically for OIA employees were also distributed and were translated into four languages: Spanish, Chinese, Korean and Vietnamese. Handouts and comment forms were also made available on the BART website. Online access to these handouts and comment forms were advertised through social media the passenger bulletin and the Destination Station Signage (DSS). Moreover, input was sought from BART's Title VI/EJ and Limited English Proficiency (LEP) Advisory Committees.

As a result of the public participation efforts, 655 surveys were collected, including 22 from LEP individuals, 119 from OIA employees and 85 from online respondents. Additional information on the District's public participation efforts is included in the Project Analysis.

Title VI Fare and Service Methodology:

Pursuant to the Circular, BART staff developed a Service Methodology and Fares Methodology to conduct the Title VI Equity Analysis. The FTA concurred on BART's Fare Methodology in May 2013 and on BART's Service Methodology in January 2014. These methodologies were used to determine impacts on minority and low-income (protected) populations and non-minority and non-low-income (non-protected)

populations.

For fares, the FTA requires that recipients use survey data only. BART's 2012 Customer Satisfaction Survey and the 2013 AirBART On-board Ridership Survey were used to conduct the New Fare Analysis. The New Fare Analysis includes a demographic assessment which compares the proportion of protected riders using the Project to BART's systemwide protected ridership.

The New Service Analysis includes both a demographic assessment and travel time assessment. For the demographic assessment, two approaches were used. The first approach uses census data to compare the proportion of protected populations using the Project to the protected populations in BART's 4-county service area. The second approach uses survey data to compare the proportion of protected riders using the Project to BART's systemwide protected ridership. The analysis considers ridership for the new service as well as ridership for any existing lines whose service will change because of the new service to determine whether, on balance, protected riders experience a disproportionate, adverse impact as a result of the new service. The travel time assessment for BART's systemwide population uses census data to estimate the average systemwide travel times before and after the new service commences and compares travel times for protected riders to travel times for non-protected riders.

Disparate Impact and Disproportionate Burden (DI/DB):

The District's DI/DB Policy threshold of 10% for new fare and new service is applied to the results of the fare and service assessments to determine if proposed changes will have a disparate impact on minority populations or riders or a disproportionate burden on low income populations or riders.

Title VI Analysis Results

For the fare analysis, the results of the demographic assessment indicate there are fewer minority and low-income Project riders affected by the new fare options than minority and low-income riders systemwide. The Project's proportion of minority and low-income riders (36.5% and 17% respectively) is lower than the proportion of minority and low-income riders systemwide (62.3% and 33.6% respectively), and the difference in ridership (-25.8% and -16.6% respectively) between the Project's proportion of protected riders and the systemwide proportion of protected riders does not exceed the 10% DI/DB Policy threshold. Because of the relatively low percentage of protected riders' for the Project, protected riders will not be disproportionately impacted by the Project's new fare. Thus, minority riders will not experience a disparate impact and low-income riders will not experience as disproportionate burden with the fare options associated with the Project.

With respect to the service analysis and the demographic assessment, under the census data approach, the results show that the level of protected ridership using the new Project service is substantially equivalent to BART's overall level of protected ridership. The minority and low-income ridership of the Project (53.7% and 27.4% respectively) is compared to systemwide averages (59.4% and 24.7% respectively), and the difference in protected ridership levels between the Project and BART system

does not exceed the 10% threshold identified in the DI/DB Policy.

The demographic analysis using survey data similarly shows fewer protected riders using the new Project service compared to BART's overall protected ridership. In this scenario, the minority and low-income ridership of the Project (36.5% and 17% respectively) is compared to systemwide averages (62.3% and 33.6% respectively), and the protected ridership of the Project is less than that of systemwide ridership by -25.8% and -16.6% respectively. However, the Service Methodology requires consideration not only of ridership on the new service but also of ridership on any existing lines whose service will change because of the new service. Here, because the Project will result in no reductions or adverse changes to existing BART service, on balance, protected riders will not experience a disproportionate, adverse impact as a result of the new service.

The service analysis travel time assessment concluded that protected and non-protected riders are expected to experience almost equal reduction in travel time.

In accordance with the Circular, the report also examined BART's other recent capital expansions which were found to substantially serve minority and low-income riders.

Title VI Analysis Findings:

The results of the Project Analysis indicate that the Project will not result in a disparate impact to minority riders or a disproportionate burden on low-income-riders.

Staff seeks Board approval of the Project Analysis. The Project Analysis is available at the following link: <http://www.bart.gov/guide/titlevi>.

Fiscal Impact:

Board approval of the Project Analysis is required before Project revenue operations can begin.

Alternatives:

Do not approve the Project Analysis. If the Board does not approve the Project Analysis, the Project will not be in compliance with Title VI requirements.

Recommendation:

Approval of the following motion.

Motion:

The Board of Directors approves the BART-to-Oakland International Airport Project Title VI Equity Analysis.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors for Action			
DATE: c 5/2/14		BOARD INITIATED ITEM: No			
Originator/Prepared by: Olga Perez Dept: P&D	General Counsel	Controller/Treasurer	District Secretary	BART	
<i>[Signature]</i> Signature/Date: 4/30/14	<i>[Signature]</i> 4/30/14	<i>[Signature]</i>		<i>[Signature]</i>	

Award of Contract No. 04SF-130 for Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes

NARRATIVE:

PURPOSE

To obtain Board authorization for the General Manager to Award Contract No. 04SF-130, Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes to Stacy and Witbeck/Amoroso/Modern Railway Systems, a Joint Venture, and authorization for the General Manager to exercise Options 1, 2, and 3 for the Pittsburg Civic Center Station, Y1 and Y2 track extensions, and Maintenance of Way track, respectively.

DISCUSSION

Contract No. 04SF-130 provides for the construction of trackwork, systems, and facility finishes for the East Contra Costa BART (eBART) Project and three Options. Option 1 for the construction of the Pittsburg Civic Center Station, Option 2 for the construction of Y1 and Y2 track extensions, and Option 3 for the construction of the Maintenance of Way track.

The eBART Project consists of an approximately ten-mile extension of the BART System, using Diesel Multiple Unit (DMU) technology, from the existing Pittsburg/Bay Point BART Station to a station in the median of State Route 4 (SR4) in the vicinity of Hillcrest Avenue in the City of Antioch. The Project adopted by the BART Board on April 23, 2009 included a transfer platform immediately east of the existing BART Pittsburg/Bay Point Station, ten miles of track in the SR4 median, a new station at Railroad Avenue (Pittsburg Civic Center Station) in Pittsburg, a new station (Antioch Station) at Hillcrest Avenue in Antioch, tail tracks in the median east of Hillcrest Avenue and a maintenance facility and parking lot on the northeast side of the SR4 interchange with Hillcrest Avenue.

On April 28, 2011, the BART Board of Directors approved an Addendum to the Final Environmental Impact Report (FEIR), authorizing the revision of several aspects of the Project (the Revised Project). The Revised Project takes a phased approach, with all elements of the Project, excluding the Pittsburg Civic Center Station, to be constructed as the first phase. The Pittsburg Civic Center Station would be constructed at a later time if funding becomes available.

The procurement for Contract No. 04SF-130 was undertaken as a two-step sealed Bid process by which minimum technical requirements necessary for the performance of the work were evaluated by a Selection Committee prior to the opening and disclosure of Price Bids. Price Bids for those determined to be technically qualified to perform the work were publicly opened and publicly announced.

The Bid was advertised in various publications on January 22, 2014 with a Pre-Bid Meeting held on February 12, 2014. An outreach meeting was held on February 25, 2014. The Bid Documents were purchased by 63 prospective Bidders and distributed to 23 plan rooms. A total of four (4) Bids were received on April 15, 2014 from: Balfour Beatty Infrastructure, Inc., San Francisco, CA; Shimmick Construction Company, Inc., Oakland, CA; Skanska USA Civil West California District, Inc., Riverside, CA; and Stacy and Witbeck/Amoroso/Modern Railway Systems, a joint venture, Alameda, CA. As part of the first step in the two-step award process, the Selection Committee, composed of District Staff, and consultants, evaluated the Technical Qualification Bids received to determine if they met the Minimum Technical Requirements set forth in the Contract Documents, on a pass/fail basis.

The Selection Committee determined that the Bid submitted by Shimmick Construction Co. did not meet the Minimum Technical Requirements provided in the Bid Documents regarding the signaling system and track installation and therefore was found to be unacceptable, and will no longer be considered for Award. Its Price Bid will be returned unopened after the Contract has been Awarded.

The remaining three Bidders were determined to have submitted acceptable Technical Qualification Bids and were notified on April 18, 2014 of the time and place of the Price Bid opening. On April 22, 2014, the sealed Price Bids were publically opened and are shown below. The apparent low Bidder is Stacy and Witbeck/Amoroso/Modern Railway Systems, a joint venture (Stacy). The tabulation of the Price Bids, including Options 1, 2, and 3 and the Engineer's Estimate are shown below.

BIDDER	BASE BID AND OPTION BID PRICES	TOTAL BID PRICE (including Options 1, 2 and 3)
Balfour Beatty Infrastructure Inc.	Base Bid: \$76,882,940 Option 1: \$6,850,000 Option 2: \$ 185,000 Option 3: \$ 240,000	\$84,157,940
Skanska USA Civil West California District, Inc.	Base Bid: \$99,164,000 Option 1: \$6,905,000 Option 2: \$ 500,000 Option 3: \$ 430,000	\$106,999,000
Stacy and Witbeck/Amoroso/MRS, JV	Base Bid: \$78,318,000 Option 1: \$4,760,000 Option 2: \$ 290,000 Option 3: \$ 309,000	\$83,677,000

Engineer's Estimate

\$86,602,797

The apparent low Price Bid submitted by Stacy is 3% below the Engineer's Estimate. Price Bids were evaluated on the basis of the total Bid Price which included the Price Bid for Options 1, 2, and 3, as provided in the Contract Documents. Staff determined that the total Bid Price of \$83,677,000 submitted by Stacy, is fair and reasonable based upon adequate price competition and is responsive to the solicitation. A review of the business experience and financial capabilities resulted in a determination that Stacy is responsible.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Bidder committed to 18.85% for MBEs and 32.23% for WBEs. The Bidder did not meet the MBE percentage, therefore the Bidder was requested to provide the District with

information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 22% Small Business (SB) Participation Goal for this Contract. Bidders who meet the SB Participation Goal are eligible for a Small Business preference of 5% of the lowest responsible Bid, up to a maximum of \$1 million. None of the three responsible Bidders met the SB Participation Goal and they are not eligible for the 5% SB preference. Therefore, the SB Program will not alter the award to Stacy.

FISCAL IMPACT

Funding of \$78,318,000 for the award of Base Contract No. 04SF-130 is included in the total project budget for FMS #04SF130 – eBART Trackwork, Systems, and Finishes. 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 April 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
6512	City of Pittsburg MOU	Local	\$2,000,000
6644	CCTA Reso 13-49P (Mea J)	Local	\$30,856,000
6407	MTC AB1171 Alloc #14391432	Regional	\$7,944,000
6104	MTC RMI Alloc #14383306	Regional	\$4,000,000
535A	Prop 1B (FY10/11)	State	\$13,000,000
6645	ECCRFFA	Local	\$20,518,000
Total			\$78,318,000

As of April 25, 2014, \$78,318,000 is the total budget for this project. BART has expended \$0, committed \$0 to date for other actions. This action will commit \$78,318,000 leaving an available fund balance of \$0 balance in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to construct the eBART Project Extension at this time. In addition, failure to award this Contract will prevent the District from complying with the coordination required between this Contractor and the recently awarded eBART Vehicle Supplier.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTIONS

The General Manager is authorized to award Contract No. 04SF-130, for the Construction of East Contra Costa BART Extension Project Trackwork, Systems, and Facility Finishes to Stacy and

Witbeck/Amoroso/Modern Railway Systems, a Joint Venture, for the Total Base Bid Price of \$78,318,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. The General Manager is also authorized to exercise Option 1 for Pittsburg Civic Center Station for the Total Option 1 Bid Price of \$4,760,000, and Option 2 for Y1 and Y2 Track Extensions for the Total Option 2 Bid Price of \$290,000, and Option 3 for Maintenance of Way Track for the Total Option 3 Bid Price of \$309,000, subject to certification from the Controller-Treasurer of the availability of funding.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca Delkuden</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c <i>4/30/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Isaac Lim Dept: Planning and Development <i>Isaac Lim</i>	General Counsel <i>Michelle Kavan</i> 4/28/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul Brewer</i> 4/30/14
Signature/Date: <i>04/28/14</i>	[]	[]	[]	[]

TITLE:

Award Contract No. 59CT-110A, Wayfinding Improvements Phase II

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 59CT-110A Wayfinding Improvements Phase II to L C General Engineering & Construction, Inc. for the Bid price of \$7,476,438.00.

DISCUSSION: The scope of this Contract provides for, among other things, the design, fabrication and installation of illuminated wayfinding signs, custom display cases, station identification pylons, kiosks and real-time displays at 16 BART Stations. The Contract also includes seven Options for additional illuminated cabinets, station identification pylons, and real time displays at the 16 BART Stations. The 16 Stations included in this Contract are located in Contra Costa, Alameda, San Francisco and San Mateo Counties. The station selection was based upon the funding requirements of Measure J, Proposition 1B and the FTA ADA Rail Station Compliance Assessment.

The District provided advanced notice to 105 prospective Bidders on February 21, 2014 and Contract Documents were sent to 24 plan rooms. The Contract was advertised on February 25, 2014 in local publications. A total of 19 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on March 13, 2014 with 13 prospective Bidders attending the meeting. Site tours were conducted on March 13, 2014 and March 14, 2014 with 8 prospective Bidders attending the March 13 site tours and 2 prospective Bidders attending the March 14 site tours. Five (5) Bids were received. Bids were publicly opened on April 8, 2014. The Bids received and the Engineer's Estimate are shown below:

Bidder	Location	Total Base Bid Price	Total Base Bid Price With Options 1 Through 7
L C General Engineering & Construction, Inc.	San Francisco, CA	\$4,778,259.00	\$7,476,438.00
Roadway Engineering Works, Inc.	Ceres, CA	\$5,310,850.00	\$8,262,400.00
DMZ Transit, Inc.	Concord, CA	\$6,346,500.00	\$8,277,600.00
Rodan Builders, Inc.	Burlingame, CA	\$5,911,210.00	\$9,121,240.00
Arntz Builders, Inc.	Novato, CA	\$6,489,727.71	\$9,309,411.99

Engineer's Estimate	\$5,550,000.00	\$8,750,000.00

After review by District staff, the Bid submitted by L C General Engineering & Construction, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible and that the Total Base Bid Price of \$4,778,259.00 is fair and reasonable. In addition, staff's evaluation had determined that it is in the District's best interest to proceed with exercising Options 1 through 7 to provide for additional wayfinding illuminated signage cabinets, station identification pylons, and real time displays. Accordingly, in addition to recommending award of the Contract, staff requests the Board's authorization for the General Manager to exercise Options 1 through 7.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of minor alterations of existing facilities involving no expansion of use.

The project will also receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualified for a categorical exclusion as defined under 23 CFR 771.117 (c) (3) for construction of bicycle and pedestrian lanes, paths and facilities. Since the time that FTA approved this exclusion the agency has revised their NEPA categorical exclusions list (February 2013). Under the revised list, the project would still qualify for a categorical exclusion.

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 subcontracting opportunities; therefore, a DBE participation goal of 7% was set for this contract. The low bidder, LC General Engineering & Construction, Inc., committed to subcontracting 15.7% to DBEs.

FISCAL IMPACT:

Funding of \$7,476,438.00 for executing this contract will come from project budget 59CT000 Wayfinding Improvements Phase II. 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 February 2011, 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 No.	Fund Description	Fund Source	Fund Amount
3000	FTA CA-95-X145-00	Federal	\$899,997.76
354G	CA-990-Y604/FY08 CAP ASSIST PRG	Federal	\$1,000,000.00
535A	FY2010-11 PROP 1B-PTMISEA	State	\$368,000.00
535V	FY2010-11 PROP 1B-PTMISEA	State	\$3,978,966.00
535X	FY2008-09 PROP 1B-PTMISEA	State	\$1,076,451.00
6633	CCTA-MJ 10-02P	Local	\$2,000,000.00
6634	CCTA-MJ 10-05P	Local	\$1,600,000.00
6642	CCATA Measure J - Res 12-59-G	Local	\$100,000.00
6643	CCATA Measure J - Res 12-60-G	Local	\$271,060.00
851W	FY07-11 CAPITAL ALLOCA	Local	\$216,604.24
8524	FY2012 Operating Capital Alloc	Local	\$92,000.00
Total			\$11,603,079.00

As of April 22, 2014, \$11,603,079.00 is the total budget for this project. BART has expended \$553,078.00, and committed \$24,588.00 to date for other actions. This action will commit an additional \$7,476,438.00 leaving an uncommitted balance of \$3,548,975.00 in these fund sources for this project.

ALTERNATIVES: The Board may elect to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the Bid package and obtain new Bids. The reissuance process will delay the District's ability to provide improved consistent and understandable wayfinding signage for customers and may result in Bid prices that are higher than those offered by the current Bidders.

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

MOTION: The General Manager is authorized to award Contract No. 59CT-110A, Wayfinding Improvements Phase II, to L C General Engineering & Construction, Inc., for the Bid price of \$4,778,259, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protest procedures.. In addition, the General Manager is authorized to exercise Options 1 through 7 for \$2,698,179 consistent with the requirements of the Contract.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: May 2, 2014

FROM: General Manager

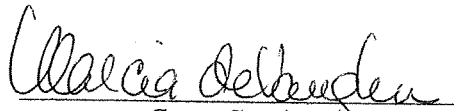
SUBJECT: E&O Agenda Item #6.C: Train Control Modernization Project Update – For Information

At the Board of Directors meeting on Thursday, May 8, 2014, staff will present an informational update on the Train Control Modernization Project (TCMP).

BART is implementing the TCMP with the objective to replace its existing train control equipment. The existing equipment, which is near the end of its useful service life, will be replaced with a new automatic train control (ATC) system.

The presentation will provide an update on the current status of the project and information about our progress over the past several months.

If you have any questions, please contact Bob Powers at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>4/30/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Shaffer Dept: Real Estate and Property Development; ext. 6936 <i>Susan Shaffer</i>	General Counsel: <i>[Signature]</i> <i>4/29/14</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>Powers</i> <i>30 APRIL 2014</i> []
Signature/Date: <i>4/29/14</i> [] [] [] [] []				

TITLE:

Downtown Berkeley Bike Station One-Year Lease Extension

NARRATIVE:

PURPOSE

To authorize the General Manager or her designee to execute an amendment for a one-year extension to the lease with HSR Berkeley Investments, LLC for approximately 4,000 square feet of commercial space at 2208 Shattuck Avenue, Berkeley, for the Downtown Berkeley Bike Station commencing July 1, 2014.

DISCUSSION

In April 2009 the Board authorized the General Manager or her designee to enter into a five-year lease with NFLP Berkeley Center DE, LLC for the space at 2208 Shattuck commencing July 1, 2009 for the Downtown Berkeley Bike Station, which has been in operation since July 2010. The building in which the space is located has since been sold to HSR Berkeley Investments, LLC. The District accepted assignment of the lease to the new owner.

The Bike Station provides valet parking for 185 bicycles Monday through Saturday and a 24/7 BikeLink smartcard-accessed self-park facility for 113 bikes, for a total capacity of 298 bicycles. The Bike Station has included an annual financial contribution on the part of the City of Berkeley equal to 32% of the total expenses. BART manages the Bike Station through management services agreement No. 6M6063 ("Management Services to Operate BART's Bike Facilities") with Alameda Bicycle. In addition to the valet parking service, Alameda Bicycle provides retail sales of bike accessories, bicycle maintenance/repair services and bicycling education classes. Alameda Bicycle subleases a portion of the space for the above-referenced retail activities.

The Berkeley Bike Station has become one of the premier bike parking facilities in the country, a symbol of BART's commitment to this environmentally friendly access mode and an important part of downtown Berkeley.

The five-year lease term for the Berkeley Bike Station expires June 30, 2014. The building in which the Bike Station is located is currently in the permitting process for major renovations that include adding 300 apartment units, underground parking and a new multiplex cinema. Because these changes may offer new opportunities to more economically house the Bike Station in the building, staff recommends extending the current lease for one year under the current lease terms allowing time for the building renovations to be fully defined.

Downtown Berkeley Bike Station One-Year Lease Extension

Rents in downtown Berkeley have also increased substantially over the last five years. The District is currently paying approximately \$1.90 per square foot per month for the Bike Station space while similar properties in downtown Berkeley are renting in the \$3.00 or more per square foot per month range. A new five-year lease term at current market rates is likely to be much higher than what the District is paying now. The property management company of the building has agreed to work with staff over the next 6 to 8 months to fully explore the options available to continue the Bike Station in a cost efficient manner.

During the one-year lease extension, staff will be better able to determine if it is feasible, both physically and financially, to renew the lease for an additional five years. If it is determined that a new lease is feasible, staff will return to the Board to ask for such authorization.

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

ALTERNATIVES

Do not enter into the one-year lease extension and cease operation of the Downtown Berkeley Bike Station at 2208 Shattuck Avenue by June 30, 2014 and seek other accommodations for a bicycle station.

FISCAL IMPACT

Lease costs for the one-year extension will be \$121,200. This is an increase of 2.5% over the lease cost of \$118,212 for the current fiscal year ending June 30, 2014, which is consistent with the annual increase in rental rates per the current lease terms.

Lease costs to the District will be offset by a sublease with Alameda Bicycle, who will pay approximately \$38,364 of the annual rent, and an anticipated contribution by the City of Berkeley of approximately \$65,000, which staff is currently negotiating. The net expense to the District for the lease extension after these contributions is approximately \$17,836, which is covered in the Customer Access Department's operating budget for FY15.

RECOMMENDATION

Adopt the following motion.

MOTION

The General Manager or her designee is authorized to execute an amendment for a one year extension to the lease with HSR Berkeley Investments, LLC for approximately 4,000 square feet of commercial space at 2208 Shattuck Avenue, Berkeley, for the Downtown Berkeley Bike Station commencing July 1, 2014.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to PPAAL Committee		
DATE: c <i>5/11/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Real Estate & Property Development	General Counsel <i>[Signature]</i> 4/30/14	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>Powers</i> 11/17/2014 []
Signature/Date: <i>[Signature]</i> 4/29/14		[]	[]	[]

Reconciliation of South Hayward BART Station Access Authority Implementation of Action Plan, including Parking Fees

NARRATIVE:

Purpose: To seek Board approval of modifications to an already approved Action Plan for the South Hayward BART Station Access Authority (the "JPA"), including the imposition of parking fees at and adjacent to the Station, within the boundaries of the JPA. A public hearing on the modifications to parking fees will be held prior to the BART Board action on the motion below.

Discussion: On March 14, 2013, the BART Board of Directors adopted Resolution No. 5209, related to parking fees at and adjacent to the South Hayward BART Station as part of the Action Plan for the South Hayward BART Station Access Authority (the "JPA"). However, the Board stipulated that "In recognition that the South Hayward parking fee program is not consistent with the parking fee program adopted by the Board on February 28, 2013, staff is directed to analyze the inconsistencies and return to the Board within six months with a recommended reconciliation plan." Exhibit A depicts both the parking charge parameters adopted by the Board on February 28, 2013 for the overall BART system as well as those parameters adopted by the Board on March 14, 2013. Note that the six month reconciliation time frame was extended due to labor negotiations at both the City of Hayward (the "City") and BART.

Staff from BART and the City have analyzed the inconsistencies in the two parking charge programs and have identified modifications to the South Hayward BART Station program to remove the inconsistencies. On March 5, 2014, the South Hayward BART Station Access Authority met to address the inconsistencies and unanimously approved the following proposed staff modifications to the South Hayward program that would remove the inconsistencies with the overall BART program:

1. The Authority's parking charges and metrics for parking charge changes conform to those adopted by the BART Board of Directors on February 28, 2013, except for the minimum daily parking charge which shall not be less than \$1/day;
2. Future modifications of parking charges and metrics for parking charge changes enacted by the BART Board of Directors be automatically incorporated in the Authority's paid parking program, subject to ratification by the JPA Board; and
3. The JPA Board shall continue to be responsible to set rates within the parameters of

these guidelines.

Exhibit A illustrates the proposed South Hayward parking charges and metrics for change in the charges (column labeled "Proposed South Hayward"). BART Board support for the following JPA proposed modifications would remove the inconsistencies related to the two parking charge programs:

a. Parking fees are authorized as follows:

- (1) Daily: Start at \$1.00/day, allow up to \$3.00/day, as described below.
- (2) Monthly: Equal to the Daily Fee plus \$2.00 times 21 days/month.
- (3) Daily Reserve: Equal to the Daily Fee plus \$3.00.
- (4) Allocation of monthly reserve, long-term reserve, and daily reserve (excluding ADA and employee spaces) in accordance with the then-current BART Board policy.

b. Modifications to parking fees are authorized as follows:

- (1) Examine occupancy every 6 months, and adjust according to (2), (3) and (4) below.
- (2) If the occupancy of the South Hayward daily fee section exceeds 95% full, then daily fees could be increased by \$0.50.
- (3) If the occupancy of the daily fee spaces is less than 95% the fees could be decreased by \$0.50.
- (4) The minimum parking fee shall be no lower than \$1/day.

Prior to enacting the original parking charges, the District conducted an analysis to ensure compliance with federal Title VI requirements and state law prohibiting disparate impact in its programs and activities. Following public participation and an equity analysis that studied parking fees at both a \$1 and \$5 level, staff concluded that the proposed parking fees would not result in a disparate impact or disproportionate burden on minority and/or low-income parkers because minority users and low-income users are expected to experience a much lower increase than non-minority and non-low-income users. Staff also concluded that the proposed parking program would not have a disproportionately high and adverse effect on minority or low-income residents in the surrounding neighborhood. A copy of the "South Hayward BART Title VI Parking Fee Impact Analysis" is available from the District. The public participation and equity analysis conducted in 2013 is sufficient to satisfy Title VI requirements related to the proposed action.

On March 26, 2013, the JPA met and formally adopted a number of motions to implement the paid parking program at the South Hayward BART Station. The program was formally introduced to the station area on April 29, 2013. Between implementation and January 2014, approximately \$190,000 in parking revenue has been collected. Staff from both the City and BART are in process of determining final capital costs each entity has incurred. Once those costs are reconciled and the debt structure finalized, the balance of collected parking revenue will be transferred from BART to the JPA.

The BART Board representatives on the JPA Board are Directors John McPartland and Tom Blalock. Director Rebecca Saltzman has also been designated as a substitute BART Board Director to serve on the JPA Board.

Fiscal Impact: In addition to staff time to participate in the JPA, the District will initially incur the following expenses: Capital costs of approximately \$250,000 which would be reimbursed by the JPA over 20 years at 3 percent interest, and operating costs of approximately \$370,000 for enforcement and maintenance. After the first year of operation, the JPA would be responsible for paying all operating costs.

Alternatives: Not adopt the proposed motion, thereby resulting in continued inconsistencies between the BART systemwide paid parking program and the paid parking program for the South Hayward BART Station.

Recommendation: Adoption of the following motion.

Motion:

Adoption of the attached Resolution "In the Matter of Adopting Modifications to Parking Fees at and adjacent to the South Hayward BART Station" (TWO-THIRDS VOTE required.)

Reconciliation

Daily Parking Fee	\$1.00	\$1.00	\$1.00	\$1.00
Increase Fee \$0.50 per day if occupancy is greater than	95%	98%	95%	95%
No change in fee			Between 90% and 98%	
Reduce fee if occupancy is less than	95%		90% [Minimum fee not less than \$1/day]	95% [Minimum fee not less than \$1/day]
Maximum Daily Fee	\$3.00		\$5.00	\$3.00
Single Day Reserve Fee	Daily Fee + \$3.00		Daily Fee + \$2.00	Daily Fee + \$3.00
Monthly Reserve Fee	(Daily Fee + \$2.00) x 21		(Daily Fee + \$1.00) x 21	(Daily Fee + \$2.00) x 21
Long-Term Reserve	\$5.00/Day or Daily + \$4.00 (greater of)		None	\$5.00/Day or Daily + \$4.00 (greater of)
Future Changes				Adhere to BART Policy Changes on above

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

In the Matter of Adopting
Modifications to Parking Fees at and adjacent to the
South Hayward BART Station

Resolution No. _____

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District" or "BART") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, proposed development at the South Hayward BART Station has resulted in the loss of 174 BART parking spaces on a satellite lot on Dixon Street, and the District and the City of Hayward ("City"), under authorization from their respective governing entities, have formed a joint powers authority, the South Hayward BART Station Access Authority ("JPA"), in order to address the loss in parking as well as future access needs at the Station; and

WHEREAS, an Action Plan resulting from an Access Study performed by a consultant for the JPA has been reviewed by staff from the District and the City, and the primary elements of the Action Plan include the implementation of a residential parking permit program and a parking fee program; and

WHEREAS, prior to approval and implementation of the Action Plan by the JPA Board of Directors, the governing bodies of the City and the District must approve various aspects of the Action Plan, respectively; and

WHEREAS, on February 19, 2013, the City approved a Transit-Oriented Development Preferential Residential Parking Permit Program at no cost to residents, the prohibition of BART patron parking on certain City streets, the designation of 272 spaces on City streets for BART patron parking, the imposition of parking fees for the 272 spaces consistent with the proposed parking fees for approximately 982 spaces on BART property, and related implementing actions; and

WHEREAS, on March 14, 2013, the BART Board adopted Resolution No. 5209 related to parking fees applicable to the 982 spaces on BART property as well as the 272 designated parking spaces on City streets and, in recognition that the fees contained in Resolution No. 5209 were not consistent with the systemwide parking fee program previously adopted by the Board on February 28, 2013 (Resolution No. 5207), directed staff to analyze the inconsistencies and return to the Board with a recommended reconciliation plan; and

WHEREAS, on March 5, 2014, the South Hayward BART Station Access Authority unanimously approved the following modifications to the Action Plan to remove inconsistencies between the South Hayward paid parking program and the overall BART program:

1. The Authority's parking charges and metrics for parking charge changes shall conform to those adopted by the BART Board of Directors on February 28, 2013, except for the minimum daily parking charge which shall not be less than \$1/day;
2. Future modifications of parking charges and metrics for parking charge changes enacted by the BART Board of Directors shall be automatically incorporated in the Authority's paid parking program, subject to ratification by the JPA Board; and
3. The JPA Board shall continue to be responsible to set rates within the parameters of these guidelines.

WHEREAS, on May 8, 2014, a public hearing was held at a special meeting of the Board to consider the proposed modifications in parking fees;

NOW, THEREFORE, the Board hereby makes the following findings:

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for parking, as set forth in this Resolution, are reasonable; and that insofar as practicable, these parking fees are calculated to result in revenue which will:
 - (a) Pay for the operating expenses of the South Hayward BART Station Access Authority (the JPA) paid parking program;
 - (b) Pay for repair and maintenance costs of the JPA paid parking program;
 - (c) Pay for capital costs to implement the JPA paid parking program; and
 - (d) Pay for additional access improvements, provided that there are net revenues remaining after operating, maintenance and capital expenses of the JPA are covered.
- (2) After careful study of staff recommendations, public comment, and due deliberations, the Board also determines, as required by the California Environmental Quality Act, Section 21080 (b)(8), that the parking fees set forth in this Resolution are for the purposes of meeting the operating, maintenance and capital expenses of the South Hayward BART Station Access Authority (the JPA). All capital costs will be for improvements within the boundaries of the JPA or each of its members.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The Board approves modifications to the Action Plan for the South Hayward BART Station Access Authority (the JPA), the entity responsible for implementing the Action Plan, which includes the following modifications of parking fees contained in Resolution No. 5209 at the

South Hayward BART Station and at designated parking spaces on City streets within the boundaries of the JPA, as depicted in Exhibit 1, as follows:

a. Parking fees are authorized as follows:

- (1) Daily: Start at \$1.00/day, allow up to \$3.00/day, as described below.
- (2) Monthly: Equal to the Daily Fee plus \$2.00 times 21 days/month.
- (3) Daily Reserve: Equal to the Daily Fee plus \$3.00.
- (4) Allocation of monthly reserve, long-term reserve, and daily reserve (excluding ADA and employee spaces) in accordance with the then-current BART Board policy.

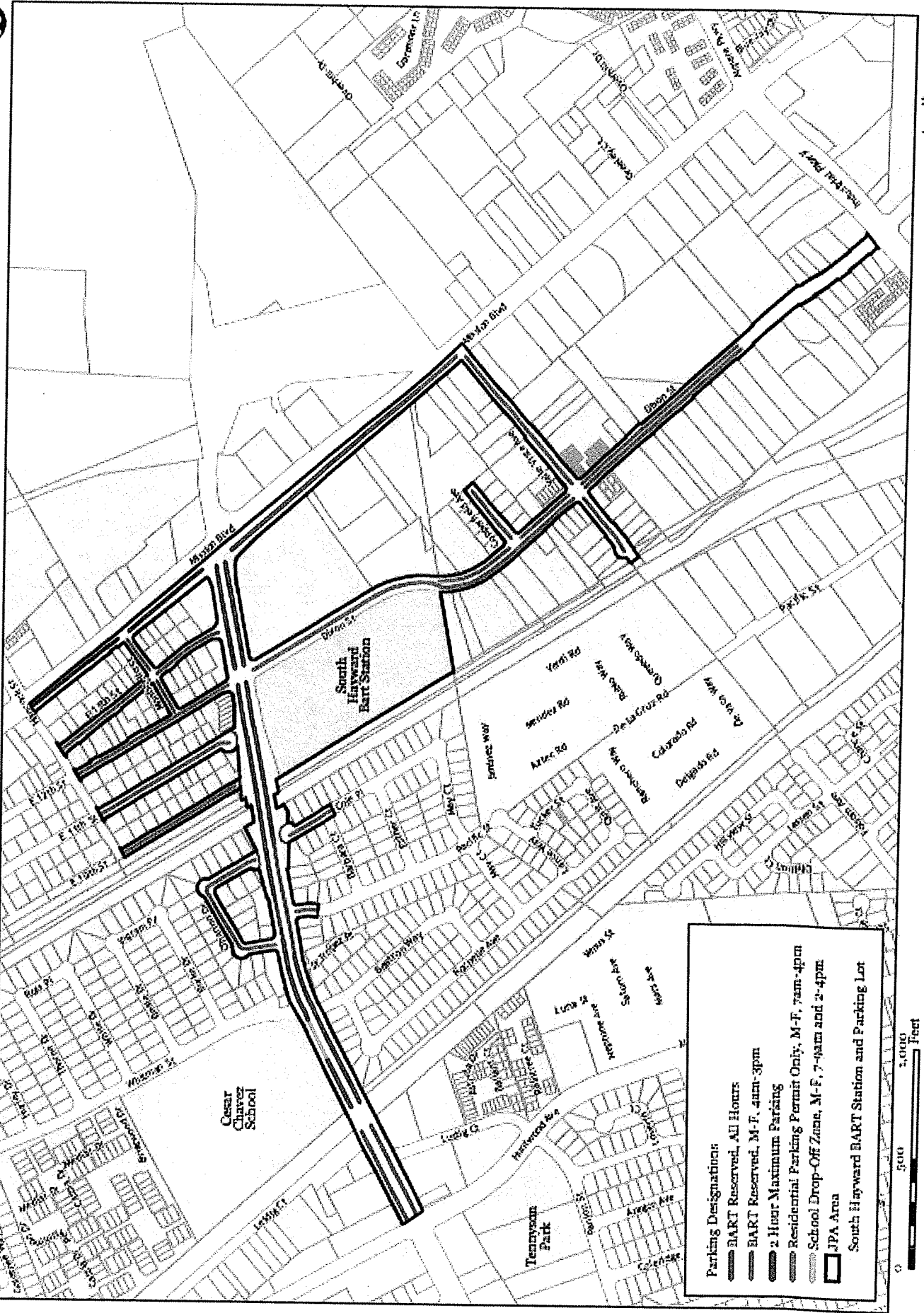
b. Modifications to parking fees are authorized as follows:

- (1) Examine occupancy every 6 months, and adjust according to (2), (3) and (4) below.
 - (2) If the occupancy of the South Hayward daily fee section exceeds 95% full, then daily fees could be increased by \$0.50.
 - (3) If the occupancy of the daily fee spaces is less than 95% the fees could be decreased by \$0.50.
 - (4) The minimum parking fee shall be no lower than \$1/day.
- (2) The Board approves any and all actions in support of implementing the proposed parking fees.
- (3) The parking charges set forth above are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines § 15273 and a Notice of Exemption shall be filed in Alameda County.

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New Parking Regulations Near South Hayward BART Station

April 29, 2014



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

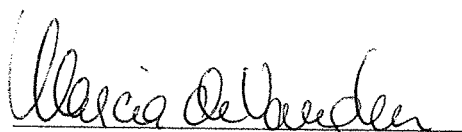
DATE: May 2, 2014

FROM: General Manager

SUBJECT: PPAAL Agenda Item #7.C: BART Vision Update - For Information

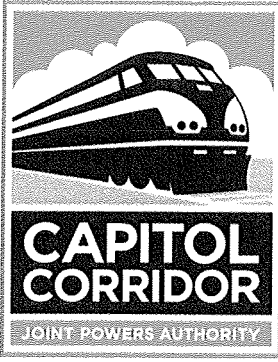
At the May 8, 2014 Board of Directors meetings, staff will make an informational presentation on the BART Vision study. The study is a high-level analysis to be used to inform discussions on District priorities on future investments in state of good repair, capacity and expansion. Staff will seek feedback from the Board as we narrow down to a limited list of candidate expansion project concepts (approximately 15) from the first-level screening.

The BART Board reviewed the proposed goals on April 25, 2013, and provided input on proposed objectives and weighting, to be used in the evaluation process, on September 12, 2013. So far, staff has used the weighted goals to evaluate potential expansion investments, and will be seeking comments from the Board as project analysis is advanced this summer.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



CAPITOL CORRIDOR JOINT POWERS AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

Wednesday June 11, 2014

10 a.m.

Sacramento City Council Chambers
915 "I" Street
Sacramento, CA 95814
(see attached map)

Simultaneous teleconference calls will take place at:

San Jose City Hall – Tower Building
200 E. Santa Clara Street, Room #T1853
San Jose, CA

AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of the February 19, 2014 Meeting *Action*
- V. Consent Calendar *Action*
 1. Proposition 1B – FY 13-14 Transit Safety/Security Intercity Passenger/Commuter Rail Projects
- VI. Action and Discussion Items
 1. CLOSED SESSION: Conference with Legal Counsel - Existing Litigation
Name of Case: National Railroad Passenger Corporation (AMTRAK) v. Capitol Corridor Joint Powers Authority, Surface Transportation Board, Finance Docket No. 35790. Gov't. Code Section: 54956.9(a)
 2. Legislative Matters/Governor's May Revise State FY 14-15 Budget *Action*
 3. Overview of FY15 Marketing and Communications Plan *Action*
 4. Overview of Draft FY 14-15 CCJPA Budget [Operations, Administration, Marketing] *Info*
 5. Status Report: Oakland-San Jose Phase 2 Project *Info*
 6. Managing Director's Report *Info*
 7. Work Completed *Info*
 - a. Business Plan Update (FY 2013-14 – FY 2014-15)
 - b. Marketing Activities (February – May 2014)
 8. Work in Progress *Info*
 - a. Sacramento-Roseville 3rd Track Environmental Review/Preliminary Engineering
 - b. CCJPA Bike Access Program
 - c. Improvements to CCJPA Website and Automated Interactive Voice Response System
 - d. Positive Train Control Update
 - e. Proposed Extension of Capitol Corridor Trains to Salinas
 - f. Proposition 1B Transit Safety/Security Improvement Projects
 - g. Activities of Vision and Service Planning Ad-Hoc Subcommittee
 - h. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comments
- IX. Adjournment. Next Meeting Date: 10:00 a.m., September 18, 2013, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors **Date:** April 30, 2014
FROM: Controller-Treasurer
SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER

Attached is a copy of the Quarterly Report of the Controller-Treasurer which I will be introducing to you at the May 8th Board meeting. This will give you an opportunity to review it prior to the meeting.

Please call me at 510-464-6070 with any questions you may have.



Scott L. Schroeder

Enclosure

cc: Board Appointed Officers