

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

BOARD MEETING AGENDA

May 23, 2019

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 23, 2019, in the BART Board Room, 2040 Webster Street, Third Floor, 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>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

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.

Patricia K. Williams
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

- i. Fiscal Year 2020 Annual Budget.*
- ii. Fares for the Silicon Valley Berryessa Extension.*
- iii. Participation in a Regional Means – Based Transit Fare Discount Pilot Program.*
- iv. Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028.*
- v. Increase to the Per Trip Magnetic Stripe Ticket Surcharge.*

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of April 25, 2019 and May 9, 2019.*
Board requested to authorize.
- B. Amendment to Legal Services Agreement with Glynn & Finley, LLP.*
Board requested to authorize.
- C. Fiscal Year 2020 Proposition 4 Appropriations Limit.*
Board requested to adopt.
- D. Award of Agreement No. 6M5147, with Avenu Insights and Analytics, LLC, for Sales Tax Revenue Collection Services.*
Board requested to authorize.
- E. Award of Contract No. 15QN-110, Installation of Safety Barriers and Right of Way Fencing Systemwide.* Board requested to authorize.
- F. Reject All Bids for Contract No. 15II-120, Station Emergency Lighting.*
Board requested to reject.
- G. Invitation for Bid No. 9059, Brushes for Vehicle Traction Motors.*
Board requested to authorize.
- H. Authority to Submit a Grant Application to the California Department of Water Resources for Proposition 1 Funding for the Hayward Maintenance Complex Rainwater Catchment, Bio-Retention Basins, and Solar Wastewater Treatment Project.* Board requested to authorize.

I. Lease with Caltrans for BART Employee Parking and Sublease a Portion of Excess Parking to the Metropolitan Transportation Commission.* Board requested to authorize.

J. Fiscal Year 2019 Third Quarter Financial Report.* For information.

4. PUBLIC COMMENT – 15 Minutes

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

5. ADMINISTRATION ITEMS

Director Simon, Chairperson

A. Fiscal Year 2020 Annual Budget. For information.

- i. Fiscal Year 2020 Annual Budget.
- ii. Fares for the Silicon Valley Berryessa Extension.
- iii. Participation in a Regional Means – Based Transit Fare Discount Pilot Program.
- iv. Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028.
- v. Increase to the Per Trip Magnetic Stripe Ticket Surcharge.

B. Title VI Equity Analysis for Silicon Valley Berryessa Extension, Fare Equity Analysis, and Public Participation Report.* Board requested to authorize.

C. Title VI Fare Equity Analysis.*

- i. Proposed 2020 Productivity – Adjusted Inflation Based Fare Increase; Series 3, 2022-2028 of the Productivity-Adjusted Inflation-Based Fare Increase Program.
- ii. Magnetic Stripe Ticket Surcharge Increase.
- iii. Public Participation Report.
Board requested to authorize.

D. Agreements for On-Call Professional Services for Human Resources.*

- i. Agreement No. 6M4639, with Accenture LLP
- ii. Agreement No. 6M4640, with Sjoberg Evashenk Consulting, Inc.
- iii. Agreement No. 6M4641, with Slalom, LLC
Board requested to authorize.

E. Agreements for On-Call Professional Services for Operating Budgets.*

- i. Agreement No. 6M4651, with Accenture LLP
- ii. Agreement No. 6M4652, with InnoFin Solutions, LLC
- iii. Agreement No. 6M4653, with Sjoberg Evashenk Consulting, Inc.
- iv. Agreement No. 6M4654, with Slalom, LLC
Board requested to authorize.

F. Actuarial Report on Changes to Pension and Other Postemployment Benefits (OPEB) under Consideration by the District.* For Information.

6. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Award of Contract No. 15CQ-115, C25 Interlocking Renewal Project.*
Board requested to authorize.
- B. Award of Contract No. 54RR-250, Concord Yard Fire Protection.*
Board requested to authorize.
- C. Change Order to Contract No. 04SF-140, Procurement of eBART
Vehicles, for Additional Spare Parts (C.O. No. 025).*
Board requested to authorize.
- D. Change Order to Contract No. 15EJ-171, 34.5 KV Cable Replacement
M-Line MVS Switching Station and MTF, MSS, MPS, and MTW
Substations, for Extension of Time (C.O. No. 004).*
Board requested to authorize.
- E. Next Generation Fare Gates, Conceptual Design.* For information.
- F. BART Silicon Valley Phase I Update.* For information.

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

Director Raburn, Chairperson

- A. (CONTINUED From March 14, 2019, Board Meeting)
Metropolitan Transportation Commission, Plan Bay Area 2050 Update.*
For Information.
- B. Agreements for General Environmental and Planning Services for
BART Projects. *
 - i. Agreement No. 6M6136, with Arup North America, Ltd.
 - ii. Agreement No. 6M6137, with Fehr & Peers
 - iii. Agreement No. 6M6138, with HNTB Corporation
 - iv. Agreement No. 6M6139, with Raimi + AssociatesBoard requested to authorize.
- C. Revisions to BART's Transit-Oriented Development Policy.*
For Information.
- D. Survey Results for Fleet of the Future and Bicycle Accommodation.*
For Information.

8. GENERAL MANAGER'S REPORT

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

9. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2019.* 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. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

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.)

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

- A. CONFERENCE WITH LABOR NEGOTIATORS:
Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer
- Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)
- Government Code Section: 54957.6
- B. PUBLIC EMPLOYEE EMPLOYMENT:
Title: General Manager
Government Code Section: 54957(b)(1)
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Tahir vs. BART, Alameda Superior Court
Case No.: RG-17883245
Government Code Section: 54956.9(a)

13. OPEN SESSION

A. Announcement from Closed Session, if any.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

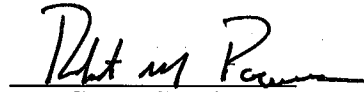
MEMORANDUM

TO: Board of Directors **DATE:** May 17, 2019
FROM: General Manager
RE: FY20 Budget Public Hearing presentation

Attached is a "FY20 Budget Public Hearing" presentation that will be presented to the Board at the May 23, 2019 meeting as an information item. The presentation includes:

- Fiscal Year 2020 Annual Budget
- Fares for the Silicon Valley Berryessa Extension
- Participation in a Regional Means-Based Transit Fare Discount Pilot Program
- Extension of the Productivity-Adjusted Inflation-Based Fare Increase Program Between 2022 and 2028
- Increase to the Per-Magnetic-Stripe Ticket Surcharge

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


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

Board of Directors
Minutes of the 1,840th Meeting
May 9, 2019

A regular meeting of the Board of Directors was held May 9, 2019, convening at 8:34 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present: Directors Ames, Foley, McPartland, Saltzman, and Dufty.

Absent: Director Simon. Directors Allen, Li and Raburn entered the meeting later.

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

President Dufty, in the absence of the Chairperson and Vice-Chairperson of the Administration Committee, brought the matter of Fiscal Year 2020 Preliminary Budget Sources, Uses, Service Plan, and Capital Budget before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Kate Jordan Steiner, Department Manager, Budgets; and Mr. Michael Eiseman, Department Manager Financial Services, presented the item.

Directors Allen and Raburn entered the meeting.

The item was discussed.

Director Li entered the meeting.

Charlotta Wallace addressed the Board.

Discussion continued.

President Dufty announced that the Board would enter into closed session under Item 10 of the Regular Meeting agenda, and that the Board would reconvene in open session upon at a time not before 11:00 a.m. to consider Item 8A on the meeting agenda, and that the Board would then return to closed session.

The Board Meeting recessed at 10:32 a.m.

The Board reconvened in closed session at 10:38 a.m.

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

Absent: Director Simon.

The Board Meeting recessed at 11:02 a.m.

The Board reconvened in open session at 11:03 p.m.

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

Absent: Director Simon

President Dufty brought the matter of Reconsideration of State Senate Bill 50 (Wiener) – Planning and zoning: housing development: equitable communities incentive; in Response to allegation of Brown Act Violation before the Board. Mr. Matthew Burrows, General Counsel, presented the item.

The following individuals addressed the Board:

K. Jenkins
Thomas Alan Rubin
Aaron Eckhouse

Director Saltzman moved to vacate the vote of March 14, 2019 on State Legislation for Consideration: Senate Bill 50 (Wiener). Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Dufty. Noes – 0. Absent – 1: Director Simon

Director Saltzman moved that the Board adopt a position of support State Senate Bill 50 (Wiener). Director Raburn seconded the motion, which carried by electronic vote. Ayes – 5: Directors Foley, Li, Raburn, Saltzman, and Dufty. Noes – 3: Directors Allen, Ames, and McPartland. Absent – 1: Director Simon

President Dufty announced that the Board would return to Closed Session under Item 10 of the Regular Meeting agenda.

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

The Board reconvened in closed session at 11:15 a.m.

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

Absent: Director Simon.

The Board Meeting recessed at 2:52 p.m.

The Board reconvened in open session at 2:55 p.m.

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

Absent: Director Simon.

President Dufty announced there were no announcements.

President Dufty called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, the progress made during recent weekend closures, and outstanding Roll Call for Introductions items.

Director Allen entered the meeting.

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

Director Raburn reported he had attended tours of the Hayward Maintenance Complex and Transit Oriented Development in Oakland with students from Cal State East Bay's environmental studies group; met with Greater Portland Leadership Group at Fruitvale to discuss Transit Oriented Development; and attended the National Association for Civilian Oversight Law Enforcement (NACOLE) meeting at BART.

Director Li reported she had attended the San Francisco Labor Council celebration, an Outer Sunset Parkside Residence meeting, and shadowed the Muni Transit Assistance Program (MTAP) and had met with the Chinese community for affirmative action, Office of Civic Engagement & Immigrant Affairs.

President Dufty requested the meeting be adjourned in honor of former California Congresswoman Ellen Tauscher and George Homsey, architect of seven BART stations.

President Dufty reported he had met with Supervisor Sufai and Deputy General Manager, Robert Powers.

Director Saltzman reported she had attended the Contra Costa Mayors Conference.

Director Foley reported he had attended a meeting with Contra Costa Supervisor Burgess regarding the 2020 Census.

Director McPartland reported he had attended the Workday Tour ribbon cutting, the Site overview at Hayward Station, and the NACOLE meeting at BART.

Director Allen thanked staff for their work during the C55 Shutdown bus bridge operations.

The Meeting was adjourned at 3:10 p.m. in honor of Ellen Tauscher and George Homsey.

Patricia K. Williams
District Secretary

Sent: Friday, April 19, 2019 4:49 PM

To: board_BoardofDirectors <BoardofDirectors@bart.gov>

Subject: BART Board of Directors Comment from Aleta Dupree

Secretary Williams, thank you, please forward this message to the full BART Board for the Regular Meeting of 25 April 2019.

Greetings again President Dufty and Members of the Board.

Aleta Dupree for the record.

Today I write to you with General Public Comment concerning BART related matters that are not on the posted Agenda.

First I write this. I was watching the video archive of the Meeting of 11 April, 2019, and during the General Manager's Report, I watched our GM, Grace Crunican, announce her retirement. I mention to you that I am indeed saddened by this.

I first met Grace when I attended and spoke at my first BART Board Meeting on 25 May, 2017, the same Meeting where Carlos Rojas was sworn in as Chief of Police, such was the first of many Meetings where I had a front row seat to the most important public Proceedings of BART business, and frequently conversed with you in Public Comment periods.

Grace has always been approachable and responsive to my concerns, an attentive listener, and generous with her time, we have met up in stations and ridden on trains together, discussing diverse subject matters.

Grace has indeed exemplified true leadership in this most challenging endeavor that is Public Transportation, and spoke on many subjects with reason and clarity, using understandable language. I always enjoy pulling up the archives of her brief and succinct GM reports when I am not present at Meetings to hear them in person.

Grace I think most of all in her time at BART has advanced the cause and conversation for making BART a welcoming System. For I am a person who does not particularly meet societally established definitions, but I am just as much a person. Grace has helped make BART a more welcoming system for all who set foot on Bay Area Soil.

I wish Grace the best in her retirement and future endeavors.

There are some Title VI matters which I can comment about in separate messages, briefly it is essential that we keep Clipper in mind as a means to advance equity for all of our patrons, especially in communities of concern.

Parking at BART facilities must not be Cash Only, but allow diverse options for payment.

As summer and warmer weather approaches it is essential to have a conscious mindset of energy costs, keeping demand spikes down, to keep a 40+ million dollar electric bill under control.

Be a voice in banking and electronic payments, especially as we approach a day when open source payment becomes commonplace.

Incentivize prepayment and Clipper website and auto loading.

And so it goes.

I leave you with this.

Be willing to think outside the box.

Be pragmatically futuristic in your mindset and decision making.

I look forward to attending a Meeting in person with you soon.

Thank you.

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

Board of Directors
Minutes of the 1,839th Meeting
April 25, 2019

A regular meeting of the Board of Directors was held April 25, 2019, convening at 9:04 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Dufty called for Introduction of Special Guests. General Manager Grace Crunican introduced Daschal Tinianow, 5th grader at Burton Valley School, visiting for Take Our Daughters and Sons to Work Day.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of Meeting of April 11, 2019.
2. Appointment of BART Police Citizen Review Board Member.
3. Delegation of Recruitment Activity and Relocation.
4. Amendment to Agreement No. 6M4636 with Krauthamer & Associates, Inc. to Provide Executive Recruitment Services.
5. Mandatory Amendment to the Non-Federal Small Business Program to Include a Policy to Prevent Fraud and Abuse.
6. Resolution Authorizing Execution of a Master Funding Agreement with the California Department of Transportation for State Funded Projects.

President Dufty requested that Item 2-C, Delegation of Recruitment Activity and Relocation, be continued to a future meeting.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

1. That the Minutes of the Meeting of April 11, 2019, be approved.
2. That the Board ratify the appointment of Robert Pirone – District 5, to the BART Police Citizen Review Board, for a term expiring on June 30, 2020.

3. That the General Manager be authorized to execute an amendment to Agreement No. 6M4636, Provide Executive Recruitment Services, awarded to Krauthamer & Associates, Inc., to increase funding by \$125,000 from \$99,000 to \$224,000, and to extend the timeframe until June 30, 2020.
4. That the Board adopt proposed modifications to BART's Small Business Program for Non-Federal Contracts, to include a policy to prevent potential fraud and abuse on the part of contractors or suppliers as required by Public Contract Code Section 2002.
5. Adoption of Resolution No. 5396, In the Matter of Authorizing the General Manager to Execute the Master Agreement, and Program Supplements for State-Funded Transit Projects.

President Dufty called for Public Comment. L. Autumn King addressed the Board.

Director Simon, Chairperson of the Administration Committee, brought the matter of Title VI Fare Equity Analysis for BART Participation in Regional Means – Based Fares Pilot Program before the Board. Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Maceo Wiggins, Department Manager, Office of Civil Rights; and Ms. Jennella Sanbour-Wallace, Manager of Special Projects, presented the item. The item was discussed.

Lieutenant Lance Haight introduced his daughters Avery and Riley Haight visiting for Take Our Daughters and Sons to Work Day.

Director Saltzman moved that the Board authorize the Title VI Fare Equity Analysis and Public Participation Report for BART Participation in the Metropolitan Transportation Commission's Regional Means-Based Transit Fare Discount Pilot Program. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Simon brought the matter of Performance and Audit Department Overview before the Board. General Manager Grace Crunican; Ms. Herhold; Mr. Dennis Markham, Chief Performance Audit Officer; and Ms. Tricia Yang, Senior Manager, Performance Analytics, presented the item. The item was discussed.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 01VM-120, Union City Intermodal Phase 2A - BART Station Improvements, before the Board. Mr. David Hardt, Chief Mechanical Officer; and Ms. Shirley Ng, Group Manager Capital Programs, presented the item.

The following individuals addressed the Board:

Mark Evanoff
Joan Malloy
Fei Tsen

The item was discussed.

Director Ames moved that the General Manager be authorized to award Contract No. 01VM-120, Union City Intermodal Phase 2A – BART Station Improvements, to Clark Construction Group – California, LP, for the Bid Price of \$18,492,910.00 pursuant to notification to be issued by the General Manager. President Dufty seconded the motion, which carried by electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

President Dufty made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

1. That the General Manager be authorized to award Contract No. 6M4549 for the Emergency Restoration, Preventive Maintenance, Non-Emergency Repair and Seismic Relocation Work of Commercial Fiber Optic and Wireless Networks for the Base Bid amount of \$1,561,814.00 to Phase 3 Communications, Inc., pursuant to notification to be issued by the General Manager.
2. That the General Manager be authorized to execute Change Order No. 002 to Contract Number 15TD-250, Track Geometry Car, in the not to exceed amount of \$458,730.00, and to extend the Contract completion date by 90 calendar days.

Director Foley brought the matter of Asset Management Policy Update before the Board. Mr. John McCormick, Department Manager, Operations Planning, presented the item. The item was discussed. Director Saltzman moved that the Board authorize the update to the Asset Management Policy. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter Surveillance Policy: Automated License Plate Readers (ALPR) before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Mimi Bolaffi, Manager of Security Programs; and Lieutenant Kevin Franklin presented the item. The item was discussed.

The following individuals addressed the Board:

Mike Katz-Lacabe
J.P. Massar
Tracy Rosenberg

Discussion continued.

Director McPartland moved that the Board find, pursuant to District Ordinance No. 2018-1:

1. That the benefits to the community arising from the implementation of ALPR Technology outweigh the costs, and thereby the General Manager or her designee be authorized to proceed with the ALPR implementation and data collection thereof.

2. That the Surveillance Use Policy for ALPR Technology will reasonably safeguard civil liberties and civil rights, and thereby approves the Surveillance Use Policy, Impact Report, and Annex for ALPR Technology.

Director Allen seconded the motion.

Director Saltzman made a substitute motion that that the Board find, Pursuant to District Ordinance No. 2018-1:

1. That the benefits to the community arising from the implementation of ALPR Technology outweigh the costs, and thereby the General Manager or her designee be authorized to proceed with the ALPR implementation and data collection thereof.
2. That the Surveillance Use Policy for ALPR Technology will reasonably safeguard civil liberties and civil rights, and thereby approves the Surveillance Use Policy, Impact Report, and Annex for ALPR Technology.
3. That the Surveillance Use Policy for ALPR Technology will be brought back to the Board for reconsideration and potential amendments before or at the same time as contract award for ALPR technology.

Jerry Grace addressed the Board.

Director Allen seconded the substitute motion, which carried by unanimous electronic vote.
Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty.
Noes – 0.

Director Raburn brought the matter of Federal and State Legislation for Consideration before the Board. Mr. Roddrick Lee, Department Manager of Government and Community Relations; and Ms. Amanda Cruz, Program Manager I, Government and Community Relations, presented the item.

Director Allen moved that the Board support the following Federal bills:

- S. 654 I H.R. 1517 The Transportation Connecting Efficiencies Opportunities Act through Mobility Metrics and Unlocking
- S.793/H.R. 1782 Apprenticeship Act
- S. 923/H.R. 1978 The Fighting Homelessness Through Services and Housing Act
- H.R. 1507 The Bicycle Commuter Act of 2019

President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director McPartland exited the Meeting.

The State bills were presented to the Board. The item was discussed.

President Dufty moved that the Board defer taking a position on Senate Bill (SB) 40 - Conservatorship: serious mental illness and substance use disorders. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland.

Director Saltzman moved that the Board support SB 128 - Enhanced infrastructure financing districts: bonds. Director Li seconded the motion, which carried by electronic vote. Ayes – 5: Directors Foley, Li, Saltzman, Simon, and Dufty. Noes – 3: Directors Allen, Ames, and Raburn. Absent - 1: Director McPartland.

Director McPartland re-entered the Meeting.

Director Li moved that the Board defer taking a position on SB 152 - Active Transportation Program. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

President Dufty brought the matter of Earthquake Safety Program Citizens Oversight Committee Annual Report before the Board. Mr. Derek Schaible, Chairperson of the Committee, presented the report. The item was discussed, and the Directors thanked Mr. Schaible for his dedication and the service of the Committee.

President Dufty brought the matter of 2019 Organization of Committees and Special Appointments Revision: Creation of General Manager Ad Hoc Committee before the Board. Director Raburn moved that the Board ratify the following appointments to the General Manager Recruitment Ad Hoc Committee: Bevan Dufty, Chairperson; Rebecca Saltzman, Vice Chairperson; Debora Allen; and Mark Foley. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

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

Director Saltzman made the following request.

BART created a time lapse video from the operator's cab on a BART train, but BART's security committee did not allow this video to be shared publicly. I request a memo to the Board on why the committee decided against sharing the video and for the committee to reconsider, including considering mitigations to security concerns, such as blurring some images, speeding up parts, or overlaying text or images when necessary.

Director Foley seconded the request.

President Dufty acknowledged an email from Aleta Dupree praising General Manager Grace Crunican and requested the comments be included in the record. (The email is attached and hereby made a part of these Minutes.)

President Dufty requested the Meeting be adjourned in memory of Ernie Asten, owner of Cliff's Variety store, a landmark in San Francisco.

President Dufty reported he had participated with the 4 a.m. Fare Evasion team at all four downtown San Francisco stations.

Director Simon thanked the External Affairs staff and their support in working with Richmond Mayor Tom Butt, and Contra Costa Supervisor John Gioia regarding the Richmond Station end of line issues.

Director Li acknowledged the District's "Get on Board Day" promotion and thanked Chief Rojas for his service.

Director Raburn reported he had met with the American Planning Association and Fruitvale Business Improvement Group and had toured the Hayward Maintenance Complex with Latitude 38.7 ° Oakland High School students.

Director Ames thanked the External Affairs staff for their support with the Earth Day celebration in Fremont and Rolling Stocks and Shops staff for a tour of the Hayward Maintenance Complex.

Director Raburn requested the Meeting be adjourned in memory of former Mayor of San Leandro, Tony Santos.

President Dufty called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, outstanding Roll Call for Introductions items, and weekend closure and bus bridge weekend dates. She reported that the District had won the National Government Finance Officers Association Award for the District's Fiscal Year 2019 Adopted Budget Manual.

President Dufty called for Public Comment. Jerry Grace addressed the Board.

President Dufty announced that the Board would enter closed session under Item 10 of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 11:55 a.m.

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

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

Absent: None.

Director Saltzman exited the meeting.

Director Simon exited the meeting.

The Board Meeting recessed at 2:31 p.m.

The Board reconvened in open session at 2:32 p.m.

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

Absent: Directors McPartland, Saltzman, and Simon

President Dufty announced that the Board had concluded its closed session and that on Item No. 10 – C, Public Employee Employment/Appointment, the Board had voted unanimously 9-0 to appoint Robert Powers as the Interim General Manager at such time as General Manager Grace Crunican completes her service to the District.

The Meeting was adjourned at 2:35 p.m. in honor of Ernie Asten and Tony Santos.

Patricia K. Williams
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>15 May 2019</i> <i>Robt M. Powers</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/29/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Debora Faniel Huff Dept: Office of the General Counsel <i>Debora R. Faniel</i> Signature/Date: <i>5/13/2019</i>	General Counsel <i>[Signature]</i> <i>5/13/19</i> []	Controller/Treasurer <i>[Signature]</i> <i>5/13/19</i> []	District Secretary []	BARC <i>Powers</i> <i>15 May 2019</i> []

Amendment to Legal Services Agreement with Glynn & Finley LLP

PURPOSE: To request that the Board of Directors approve an increase in funding for the Cal/OSHA Cab Windows matter.

DISCUSSION: The firm of Glynn & Finley, LLP currently represents the District in this matter which involves a Cal/OSHA citation regarding the C Car Cab Windows, asserting that they are unsafe. Glynn & Finley, LLP has represented this matter in this appeal since its inception and has significant experience in representation of agencies before Cal OSHA. The matter is currently set for hearing commencing June 5, 2019. Significant preparation for the hearing is required. It is recommended that Glynn & Finley, LLP continue representation through the conclusion of this matter.

FISCAL IMPACT: The value of the legal services agreement to date has totaled \$82,242 from FY18 through March 2019. This action would be funded by existing operating funds as needed for continued representation on this matter, estimated to be an additional \$200,000. Funding will be budgeted in the Rolling Stock & Shops operating budget (Dept. 0803631, Account 681352 Legal Fees) for FY 2019/2020. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES: To not authorize this amendment to the Cab Windows would result in Glynn & Finley's withdrawal and costs significantly impact the defense of this matter and potentially increase liability.

RECOMMENDATION: That the Board adopt the following motion.

MOTION: That the Board approve the amendment of this agreement with Glynn & Finley,

Amendment to Legal Services Agreement with Glynn & Finley LLP

LLP to continue its representation of the District to handle the Cal/OSHA Cab Windows matter as necessary.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Peon</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Covarrubias Dept: Budget	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/10/19	<i>[Signature]</i> 5/10/19 []	<i>[Signature]</i> 5/10/19 []	[]	<i>[Signature]</i> 5/10/19 []

Proposition 4 Appropriations Limit

PURPOSE: To approve the District's Fiscal Year 2020 Appropriations Limit, as required by State law pursuant to the Gann Initiative (Proposition 4, passed by the voters in 1979).

DISCUSSION: The Gann Initiative (Proposition 4) provides for limits on appropriations by State and local government entities. California Government Code Section 7910 requires local jurisdictions to annually adopt an appropriations limit by resolution and establishes a 45-day statute of limitations for commencement of any judicial action to challenge the appropriations limit.

Section 7910 requires the Board of Directors to establish by resolution BART's annual appropriations limit "at a regularly scheduled meeting or noticed special meeting." Further, it requires that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be made available to the public. On May 8, 2019, the documentation was made available to the public.

Attachment 1 summarizes the FY20 appropriations limit calculation in accordance with the uniform *Guidelines for Implementation of the Gann Initiative* prepared by the League of California Cities and the information furnished by the State Department of Finance.

Attachment 2 is the calculation for the margin as it relates to the Proposition 4 limit. The margin is the difference between the appropriations limit and the expenditures subject to the limit. Based on the calculations, the District will be below the limit of \$648,649,165.

FISCAL IMPACT: No fiscal impact. The FY20 appropriations limit is \$648,649,165. Operating and Capital expenditures subject to the appropriations limit total \$414,272,841. As

such, the District is \$234,376,324 below the subject FY20 appropriations limit.

ALTERNATIVES: None.

RECOMMENDATION: Approval of the following motion.

MOTION: That the Board adopt the attached resolution which sets the District's FY20 appropriations limit at \$648,649,165.

Attachment 1

Fiscal Year 2020 Appropriations Limit: Calculation

Based on the provisions in Article XIII B of the California Constitution as approved by the voters in November 1979, the appropriations limit for each succeeding year through 1987 is determined by the District's 1979 appropriations base times a cumulative composite factor. The base year was later revised to 1987. The cumulative composite factor consists of the product of:

- 1) The lesser of the relative year change in the all urban consumer price index (SF/Oakland/SJ CPI-U) or the California per capita personal income, and
- 2) At the District's discretion, the relative year-to-year change in District wide population, or the population for the District's county that has the highest assessed valuation. Election of the higher of the two growth factors results in a higher appropriations limit.

The District's appropriations limit for Fiscal Year 2020 is calculated on the basis of the urban consumer price index (CPI-U SF/Oakland/SJ) and Alameda County's population gains as it has the highest assessed valuation of the three counties. Steps in the calculations are as follows:

Relevant data, percent change:

- CPI-U SF/Oakland/SJ, 3.5260% (applies this year per option 1 above)
- Population Change, Alameda County, 0.5481% (applies this year per option 2 above)

District Population

	<u>As of 1/1/18</u>	<u>As of 1/1/19</u>	<u>% Change</u>
Alameda*	1,660,202	1,669,301	0.5481%
Contra Costa	1,149,363	1,155,879	0.5669%
<u>San Francisco</u>	<u>883,963</u>	<u>883,869</u>	<u>-0.0106%</u>
Total	3,693,528	3,709,049	0.4202%

FY20 Cumulative Adjustment Factor:

CPI-U SF/Oakland/Hayward	x	Population Factor	=	Current Adjustment Factor
(1 +3.526%)	x	(1 +0.5481%)	=	1.0409
Current Adjustment Factor	x	Prior Year Adjustment	=	Cumulative Adjustment Factor
1.0409	x	3.4320	=	3.5725

FY20 Appropriations Limit:

FY87 Appropriations Base	x	FY20 Cumulative Adj Factor	=	FY20 Appropriations Limit
<u>\$181,568,000</u>	x	3.5725	=	<u>\$648,649,165</u>

Note: San Mateo County and Santa Clara County are not to be included. Although San Mateo and Santa Clara are served by BART, the District is comprised only of SF, CC, and Alameda counties.

*Note: Population growth factor to come from county with the highest assessed valuation (Alameda County) or the district-wide total - whichever is higher.

ATTACHMENT 2
FY20 PROPOSITION 4 APPROPRIATIONS LIMIT

Whole Dollars, as of 05/01/19

LIMIT		NOTES & COMMENTS
CPI-U	3.5260%	CPI-U for SF/OAK/Hayward 2/19 vs 2/18
Per Capita Personal Income delta FY18>FY19	3.8500%	State DOF Price & Population Information, 1/1/19 (report released 5/1/19)
District Population Growth	0.5481%	Districtwide growth is based on Alameda Population Growth (highest valuation)
Annual Adjustment Factor	1.0409	[1+(CPI -U)]*[1+(District population growth)]
Cumulative Adjustment Factor	3.5725	(Current year factor)*(prior year cumulative factor)
Appropriations Limit	\$648,649,165	(FY87 base appropriations) x (cumulative factor)
APPROPRIATIONS		
Operating Budget		
Operating Expenses	799,285,534	FY20 Prelim Operating Budget
Operating Subtotal	799,285,534	
Operating Allocations		
Misc. Capital Allocations	25,296,553	FY20 Prelim Operating Budget
Other Capital Allocations	77,489,137	FY20 Prelim Operating Budget
Capital Allocation To Operating	(2,527,281)	FY20 Prelim Operating Budget
Operating Allocations Subtotal	100,258,409	
Capital Budget		
Funded	1,419,947,083	FY20 Proposed Capital Budget
Unfunded	-	FY20 Proposed Capital Budget
Subtotal	1,419,947,083	
Less Funded Pass Through	(127,007,007)	FY20 Proposed Capital Budget
Less Unfunded Pass Through	-	FY20 Proposed Capital Budget
Subtotal	(127,007,007)	
Net Capital Expense	1,292,940,077	
Debt Service:		
Debt Service	47,237,727	FY20 Prelim Operating Budget
GO Seismic & RR Bonds	64,930,200	Per GO & RR Bond Series Debt schedule
Debt Service Subtotal	112,167,927	
Total Operating & Capital Appropriations	2,304,651,947	
EXCLUSIONS		
Allocation from Reserves	5,814,899	FY20 Prelim Operating Budget
ADA Mandated Service Expense	16,931,647	FY20 Prelim Operating Budget
Net Operating Revenue:		
Net Passenger Revenue	480,241,911	FY20 Prelim Operating Budget
Other Operating Revenue	64,953,350	FY20 Prelim Operating Budget
Subtotal	545,195,261	FY20 Prelim Operating Budget
Other Allocations (Access Fund)	-	FY20 Prelim Operating Budget
Federal Operating Funds	-	FY20 Prelim Operating Budget
Federal Capital Funds:		
Funded	228,892,237	FY20 Proposed Capital Budget
Unfunded	-	FY20 Proposed Capital Budget
Subtotal	228,892,237	
Debt Service (GO Seismic & RR Bonds)	64,930,200	Per above, GO Bond Series Debt schedule
Capital Budget Funded from GO Bond Proceeds	109,517,202	FY20 Proposed Capital Budget
Capital Budget Funded from Measure RR Bond Proceeds	645,708,384	FY20 Proposed Capital Budget
Capital Budget Funded from Sales Tax Revenue Bond Proceeds	196,734	FY20 Proposed Capital Budget
BART Capital Funds	273,192,542	FY20 Proposed Capital Budget
Total Exclusions	\$1,890,379,106	
MARGIN		
Appropriations Limit	648,649,165	Per above
Appropriations Subject to Limit	414,272,841	Appropriations less exclusions, per above
Margin	\$234,376,324	Appropriations less expenditures subject to limit
RESIDENT POPULATION**		
Alameda		
Population	1,669,301	State DOF Price & Population Information, 1/1/19 (report released 5/1/19)
Percent Change	0.5481%	
Contra Costa		
Population	1,155,879	State DOF Price & Population Information, 1/1/19 (report released 5/1/19)
Percent Change	0.5669%	
San Francisco		
Population	883,869	State DOF Price & Population Information, 1/1/19 (report released 5/1/19)
Percent Change	-0.0106%	
District Total		
Population	3,709,049	Sum of population for BART counties
Percent Change	0.4202%	Percent increase

**Population Estimate as of 1/1/19. Population estimate is "total population" and includes military and other temporary residents. Per State Department of Finance, prior year City and County population estimates may be revised.

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

In the Matter of the Establishment
Of the Fiscal Year 2020
Appropriations Limit

Resolution No. _____

WHEREAS, Article XIII B of the California Constitution limits the District's appropriations for Fiscal Year 1981, and subsequent years; and

WHEREAS, Government Code Section 7910 requires the District to establish, by resolution, its appropriations limit pursuant to Article XIII B; and

WHEREAS, documentation used in the determination of the Fiscal Year 2020 appropriations limit has been available to the public for at least fifteen days prior to the date of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the District's appropriations limit for Fiscal Year 2020 shall be \$648,649,165.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>15 May 2019</i> <i>Robt M. Peerman</i>		GENERAL MANAGER ACTION REQ'D: N/A		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hal Keiner Dept: Performance & Audit	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/13/19	5/13/19 []	5/13/19 []	[]	<i>[Signature]</i> 5/13/19 []

Award of Agreement No. 6M5147 to Avenu Insights & Analytics, LLC

PURPOSE:

To obtain Board authorization for the General Manager to execute Agreement No. 6M5147 with Avenu Insights & Analytics, LLC (also known as MuniServices, LLC) to provide sales and use tax (sales tax) revenue collection services for claims open at end of Avenu's previous Agreement No. 6M5059.

DISCUSSION:

Many California jurisdictions do not receive all sales tax revenues to which they are entitled due to both taxpayer reporting errors and processing errors. Errors occur for many reasons, including businesses failing to correctly report their collections to the California Department of Tax and Fee Administration (CDTFA) or businesses misallocating tax collections among the many cities, counties, and special districts in which they operate. When businesses fail to correctly report their collections to the CDTFA, the CDTFA may distribute the tax it has collected in error to other jurisdictions.

Under prior District Agreement No. 6M6059, Avenu Insights & Analytics, LLC (Avenue) performed services to detect instances of misallocation and under reporting and to submit claims to the CDTFA for correction. This Agreement has since expired, and some of these claims are still outstanding.

This Agreement is to provide sales tax revenue collection services only on claims that were open when Avenu's previous Agreement No. 6M5059 expired on Feb 24, 2019. This Agreement is for a period of five (5) years. The Internal Audit division of the Performance

and Audit department has determined that these services are necessary and are not duplicative of any duties performed by BART employees. No competition was conducted and Avenu is the only firm that can perform this work because Avenu originally identified and submitted these open claims to the CDTFA under its previous Agreement No. 6M5059.

The Office of Civil Rights determined that the District's Small Business Program, Non-Discrimination Program for Subcontracting, and Disadvantaged Business Enterprise Program would not apply to this Agreement since this Agreement is a revenue-generating agreement.

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

FISCAL IMPACT:

The subject EDD proposes a five (5) year contract at a total estimated cost of \$200,000. Funds will be budgeted in the Performance and Audit operating budget (Dept 1302386 - Audit, Account 681358 - Sales Tax Collection Commission) as follows:

Proposed Funding	
FY20	\$150,000
FY21	\$20,000
FY22	\$10,000
FY23	\$10,000
FY24	\$10,000
Total	\$200,000

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

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year as the payments to Avenu are contingent upon the amount of revenue it collects for BART. Avenu will perform this service on a 20 percent contingency fee basis. No fee payment will be made to Avenu until the associated revenue has been received by BART.

It is estimated that Avenu's collection services on open claims will result in additional sales tax revenue of approximately \$1,000,000 over the five-year duration of the Agreement. The "net" additional revenue to BART will be approximately \$800,000 (\$1 million in collected sales tax revenue less \$200,000 in fees paid to Avenu).

ALTERNATIVES:

1. To not execute this Agreement and discontinue Avenu's sales tax revenue collection services on open claims. This would possibly result in BART forgoing additional net revenue currently estimated at \$800,000.

RECOMMENDATION:

It is recommended that the Board adopt the following motions.

MOTION:

1. The General Manager is authorized to execute Agreement No. 6M5147 with Avenu Insights and Analytics and to provide sales tax revenue collection services for a five-year period based upon a contingency fee of 20% determined by the amount of tax revenue recovered on open claims for the District, pursuant to the notice to be issued by the General Manager.
2. The Board of Directors approves the attached Resolution No. ____ pursuant to Revenue and Taxation Code Section 7056 authorizing Avenu Insights and Analytics to examine the tax records of the California Department of Tax and Fee Administration on behalf of the District for the purpose of detecting and documenting the misallocations of sales tax revenue.

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

Resolution No. _____

In the Matter of Authorizing
Consultant Avenu Insights & Analytics, LLC (also known as MuniServices, LLC)
to Examine Sales and Use Tax Records
at the California Department of Tax and Fee Administration on
behalf of the District

WHEREAS, pursuant to California law, the Board of Directors of the San Francisco Bay Area Rapid Transit District (District) entered into a contract with the California Department of Tax and Fee Administration (formerly State Board of Equalization) (CDTFA) to perform all functions incident to the administration and collection of the Transactions and Use Tax Ordinances and the local sales and use taxes; and

WHEREAS, the District deems it necessary for authorized representatives of the District to examine confidential sales and transactions and use tax records of the CDTFA pertaining to sales and transactions and use taxes collected by the CDTFA for the District; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of CDTFA records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from sales or transactions and use tax records of the CDTFA; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by the District shall have an existing contract to examine the District's sales and transactions and use tax records:

NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the General Manager, or other officer or employee of District designated in writing by the General Manager to the CDTFA is hereby appointed to represent District with authority to examine all of the sales and transactions and use tax records of the CDTFA pertaining to sales and transactions and use taxes collected for District by the CDTFA pursuant to the contract between City and the CDTFA. The information obtained by examination of CDTFA records shall be used for purposes related to the collection of District's sales and transactions and use taxes by the CDTFA pursuant to the contract.

Section 2. That the General Manager or other officer or employee of District designated in writing by the General Manager to the CDTFA, is also hereby appointed to represent District with the authority to examine those sales and transactions and use tax records of the CDTFA for purposes related to the following governmental functions of the District:

- a) tracking and economic development
- b) forecasting and budget related functions
- c) detection of misallocations and deficiencies

The information obtained by examination of CDTFA records shall be used only for those governmental functions of the District listed above.

Section 3. That Avenu Insights & Analytics, LLC (also known as MuniServices, LLC) is hereby designated and authorized to examine all of the sales and transactions and use tax records of the CDTFA pertaining to all sales and use taxes collected for District and any transaction and use taxes collected for District under the following Transactions and Use Tax Ordinances and any future Transactions and Use Tax Ordinances that may be enacted in the District:

Bay Area Rapid Transit District (BART) (effective date April 1, 1970)

The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the District to examine sales and transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those sales and transactions and use tax records only to an officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in or derived from those sales and transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of CDTFA records shall be used only for purposes related to the collection of [name of jurisdiction]'s sales and transactions and use taxes by the CDTFA pursuant to the contracts between District and the California Department of Tax and Fee Administration and for purposes relating to the governmental functions of [name of jurisdiction] listed in Section 2 of this resolution.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poore</i> 15 Oct 2019		GENERAL MANAGER ACTION REQ'D: Approve and send to the Board		
DATE: 4/24/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linda Lee Dept: Maintenance and Engineering <i>L Lee</i> Signature/Date: May 10, 2019	General Counsel <i>[Signature]</i> 5/10/19 []	Controller/Treasurer <i>[Signature]</i> 5/10/19 []	District Secretary []	BARC <i>[Signature]</i> 5.13.2019 []

Award of Contract No. 15QN-110-Installation of Safety Barriers and Right-of-Way Fencing Systemwide, Phase III

Award of Contract No. 15QN-110

Installation of Safety Barriers and Right-of-Way Fencing Systemwide, Phase III

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QN-110, Installation of Safety Barriers and Right of Way Fencing Systemwide, Phase III, to Golden Bay Fence Plus Iron Works, Inc. ("Golden Bay") of Stockton, CA for the Base Bid Price of \$736,362.93 and to authorize the General Manager to exercise the single Bid Option for the Bid Price of \$163,130.52.

DISCUSSION: This Contract is for the installation of permanent physical safety barriers in the BART right-of-way. These barriers are required in order to comply with the Roadway Worker Protection Safety regulations, promulgated by California Public Utilities Commission (CPUC) General Order 175 (GO 175) and incorporated into BART's new Safety Policy. These permanent physical safety barriers protect workers who are in the right-of-way during revenue hours from moving trains without affecting the train schedules. The Contract has one Option for replacement of right-of way perimeter fence and gate at CHB. The new right-of-way fence and gate will provide added security against stray vehicle intrusions.

The Contract was advertised on February 7, 2019. On February 7, 2019, the District provided advance notice to two hundred eighty-two (282) prospective Bidders and Contract Books were sent to one (1) plan room. A pre-Bid meeting was held on February 25, 2019, with two (2) prospective Bidders attending the meeting. One (1) addendum was issued.

The following single Bid was received and publicly opened on March 26, 2019:

BIDDER	LOCATION	BASE BID	OPTION BID	TOTAL BID	SMALL BUSINESS
Golden Bay Fence Plus Iron Works, Inc.	Stockton, CA	\$736,362.93	\$163,130.52	\$899,493.45	Yes
Engineer's Estimate		\$807,000	\$186,000	\$993,000	

After review by District staff, the Bid submitted by Golden Bay has been deemed to be responsive to the solicitation. Furthermore, a review of Golden Bay's license, business experience, and financial capabilities has resulted in a determination that Golden Bay is responsible. Staff has also determined that Golden Bay's total Bid price of \$899,493.45 is fair, reasonable, and below the Engineer's Estimate.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were Small Business Entity (SBE) subcontracting opportunities; therefore, an SBE participation goal of 21% was set for this Contract. The sole Bidder, Golden Bay Fence Plus Iron Works, Inc., is an SBE certified firm and committed to 88.1% to SBEs. The Office of Civil Rights has determined that Golden Bay Fence Plus Iron Works, Inc. has met the SBE participation goal set for this Contract.

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 (f), Existing Facilities, because it consists of minor alterations of existing facilities for safety protection involving no expansion of use.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$899,493 to award Contract 15QN-110 is included in the total project budget for FMS# 15QN000 – Safety Barriers Phase III.

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

Proposed Funding	
F/G 3602 - CA-54-0007 FY13 CAP IMP 5337	189,902
F/G 802A - 2017 Measure RR GOB	3,000,000
F/G 851W - FY07-11 Capital Alloca	47,474
F/G 8532 - FY 2018 Operating Cap Alloc	200,000
TOTAL	3,437,376

As of April 10, 2019, \$3,437,376 is the total budget for this project. BART has expended \$490,513, committed \$269,663, and reserved \$0 to date. This action will commit \$899,493, leaving an available fund balance of \$1,777,706 in these fund sources for this project.

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

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

ALTERNATIVE: The Board may elect to reject the Bid and authorize staff to re-advertise the work of this Contract. There is no assurance that any new Bids would be lower than the current Bids. Failure to proceed with the Contract would delay the barrier installation work, which will delay staff’s access to the wayside for maintenance and other related work.

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

MOTION: The General Manager is authorized to award Contract No. 15QN-110, Installation of Safety Barriers and Right-of-Way Fencing Systemwide, Phase III, to Golden Bay Fence Plus Iron Works, Inc. for the Bid price of \$899,493.45 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 single Option for the Bid Price of \$163,130.52 for replacement of right-of-way perimeter fence and gate at CHB.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/1/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Balvir Thind Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 5-10-2019	General Counsel <i>[Signature]</i> 5/10/19 []	Controller/Treasurer <i>[Signature]</i> 5/10/19 []	District Secretary []	BARC <i>[Signature]</i> 5.13.2019 []

REJECT ALL BIDS ON CONTRACT NO. 15II-120 STATION EMERGENCY LIGHTING

PURPOSE:

To obtain Board authorization for General Manager to Reject all bids on Contract No. 15II-120, Station Emergency Lighting.

DISCUSSION:

This is the second of seven phases to replace Station Emergency Lighting systems across the District. The purpose of this phase, Contract No. 15II-120, is to upgrade the emergency lighting systems at eleven (11) stations Contra Costa and Alameda counties: San Leandro (A40); Bay Fair (A50); Hayward (A60); Rockridge (C10); 12th Street (K10); MacArthur (K30); Downtown Berkeley (R20); North Berkeley (R30); El Cerrito Plaza (R40); Richmond (R60); and Lake Merritt (A10).

The emergency lighting system switches on automatically in the event of a power outage. The system provides at least ninety minutes of lighting on station egress passageways and allows patrons to safely exit the station. The existing emergency lighting systems have been in operation for over twenty years. These systems are generally obsolete, difficult to maintain and are at or near the end of their useful life.

The scope of work requires the Contractor to provide all labor, equipment, material, and services required for installation, testing, commissioning, and connections of station emergency lighting and ensure full compliance with the National Fire Protection Association (NFPA) 101 regulatory requirement in the event of a power failure.

The District provided an Advance Notice to Bidders for 247 prospective bidders on August

3rd, 2018 and Contract Documents were sent to 24 plan rooms. The Contract was advertised on August 9, 2018. A Pre-Bid Meeting was conducted on August 29, 2018 with thirteen (13) prospective bidders. There were two site tours.

A total of two (2) bids were received and publicly opened on October 9, 2018. Tabulation of the Bids, including the Engineer's Estimate is indicated in the Table 1 as follows:

Table 1: Station Emergency Lighting Phase-2 Bid Prices

SilMan Venture Corporation (SilMan Construction)	San Leandro, CA	\$13,789,020.00
Blocka Construction, Inc.	Fremont, CA	\$31,260,200.00
Engineer's Estimate		\$13,760,000.00

SilMan Construction was the lowest, responsive bidder. The Contract was awarded December 06, 2018. Notice of Award (NOA) was sent on December 18, 2018 for request on Bonding, Insurance and Contract Signing Requirements. The District's Insurance department worked diligently with SilMan Construction to assist it in obtaining the required bonds; however, SilMan Construction could not provide the required payment and performance bonds and declined the Contract on January 24, 2019.

District Staff determined that the 2nd bid from Blocka Construction of \$31,260,200 is not consistent with the Engineer's Estimate, exceeding 228%. Awarding the contract is not financially feasible.

Staff analysis on bids shows that District could receive bids at the more reasonable price in line with the available budget if rebid. A re-advertised Contract specification book would be revised to include the feedback from the prospect bidders.

Staff recommends that the Board Rejects all bids and permit Staff to re-advertise the Contract.

FISCAL IMPACT: There is no Fiscal Impact resulting from Rejection of all bids.

ALTERNATIVES:

The alternative would be to attempt to extend time of award to 2nd bidder to award this Contract to Blocka Construction at a cost of \$31,260,200. However awarding this Contract is not financially feasible at this time.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to Reject all bids for Contract No. 15II-120 Station Emergency Lighting and authorized to re advertise the work of this contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rbt M. Poon</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/18/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cristiano Torresi Dept: Rolling Stock and Shops	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 5/16/19	5/10/19 []	5/10/19 []	[]	5.13.2019 []

AWARD OF INVITATION FOR BID NO. 9059, BRUSHES FOR VEHICLE TRACTION MOTORS

PURPOSE: To request Board Authorization to Award Invitation for Bid (IFB) No. 9059 to Mersen USA BN Corp., Boonton, NJ in the amount of \$508,888.80 (includes all taxes) for the purchase of Brushes for Vehicle Traction Motors.

DISCUSSION: The District's six hundred and sixty-nine (669) LegacyCar Fleet currently consists of two hundred and thirty (230) C Cars. Each C Car is powered by four DC traction motors, each containing twelve (12) brushes that conduct the current that powers the motor. Brushes are a consumable item that are replaced during the District's ongoing preventivemaintenance program and as such, a spare inventory pool is required to support these replacements.

This IFB is a two (2) year estimated quantity contract for the replenishment of Brushes for the above-mentioned Vehicle Traction Motors. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the Supplier a minimum amount of 50% of the Contract Bid price based on the estimated quantity of items to be purchased. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150% of the Contract Bid price based on the estimated quantity of items to be purchased, subject to availability of funding.

A Notice requesting Bids was published on March 13, 2019 and Bid requests were entered into BART's Procurement Vendor Portal to any and all registered vendors interested in this solicitation. Correspondence was sent to (3) three prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened April 9, 2019 and one (1) Bid was received.

Bidder	Unit Price	Estimated Quantity	Total Including Sales Tax (9.75%)
Mersen	\$ 6.90	67,200	\$ 508,888.80

Independent cost estimate by BART staff: \$506,853.24, including sales tax.

Mersen submitted a low Bid of \$508,888.80 including sales tax. After review, staff has determined that Mersen's Bid is responsive and that its Bid price is fair and reasonable based upon the independent cost estimate.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. Mersen is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

FISCAL IMPACT: Funding of \$508,888.80 for this procurement will come from the Rolling Stock and Shops (RS&S) Inventory Material Usage Account (#680-010) as materials are procured. Funding for FY20 is included in the operating budget of department #0803622. Funding for FY21, will be requested as part of next year's operating budget cycle and is subject to Board approval. The proposed award of this Contract will not result in any operating costs above the current year's adopted budget. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal Year. Total funding for this contract in the amount not to exceed 150% of \$508,888.80, is based on the following totals by year:

FY20, \$254,444.40

FY21, \$254,444.40

ALTERNATIVE: The alternative to awarding this Contract would be to reject the Bid and re-advertise the Contract. Staff does not believe that re-advertising the Contract will result in additional bids or lower prices.

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

MOTION: The General Manager is authorized to award IFB No. 9059 for the purchase of Brushes for Vehicle Traction Motors to Mersen USA BN Corp. for the Bid price of

AWARD OF INVITATION FOR BID NO. 9059

\$508,888.80 including tax, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 16 May 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board		
DATE: 3/1/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cameron Bauer Dept: Hayward Maintenance Complex	General Counsel <i>[Signature]</i> 5/16/19 []	Controller/Treasurer <i>[Signature]</i> 5/16/19 []	District Secretary []	BARC <i>[Signature]</i> 5/16/2019 []
Signature/Date: <i>[Signature]</i> 5-16-19				

Authority to Submit Grant Application for HMC Rainwater Catchment System, Bio-Retention Basins, and Solar Wastewater Treatment Project

PURPOSE:

To authorize the General Manager or designee, to prepare and submit a grant application to the California Department of Water Resources for Proposition 1 funding for the Hayward Maintenance Complex (HMC) Rainwater Catchment, Bio-Retention Basins, and Solar Wastewater Treatment Project for HMC. HMC staff have developed a grant application requesting \$5.4 million in Prop 1 funds.

DISCUSSION:

Proposition 1, Chapter 7 Regional Water Security, Climate and Drought Preparedness (Water Code § 79740 –79748) funding is intended to improve regional water self-reliance security and adapt to the effects on watersupply arising out of climate change. Eligible projects include those which involve "Water reuse and recycling for non-potable reuse, ... underground water storage, ...capture rainwater, ... (and) provide multiple benefits such as ... water supply, flood control, (and) wastewater treatment."

The HMC program includes the construction of large buildings suitable for collecting rainwater for on-site train cleaning purposes. The buildings could collect in excess of 3 million gallons of rainwater during a year of normal rainfall. The Hayward Yard Train Car Wash currently uses approximately 6,000 gallons of municipal water each day. With the expansion of the Hayward Yard fleet from 153 cars to 250 cars by 2022, this demand may increase to 9,800 gallons per day. The HMC Component Repair Shop (CRS) is projected to use 2,000 gallons of water daily to clean axles, wheels, gear boxes, and motors.

HMC consultants prepared a preliminary design for a rainwater catchment system to collect runoff from the CRS, Central Warehouse, and M&E Shop buildings. HMC staff worked with M&E staff to develop a consensus on a proposed system sufficient to develop a cost estimate and grant application. The system would store water in an underground modular storage tank near the Whipple Road entrance. Pipes would be installed to carry water from the buildings to the modular tank and from the tank to the Train Car Wash. Above ground tanks would be installed west of the CRS building to store water collected at, and used in, this building.

The HMC project also includes \$845,060 in costs for Bio-Retention Basins.

The CRS building also includes a thermal wastewater evaporation system to dispose of the oily wastewater generated each day by the cleaning of train parts. The evaporators are currently fueled by natural gas. The system is expected to evaporate 2,000 gallons of wastewater each work day. The project would convert one of the CRS's two existing evaporators to be fueled by a solar thermal system instead of natural gas. The other evaporator would remain gas-fueled for use during cloudy weather. In addition, the solar thermal system would capture condensate from the evaporator and return it to the CRS spray washers and parts washers. A solar thermal contractor and solar collector manufacturer developed a cost estimate for a solar thermal system to fuel the evaporation process. HMC and M&E developed a consensus on the system sufficient to develop a cost estimate and a grant application.

The California Department of Water Resources will be soliciting Prop. 1 grant applications in May 2019. Both the rainwater and solar wastewater treatment projects are eligible for Prop. 1 funding. The grant application form requires that the governing body of the applicant formally authorize a representative to prepare and submit the application.

FISCAL IMPACT:

It is anticipated that there will be no negative fiscal impact to the District.

The grant application requests approximately \$4.1 million in rainwater catchment equipment along with \$1.3 million for the solar thermal system.

Since the Hayward Yard falls completely within a state-designated Disadvantaged Community (DAC), the project is eligible for having a waiver of the 50% local match requirement. If the waiver is rejected, the \$845,060 cost of the Bio-Retention Basins will be used as credit for the local match.

During a year of typical rainfall, the rainwater catchment system would avoid \$20,000 in municipal water costs. Estimates for maintaining the system were solicited from local rainwater system maintenance companies. The highest estimate was \$1,500 for the projected

1 day per year expected to be needed to maintain the system.

The system would save BART about \$1,000 for each inch of rain.

The solar thermal system would save BART about \$220 in avoided natural gas costs during each day of full sun .

ALTERNATIVES:

Not pursue the grant application or pursue an application for a system of some fraction of that described here.

RECOMMENDATION:

Authorize the General Manager or designee to proceed with the grant application.

MOTION:

Resolved by the Board of Directors of the San Francisco Bay Area Rapid Transit District that proposal be made to the California Department of Water Resources to obtain a Round 1 Integrated Regional Water Management Implementation Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code § 79700 et seq.), and to enter into an agreement to receive a grant for the: BART Hayward Maintenance Complex (HMC) Rainwater Catchment, Bio-retention Basin, and Solar Wastewater Treatment Project. The General Manager of the San Francisco Bay Area Rapid Transit District, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such proposal, and execute a grant agreement with California Department of Water Resources.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pucum</i> 16 MAY 2019		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Barbara Inaba Dept: Systems Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Barbara Inaba</i> 5.16.19	<i>[Signature]</i> 5/16/19 []	<i>[Signature]</i> 5/16/19 []	[]	<i>[Signature]</i> 5/16/2019 []

TO AUTHORIZE A LEASE WITH CALTRANS FOR BART EMPLOYEE PARKING AND SUBLEASE A PORTION OF LEASE AREA TO MTC

PURPOSE: To request authorization for the General Manager, or her designee, (1) to enter into a five-year lease with Caltrans, with an option to extend for an additional five-year period, for employee parking within Caltrans right-of-way under the elevated Route 880 freeway structure bounded by Fifth, Sixth, Oak and Madison Streets (Lease Area) in Oakland; and (2) to enter into a sublease with Metropolitan Transportation Commission (MTC), with an option to extend, for MTC employee parking within a portion of the Lease Area.

DISCUSSION: The District currently leases a parking lot of approximately 40,000 square feet from Caltrans for employee parking on a month-to-month basis. The previous lease expired on December 31, 2014 and the District has been renting the parking lot on a month-to-month basis for the past five (5) years. The current monthly rent is \$5,300.00. The proposed lease would be for approximately 49,000 square feet and from July 1, 2019 through June 30, 2024, with an option to renew for an additional five-year period. The initial monthly rate will be approximately \$7,350.00 with an increase of 4 % each year during the initial term of the lease. The terms of the option will be determined by Caltrans prior to the expiration of the initial lease period and will be based on fair market value of Caltrans' parking lot lease rates on its properties in the vicinity. In the past the escalation has been at 3% annually.

A Union arbitration ruling requires that the District provide 123 parking spaces for free employee parking, to be distributed on a first-come first-served basis. The proposed Lease Area provides 77 parking spaces for this purpose. The other 46 required parking spaces are provided at BART's Broadway Avenue and 20th Street parking lot. As the total number of

parking spaces available in the Lease Area lot exceeds 77, the District intends to sublease a portion of the Lease Area, thereby reducing the District’s leasing costs.

BART intends to sublease a portion of the Lease Area to MTC for its employee parking. The proposed sublease would be for approximately twelve (12) parking stalls or ten (10) percent of the Lease Area. The term of the proposed sublease would be from July 1, 2019 through June 30, 2024, with an option to renew for an additional five-year period if the District renews its lease with Caltrans. MTC will pay approximately \$735.00 in monthly rent, which will increase at a rate of 4% each year during the initial term of the sublease. Therefore, the net monthly District leasing cost will be \$6,615.00 in year 1.

Downtown Oakland is rapidly developing with numerous residential, commercial and other construction projects. Some existing parking lots in the area north of BART’s administrative headquarters at 300 Lakeside (LKS) are being developed, reducing the pool of available parking in the area. The monthly rates at several remaining parking lots within walking distance to LKS range between \$175.00 and \$220.00, which are significantly higher than the estimated \$65.00 per month that the District will pay for each space in the subject parking lot.

Termination of the Caltrans lease and the MTC sublease is available with thirty days’ notice of any contracting party.

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

FISCAL IMPACT: The subject EDD proposes a five-year lease at a total cost of approximately \$477,740.00 from July 1, 2019 – June 30, 2024.

The funds will be budgeted in the Real Estate and Property Development operating budget (Dept. 1011275 - Real Estate, Account 680330 – Building Space Rentals) as follows:

Estimated Expense	
FY20	\$ 88,200
FY21	\$ 91,730
FY22	\$ 95,400
FY23	\$ 99,220
FY24	\$ 103,190
TOTAL	\$ 477,740

Funding for FY20 is included in the proposed operating budget of Dept. 1011275. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

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

in the current Fiscal Year.

It is projected that revenue generated by subleasing a portion of the Lease Area to MTC will be approximately \$47,780.00 over the five-year period.

ALTERNATIVES: Provide the required employee parking spaces by leasing space elsewhere at a significantly higher cost.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized: (1) to enter into a five-year lease with Caltrans, with an option to extend the lease for an additional five-year period, for an employee parking area bounded by Fifth, Sixth, Oak and Madison Streets in Oakland commencing July 1, 2019 for an amount not to exceed \$477,740.00 for the first five-year term of the lease; and (2) to enter into a five-year year sublease with MTC for a portion of the Lease Area for approximately \$47,780.00, with an option for MTC to extend for an additional five-year period, pending BART's extension of its lease with Caltrans.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 17, 2019

FROM: General Manager

SUBJECT: **FY19 Third Quarter Financial Report**

The FY19 Third Quarter Financial Report (January – March 2019) is attached. The net result for the quarter was \$10.2M favorable to budget, due in part to receipt of Sales Tax payments from the prior fiscal year and the timing of State Transit Assistance.

Operating Sources

Total Ridership was 1.3% under budget for the third quarter of FY19, and 2.7% lower than in the same period of FY18. Third quarter FY19 weekday trips were 0.3% below budget and weekend/holiday trips 7.0% below budget. Passenger revenue in the third quarter was \$4.1M (3.5%) unfavorable. Passenger revenue in FY19 is \$8.5M (2.3%) below budget year-to-date. Although ridership is under budget year-to-date, recent trends indicate that the rate of decline is slowing, with some months up slightly from one year prior.

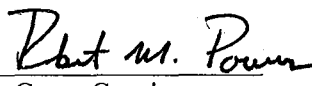
Financial Assistance in the third quarter of FY19 was favorable to budget due to revenue from Sales Tax and Low Carbon Fuel Standard (LCFS) credit sales. Third quarter Sales Tax revenues were \$6.9M favorable (10.5%), partially due to receipt of late payments from FY18. Property Tax, Other Assistance was \$0.2M (4.2%) favorable to budget in the third quarter of FY19. Additionally, LCFS credit sales in the third quarter exceeded the \$1.6M budget by \$2.7M due to strong pricing. Per the LCFS Policy, proceeds from LCFS sales will be allocated equally to the Sustainability program and to the general operating fund. State Transit Assistance was \$8.3M favorable due to timing of payment by the State but is expected to be on budget at year-end.

Operating Uses

Total Expense for the third quarter was over budget, finishing \$3.3M (1.7%) unfavorable. Labor and benefits were slightly over budget, at 0.4% unfavorable. Total non-labor was \$2.7M (5.2%) over budget, largely due to increased maintenance and utility costs.

Labor and non-labor expenses are projected to continue increasing through the conclusion of the Fiscal Year, and fare revenue is expected to be under budget, with financial assistance above budget.

cc: Board Appointed Officers
Deputy General Manager
Executive Staff


for Grace Crunican



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Phil M. Rose</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/11/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/13/19	<i>[Signature]</i> 5/13/19 []	<i>[Signature]</i> 5/13/19 []	[]	<i>[Signature]</i> 5/13/19 []

Silicon Valley Berryessa Extension Title VI Service and Fare Equity Analysis and Public Participation Report

PURPOSE:

To request Board approval of the Silicon Valley Berryessa Extension Title VI Service and Fare Equity Analysis and Public Participation Report.

DISCUSSION:

The Silicon Valley Rapid Transit (SVRT) project is a two-phase sixteen-mile, six-station extension of the existing BART system into Silicon Valley. This Title VI Service and Fare Equity Analysis and Public Participation Report (Title VI Equity Analysis, Analysis) is for SVRT Phase I, Silicon Valley Berryessa Extension (SVBX or Project), which adds 10 miles of new track south of the existing Warm Springs/South Fremont Station into Santa Clara County. This new service includes two new stations, one in Milpitas (Milpitas Station) and the other in the Berryessa District of San Jose (Berryessa/North San José Station).

In accordance with the Federal Transit Administration (FTA) Title VI Circular (Circular) 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients* (October 1, 2012), the District is required to conduct a Title VI Equity Analysis six months prior to commencing revenue service to evaluate whether the Project's proposed service and fares will have a disparate impact on minority populations or place a disproportionate burden on low-income populations, in accordance with BART's Disparate Impact and Disproportionate Burden Policy (DI/DB Policy) and FTA-approved Title VI service and fare methodologies.

The current Project revenue service date is projected to be late 2019. BART staff has conferred with the FTA and although the Analysis was prepared based on projected revenue service dates that have changed, the information contained is considered current and reflects the impacts of the proposed service. While the changes are included in an addendum to the Analysis, some changes to note (for informational purposes) are:

- With the projected revenue service date of late 2019, an Optimal Service Plan will likely be adopted. This service plan was also presented to the public at the Title VI outreach events.
- Santa Clara Valley Transportation Authority (VTA) Express Bus Routes 180 & 181, which were used in a 2018 travel time comparison analysis, have since been rerouted. But a passenger will still have an overall time savings traveling on a BART train to a comparable VTA bus route.

Title VI Service Equity Analysis Findings:

The Title VI Service Equity Analysis includes a demographic and travel time assessment of SVBX projected ridership. The demographic assessment evaluates whether the projected riders benefiting from the Project's service are predominately minority or low-income when compared to BART's five-county system-wide population by using data from the American Community Survey (ACS) 2015 five-year estimates. The assessment also evaluates whether riders who may be adversely affected by a service option are disproportionately minority or low-income.

Pursuant to the District's DI/DB Policy, a disparate impact or disproportionate burden results when adverse effects disproportionately affect protected populations. All service plan options, weekday and evening/weekend, provide a service benefit to Project ridership. The demographic assessment found that the projected riders benefiting from the new service are 66.5% minority and 22.2% low-income. The study therefore found that minority or low-income riders will not be disproportionately affected by adverse impacts resulting from any of the service options. Instead, the service will benefit predominately minority riders. Accordingly, no disparate impact or disproportionate burden was found on minority or low-income populations.

The travel time assessment compares the estimated travel time for riders affected by the service change before and after the new service. The results of the travel time assessment found that the Project would benefit all populations, including minority and low-income, within the Project catchment area. With Project service, all populations are expected to experience an average time savings of 45 minutes from Berryessa/North San José Station and Milpitas Station to Fremont Station, a 72% reduction in travel time. Staff also found that travel times are not expected to differ significantly among the proposed service options. Additional capacity is planned to be added to the Green and Blue Lines, which will lessen peak-period crowding. As a result, the Analysis found that minority populations will not

experience a disparate impact and low-income populations will not experience a disproportionate burden on their travel times with the new service.

Proposed Fare Plan:

The SVBX fare structure was determined by the 2001 Comprehensive Agreement between BART and VTA, which states that the proposed SVBX fares must be consistent with those in effect in BART's core system. The Agreement also provides that VTA may request that BART establish a fare surcharge on trips south of Warm Springs/South Fremont Station, and VTA has elected not to implement such a surcharge.

Staff accordingly has applied BART's existing distance-based fare structure to calculate fares for the Project. For example, in 2019, a one-way trip to Embarcadero Station from Warm Springs/South Fremont Station costs \$6.75, while a trip to Embarcadero Station from Milpitas Station is proposed to cost \$7.50 (\$0.75 more), and from Berryessa/North San José Station, \$7.75 (\$1.00 more).

These are the fares paid for with the Clipper card; trips made with BART's magnetic-stripe ticket cost an additional 50 cents. Clipper fares have been used in this analysis because approximately 85% of current BART trips are made with Clipper, and this percentage is expected to grow as BART continues to transition to Clipper from magnetic-stripe tickets.

Title VI Fare Equity Analysis Findings:

The proposed Project fares would not change BART's existing distance-based fare structure; BART's distance-based fares would not increase or decrease. As BART's distance-based fare structure is unchanged, the proposed fares will have no adverse effect on SVBX riders. Since there is no adverse effect on riders, the Analysis found that the proposed SVBX fares would not result in a disparate impact on minority riders or a disproportionate burden on low-income riders.

Public Participation:

Staff conducted extensive and inclusive multilingual public participation for the Analysis. From September 19 through October 8, 2017, eight outreach events were held in the Project catchment area and throughout the BART system. Project outreach included distributing surveys and consisted of two components:

- Informing the Project community of the new service and the proposed fares, which have been calculated by applying BART's existing distance-based fare structure to this new service, and
- Performing outreach for the system-wide service plan options.

In addition, input was sought from BART's Title VI & Environmental Justice (Title VI/EJ)

and Limited English Proficiency (LEP) Advisory Committees, which were supportive of the SVBX extension in general.

FISCAL IMPACT:

Board approval of the Project Title VI Equity Analysis is required by FTA before Project revenue operations can begin. Failure to comply with FTA regulations may affect BART's current and future eligibility to expend and receive FTA funding.

ALTERNATIVES:

Do not approve the Project Title VI Equity Analysis. If the Board does not approve the Project Analysis, staff must revise and resubmit the report for approval, which may delay commencement of SVBX operations.

RECOMMENDATION:

Approval of the following motion.

MOTION:

The Board of Directors approves the Silicon Valley Berryessa Extension Title VI Service and Fare Equity Analysis and Public Participation Report.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. M. Power</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/13/19	<i>[Signature]</i> 5/14/19 []	<i>[Signature]</i> 5/14/19 []	[]	<i>[Signature]</i> 5/13/19 []

Title VI Fare Equity Analysis for the Proposed 2020 Productivity-Adjusted Inflation-Based Fare Increase; Series 3, 2020-28, of the Productivity-Adjusted Inflation-Based Fare Increase Program; and Magnetic-Stripe Surcharge Increase

PURPOSE:

To request Board approval of the "Title VI Fare Equity Analysis for the Proposed 2020 Productivity-Adjusted Inflation-Based Fare Increase; Series 3, 2020-28, of the Productivity-Adjusted Inflation-Based Fare Increase Program; and Magnetic-Stripe Surcharge Increase."

DISCUSSION:

To ensure compliance with federal Title VI regulations, BART is required to conduct an analysis of any proposed fare change to determine if the change could potentially place a disparate impact on minority riders or a disproportionate burden on low-income riders (protected riders). A fare change equity finding is made based on a demographic assessment of affected riders and public outreach that is inclusive of minority, low-income, and Limited English Proficient (LEP) populations. Should a disparate impact or disproportionate impact be found, then in accordance with BART's Disparate Impact/Disproportionate Burden (DI/DB) Policy and the Title VI Circular, BART is required to take steps to mitigate such impacts.

Staff analyzed and conducted public outreach on the following proposed fare changes:

- A. Implementation of a productivity-adjusted inflation-based fare increase valued at 5.4% effective January 1, 2020.

- The BART Board gave the General Manager authority in 2003 and renewed that authority in 2013 to implement the Productivity-Adjusted Inflation-Based Fare Increase Program for below-inflation increases once every two years.
 - The average of national and Bay Area inflation over two years is calculated, with one-half percent then subtracted for BART productivity improvements
 - Series 1, 2006-2012, contributed approximately \$290 million (M) in additional fare revenue to help BART weather the Great Recession without reducing service levels.
 - The current Series 2 began in 2014, with the last increase scheduled for January 2020. By Board policy, all incremental fare revenue from Series 2, equal to approximately \$330M, helps fund BART’s high-priority capital projects: new rail cars, a new automated train control system, and the Hayward Maintenance Complex.
- B. Extending the Productivity-Adjusted Inflation-Based Fare Increase Program for Series 3 of below-inflation increases to occur once every two years between 2022 and 2028.
- Based on current inflation projections, the increase in each of these years is estimated to be 3.9%.
 - New incremental fare revenue is proposed to help fund the Core Capacity plan (additional new rail cars and system improvements, such as a new train control system to provide more frequent service, and operation of enhanced service).
 - Series 3 is estimated to generate approximately \$400M in revenue.
- C. Increasing the surcharge from \$0.50 to \$1.00 for fares paid for with Blue magnetic-stripe tickets.
- The surcharge would continue to be reduced by a prorated amount for discounted Green and Red magnetic-stripe tickets for seniors, people with disabilities, and youth.

The following table summarizes analysis results:

Analysis Results

Fare Change	Disparate Impact?	Disproportionate Burden?	Mitigation Required?
2020 Inflation-Based Fare Increase	No	No	No
Series 3 of Inflation-Based Fare Increase Program 2022-28	No	No	No
Magnetic-Stripe Paper Ticket Surcharge	No	Yes	Yes

This next table shows the equity findings, which consider both the analysis results and public comment received. No disproportionate impacts were found for the two less-than-inflation-based fare increase proposals. The magnetic-stripe paper ticket surcharge may be

disproportionately borne by low-income riders, and accordingly, mitigation is required.

Equity Findings

Fare Change	Disparate Impact?	Disproportionate Burden?	Mitigation Required?
2020 Inflation-Based Fare Increase	No	No	No
Series 3 of Inflation-Based Fare Increase Program 2022-28	No	No	No
Magnetic-Stripe Paper Ticket Surcharge	No	Yes	Yes

Attachment A provides detail for each proposed fare change regarding analysis findings, public input, the fare change’s equity findings, and mitigation where applicable.

FISCAL IMPACT:

There is no fiscal impact associated with approval of the Title VI Fare Equity Analysis.

ALTERNATIVES:

Do not approve the Title VI Fare Equity Analysis. If the Title VI Fare Equity Analysis is not approved or if approval is deferred, the fare changes identified for implementation as part of the Fiscal Year 2020 (FY20) budget may not be included in the FY20 budget. The Board could adopt an unbalanced budget and direct staff to pursue other revenue increases or expense reductions to balance the FY20 budget.

RECOMMENDATION:

Approval of the following motion.

MOTION:

The Board of Directors approves the Title VI Fare Equity Analysis for the Proposed 2020 Productivity-Adjusted Inflation-Based Fare Increase; Series 3, 2020-28, of the Productivity-Adjusted Inflation-Based Fare Increase Program; and Magnetic-Stripe Surcharge Increase and Public Participation Report.

Attachment A

For each proposed fare change, Attachment A provides detail on the analysis findings; public input; the fare change's equity findings (which consider both the analysis results and public comment received), and mitigation where applicable.

1. Implement a Productivity-Adjusted Inflation-Based Fare Increase of 5.4%

a. Analysis Findings

This across-the-board fare change will be considered to have a disproportionate impact if the difference between the changes for protected riders and non-protected riders is equal to or greater than 5% (DI/DB Policy). Calculations of weighted average fares for protected and non-protected riders show that the increases are virtually identical and thus the difference between these fares does not exceed the 5% threshold for either minority or low-income riders. In addition, the cumulative effect of fare increases from 2012 through the proposed increase in 2020 would not result in a disproportionate impact on protected riders because the increases are virtually identical and thus the difference is less than 5%. The table below summarizes the findings.

	Minority Disparate Impact	Low-Income Disproportionate Burden
A. 5.4% CPI-Based Fare Increase, 2020	No	No
Cumulative Impact	No	No

b. Public Outreach

Question 1 of the Fare Program Survey, “**Do you have any comments about this scheduled fare increase?**” was an open-ended question regarding the scheduled January 2020 less-than-inflation-based 5.4% fare increase:

Approximately 66% of all survey respondents, or 838 respondents, chose to comment. Of the 838 respondents, 49% (414 respondents) identified as minority and 15% (125) as low-income. Of the minority respondents, 58% did not support and 42% were in favor (unconditional or conditional support). Of the low-income respondents, 63% did not support and 37% were in favor (unconditional or conditional support).

c. Equity Finding

Although increasing fares by less than inflation may not be a preferred option for some taking the survey, the fare change analysis found no disproportionate impact on protected riders, and new fare revenue will be used to fund critical BART capital needs which will improve the system for all riders, including those who are protected. The equity finding for this fare change is that it would not have a disparate impact on minority riders or place a disproportionate burden on low-income riders.

2. Extend the Productivity-Adjusted Inflation-Based Fare Increase Program for a Third Series between 2022-2028

a. Analysis Findings

This across-the-board fare change will be considered to have a disproportionate impact if the difference between the changes for protected riders and non-protected riders is equal to or greater than 5% (DI/DB Policy). Calculations of weighted average fares for protected and non-protected riders show that the increases are virtually identical and thus the difference between these fares does not exceed the 5% threshold for either minority or low-income riders. In addition, the cumulative effect of fare increases from 2018 through the proposed increase in 2028 would not result in a disproportionate impact on protected riders because the increases are virtually identical and thus the difference is less than 5%. The table below summarizes the findings.

	Minority Disparate Impact	Low-Income Disproportionate Burden
B. CPI-Based Fare Increase Program, Series 3, 2022-28	No	No
Cumulative Impact	No	No

b. Public Outreach

Survey respondents were asked Question 2:

Would you support or oppose extending BART’s current fare increase program (less-than-inflation increases every two years)?

- Strongly support**
- Somewhat support**
- Neutral**
- Somewhat oppose**
- Strongly oppose**
- Don’t know**

Question 2 was answered by 1,241 of the 1,272 survey respondents, which is approximately 98% of all respondents. Of the 1,241 respondents to Question 2, 622 or approximately 50% identified as minority and 179 or approximately 14% identified as low-income. Of minority respondents, fewer (199 or 32%) supported the fare increase program compared to those who did not support it (327 or 53%). Of the remaining minority respondents, 14% were neutral and 2% selected “don’t know.” Of low-income respondents, fewer (50 or 28%) supported the fare increase program compared to those who did not support it (100 or 56%). The remaining 14% of low-income respondents were neutral. The table below summarizes these findings.

Question 2

	Support	Neutral	Don't Support	Don't Know	Total
Minority	199	86	327	10	622
%	32%	14%	53%	2%	100%
Low-income	50	25	100	4	179
%	28%	14%	56%	0%	100%

Survey Question 3, “**If you would support or oppose this program, please explain**” asked for comments regarding the respondent’s answer to Question 2. Comments were provided by 802 respondents, or 65% of the 1,241 respondents to Question 2. Of the 802 respondents, 50% (402 respondents) identified as minority and 15% (119 respondents) identified as low-income. A respondent’s rating of Question 2 determined the grouping of the comment. For example, a Question 3 comment was automatically grouped as “Neutral” for sorting purposes if the respondent checked “Neutral” for Question 2.

“Strongly Support” and “Somewhat Support” comments were grouped as “Support,” which may indicate clear support or some level of support with caveats. “Don’t Support” includes comments in the “Strongly Oppose” and “Somewhat Oppose” categories.

Of the 402 minority respondents providing comments, 60% did not support, 33% were in favor, 6% were neutral, and 1% selected “don’t know.” Of the 119 low-income respondents providing comments, 59% did not support, 32% were in favor, 8% were neutral, and 1% selected “don’t know.” The table below summarizes answers to Question 3.

Question 3

	Support	Neutral	Don't Support	Don't Know	Total
Minority	131	24	243	4	402
%	33%	6%	60%	1%	100%
Low-income	39	9	70	1	119
%	32%	8%	59%	1%	100%

c. Equity Finding

Although Series 3 of a program to increase fares by less than inflation may not be a preferred option for some taking the survey, the fare change analysis found no disproportionate impact on protected riders, and new fare revenue will be used to fund critical BART capital needs and to operate those improvements, which will improve the system for all riders including those who are protected.

The equity finding, therefore, is this fare change would not have a disparate impact on minority riders or place a disproportionate burden on low-income riders.

3. Increase the Surcharge from \$0.50 to \$1.00 on Fares Paid for with Magnetic-Stripe Tickets

a. Analysis Findings

The assessment for changes to a fare media is to determine whether protected riders are disproportionately more likely to use the affected fare media. Per the DI/DB Policy, impacts are considered disproportionate when the

difference between the protected ridership using the affected fare media and the protected ridership of the overall system is greater than 10%. The table below shows the results of applying the threshold to survey data:

	Minority Disparate Impact	Low-Income Disproportionate Burden
C. Mag Stripe Surcharge Increase	No	Yes

b. Public Outreach.

The Fare Program Survey included the following question about the magnetic stripe ticket surcharge increase:

Question 4: Would you support or oppose increasing the paper ticket surcharge to \$1.00 to maximize use of the Clipper card?

- Strongly support**
- Somewhat support**
- Neutral**
- Somewhat oppose**
- Strongly oppose**
- Don't know**

This question was answered by 1,229 of the 1,272 survey respondents, which is approximately 97% of all respondents.

Of the 1,229 respondents to Question 4, 623 or approximately 51% identified as minority and 180 or approximately 15% identified as low-income. Of minority respondents, more (273 or 44%) supported the surcharge increase compared to those who did not support it (243 or 39%). Of the remaining minority respondents, 16% were neutral and 1% selected "don't know." Of low-income respondents, fewer (68 or 38%) supported the surcharge increase compared to those who did not support it (84 or 47%). Of the remaining low-income respondents, 13% were neutral and 2% selected "don't know." Findings are summarized in the table below.

Question 4

	Support	Neutral	Don't Support	Don't Know	Total
Minority	273	98	243	9	623
%	44%	16%	39%	1%	100%
Low-income	68	24	84	4	180
%	38%	13%	47%	2%	100%

Question 5, “Do you have any comments about this potential paper ticket surcharge increase?” asked for explanatory comments to Question 4. Of the 1,229 survey respondents to Question 4, 716 or approximately 58% answered Question 5. Of the 716 respondents, 48% (345 respondents) identified as minority and 16% (116 respondents) identified as low-income. A respondent’s rating of Question 4 determined the grouping of the comment as described in section 2b above.

Of the 345 minority respondents providing comments, 50% did not support, 38% were in favor (strongly or somewhat support), 10% were neutral, and 2% selected “don’t know.” Of the 116 low-income respondents providing comments, 50% did not support, 38% were in favor (strongly or somewhat support), 9% were neutral, and 3% selected “don’t know.” These results are summarized in the table below.

Question 5

	Support	Neutral	Don't Support	Don't Know	Total
Minority	131	33	174	7	345
%	38%	10%	50%	2%	100%
Low-Income	44	11	58	3	116
%	38%	9%	50%	3%	100%

c. Equity Finding

The equity finding based on the fare change analysis and public comment received is that a magnetic-stripe ticket surcharge increase may be disproportionately borne by low-income riders.

d. Mitigation

Per BART's DI/DB Policy and the Title VI Circular, if low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable and describe alternatives available.

The initial magnetic stripe ticket surcharge of \$0.50 implemented on January 1, 2018 was found to result in a disproportionate burden on low-income riders. As mitigation, in December 2017-March 2018, BART, in partnership with the Metropolitan Transportation Commission (MTC), distributed free Clipper cards at 29 BART in-station and community-based organization (CBO) events located in or near low-income communities.

In addition, BART worked with MTC to expand MTC's existing partnership program with CBOs serving low-income communities to distribute free Clipper cards to their members/clients. As recommended by BART, MTC added a number of CBOs to its existing program to support BART's mitigation efforts. The MTC program is ongoing for as long as the CBO requests cards for their members/clients and provides a consistent pipeline of free Clipper cards to low-income communities. Thus, low-income riders affected by the proposed increase to the magnetic stripe ticket surcharge will continue to be able to obtain free Clipper cards.

Committee members also supported BART's overall efforts to move riders to the Clipper card. BART considers these established mitigation efforts sufficient, and staff will continue to work with BART's Title VI/Environmental Justice and Limited English Proficiency Advisory Committees to determine if any additional public outreach efforts are needed.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robt M. Poon</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/7/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept/ Human Resources Administration <i>Diane Iwata</i> Signature/Date: 5/10/2019	General Counsel <i>[Signature]</i> 5/10/19 []	Controller/Treasurer <i>[Signature]</i> 5/10/19 []	District Secretary []	BARC <i>[Signature]</i> 5/13/19 []

Award of Agreements No. 6M4639, 6M4640 and 6M4641 On-Call Professional Services for Human Resources

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M4639 to Accenture LLP, Agreement No. 6M4640 to Sjoberg Evashenk Consulting, Inc., and Agreement No. 6M4641 to Slalom, LLC, to provide on-call professional services for Human Resources. Each Agreement shall have a term of three (3) years, with two (2) one-year options, in the amount not to exceed \$1,000,000.

DISCUSSION:

A Request for Proposals ("RFP") was issued for on-call professional services for six (6) Central Support Service Areas ("CSSA"): Human Resources, Procurement/Materials Management, Capital Budget, Operating Budget, Performance and Audit, and Finance for award of up to four (4) agreements for each service area. The selected consultants will be working on special projects to develop and implement process improvements and efficiencies, determine root causes of issues/problems, recommend strategies to address those issues/problems, develop new policies and procedures based on industry best practices, assess risk factors and recommend control measures at all levels of the District. In order to streamline the process, the District issued one RFP for all six CSSAs. However, a separate evaluation committee for each CSSA evaluated the Proposers for their specific CSSA. This award is for agreements for the Human Resources CSSA.

This RFP was advertised on January 31, 2019, and a subsequent Notice to Proposers was sent to fourteen (14) prospective proposers. Thirty-nine (39) prospective proposers

downloaded the RFP from the District's Procurement Vendor Portal. Two Pre-Proposal Meetings were held on February 20, 2019 in the morning and afternoon, with twenty (20) prospective proposers attending. Three (3) Addenda were issued for the RFP over the course of advertisement.

On March 12, 2019, three (3) responsive proposals for the Human Resources CSSA were received from the following firms:

1. Accenture LLP (San Francisco, CA)
2. Sjoberg Evashenk Consulting, Inc. (Sacramento, CA)
3. Slalom, LLC (San Francisco, CA)

The three (3) proposals were reviewed and evaluated by a Source Selection Committee ("Committee") consisting of staff from the District's Human Resources Department, Office of Civil Rights ("OCR"), Office of the General Counsel and Contract Administration. All three (3) proposals were determined to be responsive and to have met the Technical Requirements of the RFP. In accordance with the provisions of the RFP, the selection of Consultants to provide the services is based on the best value methodology. Under this approach, the District retains the right to award to other than the lowest cost proposal, based on a determination that certain technical advantages available from a proposal will equate to added value for the District. According to the terms of the RFP the proposals were evaluated and scored based on the criteria contained in the RFP with respect to the qualifications of the firm and key personnel.

The Committee then reviewed the price proposals and determined that all three (3) proposals were within the competitive range. All proposers were short-listed and invited to an oral interview. The oral interviews were conducted on April 12, 2019.

After the oral interviews, the Committee combined the qualifications/technical scores and the oral interview scores and based on best value analysis determined that all proposers offered acceptable overall value to the District.

Pursuant to the District's Non-Federal Small Business Program, OCR set a 5% Small Business Prime Preference for this Agreement for Small Businesses (SB) certified by the California Department of General Services (DGS). Sjoberg Evashenk Consulting, Inc. is a certified SB, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 8.4% for Minority Business Enterprises (MBEs) and 5.7% for Women Business Enterprises (WBEs). Accenture LLP, Sjoberg Evashenk Consulting, Inc., and Slalom, LLC will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

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

FISCAL: IMPACT:

Each agreement has a not to exceed cost limit of \$1,000,000. However, no dollar amount is guaranteed to any of the Consultants.

Costs for professional services will be funded by the FY19 and/or FY20-FY22 Operating Budget of Human Resources (Cost Center 0502420 and Account 681300). Funding for services to be rendered in FY20-FY22 will be included in the proposed annual operating budget of the Human Resources Department for that year, subject to Board approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

ALTERNATIVES:

The District could reject all proposals and solicit new proposals.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

That the General Manager is authorized to award Agreement No. 6M4639 to Accenture LLP, Agreement No. 6M4640 to Sjoberg Evashenk Consulting, Inc., and Agreement No. 6M4641 to Slalom, LLC to provide on-call professional services for Human Resources, each in an amount not to exceed \$1,000,000, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Phil M. Roman</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lisa Agustin Dept: Budget	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/10/19	<i>[Signature]</i> 5/10/19 []	<i>[Signature]</i> 5/10/19 []	[]	<i>[Signature]</i> 5/10/19 []

Award of Agreements No. 6M4651, 6M4652, 6M4653, and 6M4654 On-Call Professional Services for Operating Budgets

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M4651 to Accenture LLP, Agreement No. 6M4652 to InnoFin Solutions, LLC, Agreement No. 6M4653 to Sjoberg Evashenk Consulting, Inc., and Agreement No. 6M4654 to Slalom, LLC, to provide on-call professional services for the Operating Budgets Division. Each Agreement shall have a term of three (3) years, with two (2) one-year options to extend, for a total not-to-exceed amount of \$1,000,000.

DISCUSSION:

A Request for Proposals ("RFP") was issued for on-call professional services for six (6) Central Support Service Areas ("CSSA"): Operating Budget, Human Resources, Procurement/Materials Management, Capital Budget, Performance and Audit, and Finance for award of up to four (4) agreements for each service area. The selected consultants will be working on special projects to develop and implement process improvements and efficiencies, determine root causes of issues/problems, recommend strategies to address those issues/problems, develop new policies and procedures based on industry best practices, assess risk factors and recommend control measures at all levels of the District. In order to streamline the process, the District issued one RFP for all six CSSAs. However, a separate evaluation committee for each CSSA evaluated the Proposers for their specific CSSA. This award is for agreements for the Operating Budgets CSSA.

This RFP was advertised on January 31, 2019, and a subsequent Notice to Proposers was

sent to fourteen (14) prospective proposers. Thirty-nine (39) prospective proposers downloaded the RFP from the District's Procurement Vendor Portal. Two Pre-Proposal Meetings were held on February 20, 2019 in the morning and afternoon, with twenty (20) prospective proposers attending. Three (3) Addenda were issued for the RFP over the course of advertisement.

On March 12, 2019, five (5) responsive proposals for the Operating Budgets CSSA were received from the following firms:

1. Accenture LLP (San Francisco, CA)
2. Harvey M. Rose Associates, LLC (San Francisco, CA)
3. InnoFin Solutions, LLC (Denver, CO)
4. Sjoberg Evashenk Consulting, Inc. (Sacramento, CA)
5. Slalom, LLC (San Francisco, CA)

The five (5) proposals were reviewed and evaluated by a Source Selection Committee ("Committee") consisting of staff from the District's Budget Department, Office of Civil Rights ("OCR"), Office of the Chief Information Officer, and Contract Administration. All five (5) proposals were determined to be responsive and to have met the Technical Requirements of the RFP. In accordance with the provisions of the RFP, the selection of Consultants to provide the services is based on the best value methodology. Under this approach, the District retains the right to award to other than the lowest cost proposal, based on a determination that certain technical advantages available from a proposal will equate to added value for the District. According to the terms of the RFP the proposals were evaluated and scored based on the criteria contained in the RFP with respect to the qualifications of the firm and key personnel.

The Committee then reviewed the price proposals and determined that all five (5) proposals were within the competitive range. All proposers were short-listed and invited to an oral interview. The oral interviews were conducted on April 26, 2019.

After the oral interviews, the Committee combined the qualifications/technical scores and the oral interview scores and based on best value analysis determined that the following four (4) proposers offered the best overall value to the District:

1. Accenture LLP (San Francisco, CA)
2. InnoFin Solutions, LLC (Denver, CO)
3. Sjoberg Evashenk Consulting, Inc. (Sacramento, CA)
4. Slalom, LLC (San Francisco, CA)

Pursuant to the District's Non-Federal Small Business Program, OCR set a 5% Small Business Prime Preference for this Agreement for Small Businesses (SB) certified by the California Department of General Services (DGS). Sjoberg Evashenk Consulting, Inc. is a certified SB, making it eligible for the 5% Small Business Prime Preference for this

Agreement for evaluation purposes.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 8.4% for Minority Business Enterprises (MBEs) and 5.7% for Women Business Enterprises (WBEs). Accenture LLP, Sjoberg Evashenk Consulting, Inc., and Slalom, LLC will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply. InnoFin Solutions committed to 0% MBE and 0% WBE participation. InnoFin Solutions did not meet either the MBE or WBE Availability Percentages; therefore, InnoFin Solutions was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by InnoFin Solutions, the Office of the Civil Rights found no evidence of discrimination.

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

FISCAL IMPACT:

Each agreement has a not to exceed cost limit of \$1,000,000. However, no dollar amount is guaranteed to any of the Consultants.

Costs for professional services will be funded by the FY20 – FY22 operating budget of the Operating Budgets Division (Cost Center 1104472 and Account 681300). Funding for services to be rendered in FY20 – FY22 will be included in the proposed annual operating budget of the Operating Budgets Division for that year, subject to Board approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

ALTERNATIVES:

The District could reject all proposals and solicit new proposals.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

That the General Manager is authorized to award Agreement No. 6M4651 to Accenture LLP, Agreement No. 6M4652 to InnoFin Solutions, LLC, Agreement No. 6M4653 to Sjoberg Evashenk Consulting, Inc., and Agreement No. 6M4654 to Slalom, LLC, to provide on-call professional services for the Operating Budgets Division, each in an amount not to exceed \$1,000,000, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhet M. Penn</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources Administration <i>Diane Iwata</i> Signature/Date: 5/14/2019	General Counsel <i>[Signature]</i> 5/15/19 []	Controller/Treasurer <i>[Signature]</i> 5/15/19 []	District Secretary []	BARC <i>[Signature]</i> 5/14/19 []

Actuarial Report on Changes to Pension and OPEB under Consideration by the District

PURPOSE:

To provide a report on the actuarial impacts on potential changes to retirement benefits and Other Post-Employment Benefits (OPEB) for BART Police Managers' Association (BPMA) sworn and non-sworn employees. Since Non-Represented sworn employees are subject to the same pension changes as BPMA sworn members, this report will also include this group.

California Government Code 7507 requires a local legislative body, before authorizing changes in retirement benefits or OPEB, to "secure the services of an actuary to provide a statement of the actuarial impact upon future annual costs, including normal cost and any additional accrued liability," and also requires that the future cost of changes in retirement benefits or other postemployment benefits, as determined by the actuary, "be made public at a public meeting at least two weeks prior to the adoption of any changes."

If the future costs of the changes exceed a certain amount, Section 7507 also requires that an actuary be present at the public meeting at which the adoption of the benefit change is considered. Since each of the potential changes described below will result in cost savings, an actuary is not required to attend the public meeting.

This is an informational item. No Board action is required.

DISCUSSION:

The District is proposing to make three changes to retirement benefits and OPEB for BPMA, which include the following:

1. Change Pension Cost Sharing

For Sworn Classic employees, the employee's cost share of the Employer's pension contribution will increase from the current level of 4% to 7% in Year 1 of the new collective bargaining agreement (CBA) term, then increase an additional one percent a year to 8% in Year 2, 9% in Year 3, and finally 10% in Year 4.

For Sworn Public Employees' Pension Reform Act (PEPRA) employees, the employee's cost share of the Employer's pension contribution will decrease from the current level of 4% to 3% in Year 1 of the new CBA term, then decrease an additional one percent a year to 2% in Year 2, 1% in Year 3, and finally 0% in Year 4. PEPRA employees will continue to contribute half of the normal cost of their pension benefits, as required by law.

For Non-sworn Classic employee's, the employee's cost share of the Employer's pension contribution will increase from the current level of 4% to 5% in Year 1 of the new collective bargaining agreement (CBA) term, then increase an additional one percent a year to 6% in Year 2, 7% in Year 3, and finally 8% in Year 4.

For Non-sworn PEPRA employees, the employee's cost share of the Employer's pension contribution will decrease from the current level of 4% to 0% in Year 1. PEPRA employees will continue to contribute half of the normal cost of their pension benefits, as required by law. Currently, there are no employees in this category.

2. Change to Medical Contribution for Retirees

As required by the California Public Employees' Retirement System (CalPERS), active employees and eligible retirees pay the same medical contribution amount. The current employee/retiree medical contribution is listed in the CBA and automatically increases by 3% each year. Employees and retirees are also currently paying an additional monthly contribution of \$44. For 2018, the total monthly contribution is \$150.93, which includes the \$44. The proposed change is to maintain the additional \$44 contribution, and make the full contribution (i.e., the monthly contribution *and* the additional contribution) subject to the annual 3% escalator. Making this change will increase the employee/retiree annual contribution through compounding.

The current medical cap would remain the same for 2018 and 2019. Effective January 1, 2020, the cap will be Region 1 Basic Premiums Rates for the PERS HMO Blue Shield Access + or PERS HMO Kaiser Plan, whichever is higher, less the retiree contribution. This change coincides with the changes to the CalPERS Health Regions beginning on January 1, 2020.

3. Eliminate Retiree Life Insurance for Future Retirees

Currently, retirees receive life insurance coverage of 50% of their final base salary for their first year of retirement. The coverage level reduces each year by 10%, so by their fourth year of retirement, and for all subsequent years, they receive life insurance coverage of 20% of their final base salary. This benefit is 100% paid by the District. The proposed change would eliminate retiree life insurance for future BPMA retirees.

COST SAVINGS AND ACTUARIAL IMPACT:

1. The change to the pension cost share by Sworn employees is estimated to save the District \$536,526 in the first year of the CBA, and a total of \$2,191,295 over the 4-year term of the CBA.
2. The change to the pension cost share by Non-sworn employees is estimated to save the District \$23,029 in the first year of the CBA, and a total of \$111,828 over the 4-year term of the CBA.
3. The change to the medical cost for retirees is estimated to save the District \$16,560 in the first year of the CBA, and a total of \$55,818 over the 4-year term of the CBA.
4. The elimination of future retiree life insurance is estimated to save the District \$5,825 in the first year of the CBA, and a total of \$25,798 over the 4-year term of the CBA. This figure is based on premium reductions.

These proposed changes were reviewed by the District's actuarial firm, Bartel Associates, LLC. Bartel Associates has concluded that there is no negative impact to normal cost and actuarial liability for any of the proposed changes. For retiree life and retiree medical, there are also no negative impact to future annual cost. For pension, there is no negative impact to future annual cost within the contract term, however, there is an impact of 0.25%, which equals about \$354,000 over 30 years.

May 14, 2019

Diane M. Iwata, SPHR, SHRM-SCP
Human Resources Division Manager
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 20th Floor
Oakland, CA 94612

**Re: CalPERS Pension Plan
Police Managers' Association and Nonrepresented Safety Employees**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retirement plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the actuarial impact of changes related to the CalPERS pension benefits for the BART Police Managers' Association (BPMA) and for 3 nonrepresented Safety employees.

Summary of Proposed Benefit Changes

The District currently provides retirement benefits to eligible BPMA and nonrepresented Safety employees under CalPERS, with the District paying the CalPERS-required member contributions on behalf of Classic BPOA members. All BPMA members contribute 4% of their pensionable pay towards the District's required CalPERS contribution ("cost sharing").

Under the proposed change for BPMA and nonrepresented Safety employees:

- Sworn (Safety) Classic employees would increase their cost sharing from 4% to 7% of pensionable pay effective for the first full pay period following the ratification of the agreement. Cost sharing would increase to 8% of pensionable pay on the following July 1st, 9% the following year, and to 10% of pensionable pay in year 4.
- Sworn (Safety) PEPRA employees would reduce their cost sharing from 4% to 3% of pensionable pay effective for the first full pay period following the ratification of the agreement. Cost sharing would decrease to 2% of pensionable pay on the following July 1st, 1% the following year, and to 0% of pensionable pay in year 4.
- Nonsworn (Miscellaneous) Classic employees would increase their cost sharing from 4% to 5% of pensionable pay effective for the first full pay period following the ratification of the agreement. Cost sharing would increase to 6% of pensionable pay on the following July 1st, 7% the following year, and to 8% of pensionable pay in year 4.
- Nonsworn (Miscellaneous) PEPRA employees would reduce their cost sharing from 4% to 0% of pensionable pay effective for the first full pay period following the ratification of the agreement. There are currently no Nonsworn PEPRA BPOA employees.

Cost of Change

We estimated the cost impact of this change using the following assumptions:

- Census data was provided by the District as of March 31, 2019. Census data included pensionable and total pay.



- Pay increases were assumed to follow CalPERS 2017 actuarial valuation assumptions, including 2.75% total annual payroll growth
- Current employees were assumed to terminate and retire in accordance with CalPERS 2017 valuation assumptions. New employees were added to provide 2.75% total payroll growth. The percentage of new hires assumed to be PEPRA increased from 70% in 19/20 to 100% after 3 years. Future hires were assumed to have the same demographics as current employees.
- Present values were calculated using a 7% discount rate.
- We assumed the change would be effective May 1, 2019.

Because these proposed changes have no impact on CalPERS pension benefits, there is no change in the Normal Cost and Actuarial Accrued Liability. However, the District's contributions to CalPERS, net of employee cost sharing, will change. Therefore, the impact of the proposed changes has been measured based on expected changes in future District contributions to CalPERS.

The estimated cost of the change in current dollars (not a present value) over 3-2/12 years, the expected agreement term, is as follows.

Increase/(Decrease) in District Costs For 3-2/12 Years			
<i>(Amounts in \$000's)</i>			
	Classic	PEPRA	Total
■ Total increase/(decrease) in BART costs due to change in employee-paid cost sharing over 3-2/12 years (current dollars; not a present value)	(\$887)	\$56	(\$831)
■ Total increase/(decrease) in BART costs over 3-2/12 years due to change in employee-paid cost sharing as a percentage of total (not pensionable) pay	(2.82%)	2.27%	(2.45%)

Over the anticipated term of the agreement there will be more Classic than PEPRA employees and so this change results in a net savings to the District during the 3-2/12 anticipated years of the agreement. However, over time the number of Classic employees will decline and the number of PEPRA employees will grow. To measure the impact of the change in employee cost sharing, if it were to be continued, we estimated the change over 30 years. The cost impact is shown below, as the present value of the difference for each year.

Increase/(Decrease) in Present Value of District Costs Over 30 Years			
<i>(Amounts in \$000's)</i>			
	Classic	PEPRA	Total
■ Present value of the total increase/(decrease) in BART costs due to change in employee-paid cost sharing over 30 years	(\$2,156)	\$2,510	\$354
■ Present value of the total increase/(decrease) in BART costs due to change in employee-paid cost sharing as a percentage of total (not pensionable) pay	(3.52%)	3.09%	0.25%



Conclusion

Our calculations show the District's future annual costs would decrease over the next 3-2/12 years due to the change in employee cost sharing for BART Police Managers' Association. When evaluated as a present value over the next 30 years, the net impact of the proposed change is an increase in the present value of the District's future annual costs. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District and CalPERS as summarized in this report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report.

Please contact Mary Beth Redding (mbredding@bartel-associates.com) or Bianca Lin (blin@bartel-associates.com) with any questions about this information.

Sincerely,

Mary Elizabeth Redding, FSA, MAAA, EA, FCA
Vice President

c: Doug Pryor, Bianca Lin, Bartel Associates, LLC

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May 10, 2019

Diane M. Iwata, SPHR, SHRM-SCP
Human Resources Division Manager
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 20th Floor
Oakland, CA 94612

**Re: Retiree Healthcare Plan
Police Managers' Association**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retiree healthcare plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the impact of proposed changes related to retiree healthcare benefits for the BART Police Managers' Association (BPMA).

Summary of Proposed Benefit Changes

The District currently provides healthcare benefits to eligible BPMA employees who retire directly from the District under CalPERS, with the District paying monthly medical premiums up to the greater of the Bay Area Blue Shield Access+ or Bay Area Kaiser basic premiums. A percentage schedule applies for BPMA employees hired after January 1, 2015. The District participates in the CalPERS medical program (PEMHCA).

In addition to paying premiums above the cap, retirees also pay monthly contributions. The basic contribution for BPMA retirees is \$106.93 per month in 2018 with 3% annual future increases. The basic contribution ceases in 2035. There is also an additional contribution of \$44 per month, which was schedule to cease in 2018 under the current BPMA MOU.

Under the proposed benefit change, the \$44 monthly additional contribution for BPMA retirees would continue through 2035, with 3% annual future increases starting 2019.

Cost of Change

Our estimated cost impact is based on our June 30, 2018 actuarial valuation methods, assumptions, and data, including:

- 6.5% discount rate
- Terminations, disabilities and retirements in accordance with CalPERS 2017 valuation assumption assumptions (1997-2015 CalPERS Experience Study)
- 43 BPMA actives and 60 BPMA retirees receiving benefits.



Following is the change in the District's June 30, 2018 actuarial obligations and 2019/20 Actuarially Determined Contribution due to the proposed benefit change.

Retiree Healthcare Plan (Amounts in \$000's)			
	Current Plan Before any Changes	After BPMA Proposed Change	Increase/ (Decrease)
■ June 30, 2018 Present Value of Projected Benefits	\$ 792,369	\$ 791,990	\$ (379)
■ June 30, 2018 Funded Status			
• Actuarial Accrued Liability (AAL)	587,896	587,550	(346)
• Market Value of Plan Assets	<u>305,850</u>	<u>305,850</u>	—
• Unfunded AAL	282,046	281,700	(346)
■ 2019/20 ADC - \$			
• Normal Cost	25,047	25,041	(6)
• Amortization of Unfunded AAL	<u>16,785</u>	<u>16,753</u>	<u>(32)</u>
• Total (future annual cost)	41,832	41,794	(38)

The Present Value of Projected Benefits represents the amount needed as of the valuation date to pay all future benefits for current members if all assumptions are met. The Actuarial Accrued Liability represents the portion of the Present Value of Projected Benefits that participants have earned (on an actuarial, not actual, basis) through the valuation date. The District's Actuarially Determined Contribution (ADC) is equal to the employer Normal Cost (the value of benefits earned during the year), plus an amortization payment on the unfunded liability (Actuarial Accrued Liability less Plan assets). Consistent with the 2018 valuation changes, the decrease in the unfunded liability due to the BPMA benefit change has been amortized over 15-years.

Conclusion

The District's actuarial cost would decrease due to the proposed benefit change for BART Police Managers' Association. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District as summarized in this letter and our June 30, 2018 actuarial valuation report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report.

Diane M. Iwata
May 10, 2019
Page 3



Please contact Doug Pryor (dpryor@bartel-associates.com) or Mary Beth Redding (mbredding@bartel-associates.com) with any questions about this information.

Sincerely,

Doug Pryor, ASA, MAAA, EA
Vice President

c: Mary Elizabeth Redding , Bartel Associates, LLC

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May 14, 2019

Diane M. Iwata, SPHR, SHRM-SCP
Human Resources Division Manager
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 20th Floor
Oakland, CA 94612

**Re: Retiree Life Insurance Plan
Police Managers' Association Benefits**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retiree healthcare plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the impact of proposed changes related to retiree life insurance benefits for the BART Police Managers' Association (BPMA).

Summary of Proposed Benefit Changes

The District currently provides retiree life insurance benefits to eligible BPMA employees who retire directly from the District under CalPERS. Coverage is equal to 50% of final base salary at retirement, reduced by 10% annually until reaching 20% for year 4 and all future years.

Under the proposed benefit change, future BPMA retirees who retire on or after July 1, 2019 would not have life insurance benefits provided by the District, nor would they be eligible to purchase life insurance through the District plan. Current retirees and retirees who retire before July 1, 2019 would continue to have their life insurance coverage paid by the District.

Cost of Change

Our estimated cost impact is based on our June 30, 2018 actuarial valuation methods, assumptions, and data, including:

- 3.75% discount rate
- Terminations, disabilities and retirements in accordance with CalPERS 2017 valuation assumption assumptions (1997-2015 CalPERS Experience Study)
- 43 BPMA actives with \$6.210 million in 2019/20 payroll. Additionally, there are 44 BPMA retirees with life insurance coverage who will not be impacted by the change.
- The value of life insurance is based on the death benefits expected to be paid to retirees. This is a better measure than if retiree life insurance premiums were valued, since the active life insurance premiums paid by the District subsidize retiree life insurance.



Following is the change in the District's June 30, 2018 actuarial obligations and 2019/20 Actuarially Determined Contribution due to the proposed benefit change.

Retiree Life Insurance Plan			
(Amounts in \$000's)			
	Current Plan Before any Changes	After BPMA Proposed Change	Increase/ (Decrease)
■ June 30, 2018 Present Value of Projected Benefits	\$ 46,341	\$ 45,931	\$ (410)
■ June 30, 2018 Funded Status			
• Actuarial Accrued Liability (AAL)	34,628	34,358	(270)
• Market Value of Plan Assets	-	-	-
• Unfunded AAL	34,628	34,358	(270)
■ 2019/20 ADC - \$			
• Normal Cost	1,267	1,251	(16)
• Amortization of Unfunded AAL	<u>2,592</u>	<u>2,571</u>	<u>(21)</u>
• Total (future annual cost)	3,859	3,822	(37)

The Present Value of Projected Benefits represents the amount needed as of the valuation date to pay all future benefits for current members if all assumptions are met. The Actuarial Accrued Liability represents the portion of the Present Value of Projected Benefits that participants have earned (on an actuarial, not actual, basis) through the valuation date. The District's Actuarially Determined Contribution (ADC) is equal to the employer Normal Cost (the value of benefits earned during the year), plus an amortization payment on the unfunded liability (equal to the Actuarial Accrued Liability since there are no Plan assets). Consistent with the 2018 valuation changes, the decrease in the unfunded liability due to the BPMA benefit change has been amortized over 15-years.

Conclusion

The District's actuarial cost would decrease due to the proposed benefit change for BART Police Managers' Association. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District as summarized in this letter and our June 30, 2018 actuarial valuation report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report.

Diane M. Iwata
May 14, 2019
Page 3



Please contact Doug Pryor (dpryor@bartel-associates.com) or Mary Beth Redding (mbredding@bartel-associates.com) with any questions about this information.

Sincerely,

Doug Pryor, ASA, MAAA, EA
Vice President

c: Mary Elizabeth Redding, Bartel Associates, LLC

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rht M. Perna</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/15/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregory Shivy Dept: Maintenance and Engineering <i>Gregory Shivy</i> Signature/Date: 5/10/19	General Counsel <i>[Signature]</i> 5/10/19 []	Controller/Treasurer <i>[Signature]</i> 5/10/19 []	District Secretary []	BARC <i>[Signature]</i> 5/13/2019 []

Award of Contract 15CQ-115 For C25 Interlocking Renewal

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15CQ-115, C25 Interlocking Renewal, to Proven Management Inc., for the bid amount of \$9,869,643.00, for work on the C25 Interlocking Track infrastructure.

DISCUSSION:

Contract 15CQ-115 is a Measure RR Public Works Construction Contract for renewal of critical existing District infrastructure within the city limits of Orinda, CA in Contra Costa County. There are four (4) turnouts in the C25 interlocking, which have reached the end of their useful life, will be replaced with new concrete tie turnouts. The contract work includes demolition of existing tracks, site preparation, restoration of areas used for staging, construction of new track and special trackwork, traction power maintenance, train control and all other associated work.

The Contractor will provide traffic control and coordination with Caltrans during the construction period, primarily for California State Route 24, which borders the interlocking. This project will utilize four (4) weekend track shutdowns, during the period from April 1, 2020 through June 30, 2020, including Memorial Day weekend of 2020, and will be supported by bus bridges from local transit agency partners.

Advance Notice to Bidders of this Contract was mailed on March 14, 2019 to one hundred and seventy eight (178) prospective Bidders. The Contract was publicly advertised on March 13, 2019 and subsequently posted on the BART Vendor Portal where thirty nine (39) Plan Holders downloaded the Contract Book. A Pre-Bid meeting held on March 27, 2019 was attended by ten (10) prospective bidders and four (4) of the ten (10) attended a site walk

on March 28, 2019. Two (2) Bids were received on April 16, 2019 with the following results:

DMZ Builders, Inc., Concord , CA	\$10,140,000.00
Proven Management, Inc., Oakland, CA	\$ 9,869,643.00

BART Engineers Estimate is \$13,084,911.00. BART believes that the bids were below the Engineers Estimate because both bidders have experience with similar projects and therefore are familiar with the BART procedures, the Operating Envelope, and work restrictions. Contract duration is estimated to be completed within 500 calendar days.

Staff has determined that Proven Management, Inc., is a responsive and responsible Bidder and that the Bid submitted by them is responsive. Staff also determined that the \$9,869,643.00 Bid price is fair and reasonable based upon the independent cost estimate and a market survey of qualified contractors.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 20.3% for Minority Business Enterprises (“MBEs”) and 14.1% for Women Business Enterprises (“WBEs”). The Office of Civil Rights has determined that the apparent low Bidder, Proven Management, Inc., has exceeded both the MBE and WBE Availability Percentages for this Contract at 91.4% for MBEs and 15.2% for WBEs.

Pursuant to the District’s Non-Federal Small Business Program, the Office of Civil Rights set a 17% Local Small Business (LSB) Subcontractor Participation Goal for this Contract. Bidders who meet the LSB Subcontractor Participation Goal are eligible for a Prime Preference of 7% of the lowest responsible Bidder’s Bid, up to a cap of \$150,000. The apparent low Bidder, Proven Management, Inc., committed to subcontracting 22.8% to LSBs, which qualifies it to receive the Prime Preference. The second lowest Bidder, DMZ Builders, committed to subcontracting 1% to LSBs, and therefore, is not eligible for the Prime Preference. After the application of the 7% Prime Preference, Proven Management, Inc. is still the lowest responsive Bidder.

FISCAL IMPACT:

Funding in the amount of \$9,869,643.00 to award Contract No. 15CQ-115 C25 Interlocking Renewal is included in the total budget for FMS# 15CQ006 Replace Rails, Ties, C25 Interlocking . The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following:

Source	Fund Description	Amount
BART	Measure RR General Obligation Bonds	\$14,250,000.00
	Total	\$14,250,000.00

As of April 23, 2019, \$14,250,000.00 is the total budget for this project. BART has expended \$14,177.00, committed \$25,139.00 and reserved zero dollars to date for other actions. This action will commit \$9,869,643.00 leaving an available fund balance of \$4,341,041.00 in fund sources for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any fiscal impact on unprogrammed District Reserves.

ALTERNATIVES:

Reject the Bids and re-advertise the Contract. This is not likely to result in increased competition or lower prices and would delay the critical C25 Interlocking Renewal project, which could negatively impact revenue service.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Contract No. 15CQ-115, C25 Interlocking Renewal, to Proven Management Inc. of Oakland, California for the Bid Price of \$9,869,643.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robt M. Pourn</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 4/4/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Samuel Hoffman Dept: Maintenance and Engineering <i>Samuel R Hoffman</i> Signature/Date: 13 MAY 2019	General Counsel <i>[Signature]</i> 5/13/19 []	Controller/Treasurer <i>[Signature]</i> 5/13/19 []	District Secretary []	BARC <i>[Signature]</i> 5.13.2019 []

Award of Contract No. 54RR-250, Concord Yard Fire Protection

PURPOSE:

To request Board authorization to award Contract No. 54RR-250 for Concord Yard Fire Protection replacement to DMZ Builders, in the amount of \$3,940,800.00.

DISCUSSION:

The fire mains and appurtenances in the District yards are currently beyond their design life. This contract will replace the water distribution infrastructure at the Concord Yard (OCY), therefore providing a more efficient fire protection system, meeting current National Fire Protection Association (NFPA) standards and requiring less maintenance. Contract No. 54RR-250 will support the Measure RR Bond initiative of infrastructure renewal.

On February 5, 2019, the District provided Advance Notice to fifty-six (56) prospective Bidders who received the electronic version of the Contract book, including forms to submit, from the District's Vendor Portal. Plans were sent to six (6) Plan Rooms.

On February 6, 2019, the Contract was advertised in local publications. A total of twenty-seven (27) firms downloaded the Contract Documents from the District's Vendor Portal. A pre-bid meeting was conducted on February 27, 2019 with five (5) prospective Bidders attending the meeting. A site tour was conducted on February 27, 2019 with three (3) prospective Bidders.

A total of two (2) Bids were received and publicly opened on March 26, 2019. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

No	BIDDER	LOCATION	TOTAL BID
1	Eagle Solutions Inc. dba Eagle Builders	San Ramon, CA	\$2,751,000.00
2	DMZ Builders	Concord, CA	\$3,940,800.00
	Engineer's Estimate		\$1,893,677.43

Both bids were reviewed and determined to be responsive by the Engineer and Contract Administrator. Staff determined that Eagle Builders is not responsible because Eagle Builders has a common ownership and control with Federal Solutions Group (FSG). In 2018, FSG defaulted on BART Contract No. 47BS-152A, requiring action by the Surety. Additionally, the owners/officers of Eagle Solutions/FSG are being prosecuted by the Contra Costa District Attorney for multiple felony counts relating to their business operations. The District Attorney's office has initiated asset forfeiture proceedings against Eagle Solutions, dba Eagle Builders and Federal Solutions Group.

Staff reviewed the variance between the submitted Bids and the Engineer's Estimate. The primary discrepancy is in the estimated equipment and labor costs associated with the water distribution replacement (Bid Item 1). A secondary cost factor is the estimated safety training (Bid Item 6) and watchperson (Bid Item 7) costs. The location of the work, a railroad Yard that includes several locations within six (6) feet of mainline track, and the associated access constraints presents a high level of risk to the Contractor. Coupled with current limited labor resources and market conditions, the Bids received were substantially different from each other and significantly higher than the Engineer's Estimate.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$3,940,800 to award Contract 54RR-250 is included in the total project budget for FMS# 54RR250 – Fire Services Yard – OCY. The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following source:

PROPOSED FUNDING [To be updated]	
F/G 802A – 2017 Measure RR	\$ 5,307,675
TOTAL	5,307,675

As of May 1, 2019, \$5,307,675 is the total budget for this project. BART has expended \$14,261, committed \$0, and reserved \$0 to date. This action will commit \$3,940,800, leaving an available fund balance of \$1,352,614 in these fund sources for this project.

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

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

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the Bidder, DMZ Builders, has exceeded both the MBE and WBE Availability Percentages for this Contract at 82.8% for MBEs and 92.7% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The lowest responsive and responsible Bidder, DMZ Builders, is a certified Local Small Business, thus, making it eligible for the Prime Preference. Since the Bidder DMZ Builders is the lowest responsive Bidder, and is eligible for the 7% Local Small Business Prime Preference, capped at \$150,000, the application of the Prime Preference will not alter the award to the Bidder, DMZ Builders.

ALTERNATIVES:

The Board may reject all Bids and re-advertise the work or reject all Bids and decline to re-advertise the work. There is no assurance that a rebid would yield lower prices or that a greater number of bids would be received. By proceeding with the award, the District would reduce its safety and operational risks.

RECOMMENDATION:

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following Motion.

MOTION:

The General manager is authorized to award Contract No. 54RR-250 to DMZ Builders for Concord Yard Fire Protection in the amount of \$3,940,800.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhonda M. Lockhart</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rhonda Lockhart Dept: eBART/BART-to-OAK <i>David Murphy for Rhonda L.</i> Signature/Date: 5/10/19	General Counsel <i>[Signature]</i> 5/10/19 []	Controller/Treasurer <i>[Signature]</i> 5/10/19 []	District Secretary []	BARC <i>[Signature]</i> 6.13.2019 []

Contract No 04SF-140 Change Order No.25 For Additional Spare Parts for the eBART Vehicles

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 25 to Contract No. 04SF-140 for the Procurement of eBART Vehicles, to Stadler Bussnang, AG for the procurement of additional spare parts for the eBART Vehicles, in an amount not to exceed \$270,000, plus applicable taxes.

DISCUSSION:

On April 24, 2014, the Board authorized the General Manager to award Contract No. 04SF-140 for the procurement of the eBART Vehicles to Stadler Bussnang, AG (Stadler). The Board authorization included three Options for spare parts through Change Orders to Contract No. 04SF-140, as follows:

Option 3: \$1,521,577.

Option 4: \$1,918,232. Reduced to \$660,490. Final adjusted to \$414,847.

Option 5: \$1,926,799. Not exercised.

This is a general project change order outside of the three options.

On February 27, 2019, Stadler notified the District of the Final Acceptance milestone of the vehicles was approaching (May 15, 2019) and presented an offer of consolidated purchase of the remaining inventory of spare parts Stadler has on-site to support warranty and

commissioning, at an estimated 35% discount, in the amount of not to exceed \$270,000. The final purchase price will be determined upon approval, execution of a final inventory count and acceptance by eBART, to account for usage between the dates of offer and final inventory count. It is generally accepted between the parties that the final cost will be lower than the original offered amount.

Staff recommends the procurement of these additional spare parts which are required for the District's use to effectively maintain the eBART vehicles. With this acquisition, eBART will have a reliable supply and sufficient quantities of spare parts to support the District's immediate needs during revenue operations to repair failures, replace defective parts, and to replenish parts based on usage and lead time considerations.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve the Change Order as to form. The Procurement Department will review the Change Order for compliance with procurement guidelines.

FISCAL IMPACT:

Funding of \$270,000.00 for the procurement of additional eBART Vehicle spare parts is included in the total project budget for 04SO000, eBART Pre-Revenue. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project 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 Source	Amount
BART Operating to Capital Allocation	\$ 16,021,712
TOTAL	\$ 16,021.712

As of May 7, 2019, \$16,021,712 is the total budget for this project. BART has expended \$14,518,514, committed \$647,724 and reserved \$46,826 to date. This action will commit \$270,000 leaving an available fund balance of \$538,649 balance for this project.

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

ALTERNATIVES:

To not approve this requested allocation and postpone procurement of spare parts inventory until such funding is provided. This could have negative effects on service.

RECOMMENDATION:

Approve the following motion.

MOTION:

The Board of Directors authorizes the General Manager to execute Change Order No. 25 with Stadler Bussnang, AG to provide eBART vehicle spare parts inventory in an amount not to exceed \$270,000.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Stadler Bussnang AG
Contract No./NTP: 04SF-140/May 30, 2014
Contract Description: eBART Vehicle Procurement
Percentage Complete as of 05/13/2019: 95%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$58,124,419.00
Change Orders:		\$560,193.17	
Other than Board Authorized Change Orders			
Board Authorized Change Orders	C/O 1 & 2	\$1,936,424.00	
Pending Change Order #25		\$270,000.00	
Subtotal of all Change Orders	100%	\$2,766,617.17	
Revised Contract Amount			

SCHEDULE

Original Contract Duration:
Time Extension to Date:
Time Extension Due to Approved CO's
Revised Contract Duration:

SUMMARY REASON FOR THIS CHANGE ORDER

Additional spare parts to support the Districts immediate needs during revenue operations to repair failures, replace defective parts, and to replenish parts based on usage and lead time considerations.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pann</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 5/7/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bryant Fields Dept: Maintenance and Engineering <i>B. Fields</i> Signature/Date: 5/15/2019	General Counsel <i>[Signature]</i> 5/15/19 []	Controller/Treasurer <i>[Signature]</i> 5/16/19 []	District Secretary []	BARC <i>[Signature]</i> 5.16.2019 []

Request for Authority to Execute Change Order No. 004 to Contract No. 15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations

PURPOSE:

To authorize the General Manager to execute Change Order No. 004 to Contract No. 15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, in an amount not to exceed \$3,900,000.00 and which includes a sixty-nine (69) compensable calendar day extension of the Contract duration.

DISCUSSION:

On August 9, 2018 the Board of Directors authorized the General Manager to award Contract No. 15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, to DMZ Builders Co., Inc. in the amount of \$79,195,100.00. This Contract is for the upgrade of the aging 34.5 kV cable system, and includes replacement and installation of sections of 34.5 kV feeder cable circuits (MLC and MRC circuits), on M2 and M1 tracks between MVS Switching Station, MBP, MGP, MTF, MSS, MPS, and MTW Substations.

Change Order No. 004, in an amount not to exceed \$3,900,000.00, is required for the acceleration of the replacement of the existing 34.5 kV cable on the M-Line (M-1 Circuit), between mile posts 11.11M1 (vicinity of 24th Street Mission Station) and 7.01M1 (vicinity of Embarcadero Station). Under the existing contract, M1 tunnel work was scheduled to be completed in October 2022. This change provides for a 16-month acceleration in the M1

tunnel, with a new completion date of June 2021 for work between mile posts 11.11M1 and 7.01M1.

Although the Change Order will accelerate the delivery of the M1 circuit from the switching station near 24th street to the west end of the Transbay Tube by 16 months, it will extend the overall contract duration by 69 days. This is because the contractor is required to revise their work planning and re-sequence their crews and equipment for the accelerated delivery of the M1 circuit.

The acceleration of this contract is necessary because of changes associated with TBT Seismic Retrofit Project. The TBT Seismic Retrofit Project and the 34.5KV M-Line Cable Replacement Project share risks to the operational reliability to the 34.5KV Power Cable System and train service.

The original contract for 34.5KV Cable Project included construction staging and sequencing that aligned with Transbay Tube Seismic Retrofit Project and other tunnel projects occurring during the same period. In order to minimize impacts to redundant power sources, the projects were planned such that they would be in the same tunnel side before moving onto the next circuit in the second tunnel.

After this project's award, the TBT Seismic Retrofit project determined that acceleration was required for their project. However, this TBT acceleration plan requires that the construction work be performed alternately (back-and-forth) between each tunnel before one tunnel is fully completed. This increases likelihood of the 34.5KV circuits being accidentally damaged and causing service interruptions on M-line.

In addition, during the period of awarding the contract, the M-1 circuit had a major fault near the BART 24th Street Station. BART Maintenance strongly recommends that the Project Team revise the sequencing and accelerate the installation of the new circuit to minimize outages of the old and stressed cables.

This change order cost represents approximately 4.99% of the base amount and will accelerate the delivery of the M1 circuit from the switching station near 24th street to the west end of the Transbay Tube by sixteen (16) months. It will accommodate the TBT Project's goal to accelerate their project schedule and will also reduce the risk of potential service interruptions on the most critical areas of the M line.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$3,900,000 for the additional change order for Contract No. 15EJ-

171 is included in the total project budget for FMS# 15EJ450 M-Line 34.5KV Replacement Phase II.

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

Fund Description	Amount
Various FTA Grant Sources	1,520,000
Local Area Bridge Toll	80,000
BART Funds	300,000
Measure RR GOB	117,134,000
Total	119,034,000

As of May 14, 2019, \$119,034,000 is the total budget for this project. BART has expended \$6,828,753 and committed \$79,694,498 and reserved \$56,297 to date. This action will commit \$3,900,000 leaving an available fund balance of \$28,554,452 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board may elect not to authorize the execution of this Change Order. Failure to issue this Change Order could lead to increased risk to operational reliability, extended service interruptions, and cascading failures to existing 34.5KV cable system, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following Motion:

MOTION:

The General Manager is authorized to execute Change Order No. 004 for Contract No.

15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, with DMZ Builders Co., Inc. in the amount not to exceed \$3,900,000.00 and to extend the Contract completion date by 69 calendar days.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: DMZ Builders Co., Inc.
Contract No./NTP: 15EJ-171 / September 28, 2018
Contract Description: 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations
Percent Complete as of 3/31/2019 5.19%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$79,195,100.00
Change Orders:			
Other than Board Authorized C.O.s	.063%	\$49,547.10	
Pending Board Authorized C.O.s	<u>4.92%</u>	<u>\$3,900,000.00</u>	
Subtotal of all Change Orders	4.99%	\$3,949,547.10	
<u>Revised Contract Amount:</u>			\$83,144,647.10

SCHEDULE

Original Contract Duration: 1800 days
Time Extension to Date: 0 days
Time Extension Due to Approved COs: 69 days
Revised Contract Duration 1869 days

SUMMARY REASON FOR THESE CHANGE ORDER(S)

Reduce the risk to BART operations on M-Line from the PG&E feed at the BART switching station near 24th Street to the west end of the Transbay Tube. The ongoing seismic retrofit at the Transbay Tube in both tunnels and the potential for accidental damage or failure due to the deteriorating cable assets, acceleration of new higher capacity circuit in the M1 Tunnel reduces the risk of safety issues with cable asset(s) and/or personnel, extended service interruptions, and cascading failures to the existing traction power system.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

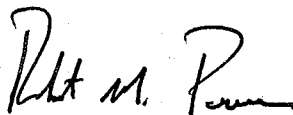
DATE: May 15, 2019

FROM: General Manager

SUBJECT: Next Generation Fare Gates, Conceptual Design

Attached is the "Next Generation Fare Gates, Conceptual Design" presentation that will be presented to the Board at the May 23, 2019 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at 510-464-7513.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

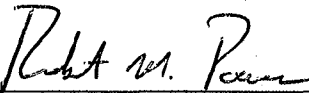
DATE: May 16, 2019

FROM: General Manager

SUBJECT: E&O Agenda Item #6: BART-VTA Extension Phase I Update - For Information

At the Board of Directors meeting on May 23, 2019, the BART-VTA Silicon Valley Extension Phase I Update will be presented by staff for Board information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.



for Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 16, 2019

FROM: General Manager

SUBJECT: MTC Presentation on Plan Bay Area 2050

The Metropolitan Commission (MTC) is the transportation planning, financing and coordinating agency for the nine-county Bay Area. At the May 23rd, BART Board meeting, Ken Kirkey, MTC's Integrated Planning Department Director, will present an informational item on the Horizon initiative and Plan Bay Area 2050, the region's state-mandated, integrated long-range transportation and land use plan. Plan Bay Area 2050 provides a transportation strategy and roadmap for accommodating forecast population growth through 2050 and is updated every four years. The Horizon initiative is designed to identify strategies and investments to prepare the Bay Area for an uncertain future. The strategies and projects that are elevated as part of the Horizon initiative will be prioritized for consideration in Plan Bay Area 2050. Though not a funding plan, Plan Bay Area identifies a list of priority regional projects eligible to receive discretionary transportation funding.

BART staff are working closely with MTC to shape the development of the plan to ensure that BART's priority projects are considered. Major projects in 2040 Plan Bay Area that still have outstanding funding needs (uncommitted) can be resubmitted for consideration in 2050 Plan Bay Area. In the summer of 2018, BART staff worked with MTC to update the planning assumptions of BART's Transbay Corridor Core Capacity Project and the Bay Fair Connection Project, which will be re-evaluated and considered for inclusion in Plan Bay Area 2050. In addition, BART-related projects nominated by other agencies/jurisdictions as shown in Table 1 will be also be re-evaluated.

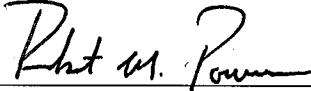
In the summer of 2018, the region was challenged by MTC to submit project proposals that could transform the region through an open Request for Transformative Projects – defined as projects over \$1 billion that will transform the region and were not evaluated in Plan Bay Area 2040. Nominating a Project for analysis is an opportunity to look at how a project could transform the region but does not obligate BART to advance the project. BART submitted two transformative projects to be considered: 1) New Transbay Rail Crossing and 2) Caldecott Tunnel Resilience Project. In addition to those nominated by BART, other agencies, non-governmental organizations, or the public nominated BART-related projects as shown in Table 1. Currently, MTC is evaluating over 90 projects and will analyze the impacts of the projects on the region to inform an investment strategy for Plan Bay Area 2050. MTC's Project Performance evaluation is expected to be released this fall.

MTC is currently in the process of soliciting new Regionally-significant projects for consideration in the plan that were not previously included in Plan Bay Area 2040 and did not meet the Transformative projects request cost threshold of a \$1 billion. Regionally-significant projects are projects that add capacity to a regional facility, such as a fixed guideway or highway. Regionally-significant projects greater than \$250 million will be subject to the Project Performance evaluation. BART and MTC have determined that there are no new BART projects that meet the criteria.

As Plan Bay Area 2050 advances BART staff will also submit BART's programmatic investment list to MTC for consideration in Plan Bay Area 2050. Programmatic investments are a collection of like transportation projects that are spread throughout the District (i.e. station access, seismic safety augmentation, station modernization, security, system capacity expansion, etc.), and are exempt from regional transportation-air quality conformity determinations.

The May 23rd Board meeting will provide an opportunity to have a public discussion on the Call for Projects and Plan Bay Area 2050.

Please contact Val Menotti, Chief Planning and Development Officer, at (510) 287-4794 if you have any questions.



for Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powner</i> 15 MAY 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sadie Graham Dept: Planning	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>SC</i> 5.19.19	<i>[Signature]</i> 5/15/19 []	<i>[Signature]</i> 5/16/19 []	[]	<i>[Signature]</i> 5/15/2019 []

Professional Service Agreements No. 6M6136, 6M6137, 6M6138, and 6M6139 General Environmental and Planning Services for BART Projects

PURPOSE: To obtain Board authorization for the General Manager to award Agreement No. 6M6136 to Arup North America; Ltd; Agreement No. 6M6137 to Fehr & Peers; Agreement No. 6M6138 to HNTB Corporation; and Agreement No. 6M6139 to Raimi + Associates; to provide General Environmental and Planning Services in support of BART projects.

DISCUSSION: In September 2015, the BART Board authorized the award of three agreements to consultant teams to provide on-call General Environmental and Planning Services for BART Projects. Each agreement was valued at \$6 million. These agreements were for a term of not to exceed five years but are now reaching the limits of the permitted compensation. New agreements are required to ensure the District will have the general environmental and planning services needed to advance the District's efforts in Station Area Planning, System Expansion, Strategic and Policy Planning, Sustainability and Energy Policy, Transit-Oriented Development, Art Project Management and Design Services, and Station Access Operations. On December 26, 2018, BART issued a Request for Proposals to Provide General Environmental and Planning Services for BART Projects, BART RFP No. 6M6126. The RFP indicated that the services would be obtained through agreements with up to four firms, that each agreement would have a term of up to five years, and that each would be in an amount not to exceed \$8,000,000.

An Advance Notice to Proposers was emailed to 33 environmental and planning consultant firms having expertise in the pertinent technical fields. The RFP was posted to the District's procurement Portal and was made available to proposers to download electronically. The RFP was also advertised in local publications. A total of 161 firms downloaded the RFP

through the Procurement Portal.

A pre-proposal meeting was held on January 23, 2019 at the Joseph P. Bort Metro Center in Oakland. Eighty (80) firms signed in at the meeting. Immediately following the pre-proposal meeting, a networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights. In an effort to maximize the participation of small businesses, all potential subconsultants were afforded the opportunity to discuss individual subcontracting opportunities with potential prime proposers at this session.

On February 12, 2019, timely proposals were received from the following six firms (listed in alphabetical order):

1. AECOM Technical Services, Inc. ("AECOM") of Oakland, CA
2. Arup North America, Ltd. ("Arup") of San Francisco, CA
3. Fehr & Peers of Walnut Creek, CA
4. HNTB of Oakland, CA
5. Raimi + Associates of Berkeley, CA
6. WSP USA Inc (WSP), of San Francisco, CA

The proposals were reviewed by a Selection Committee ("Committee") consisting of BART staff from the Planning, Development, & Construction groups of the Executive Office; Policy Planning, Real Estate and Property Development, and Sustainability; the Office of Civil Rights; and Contract Administration Department, as well as a planning staff representative from the Metropolitan Transportation Commission, and Alameda County Transportation Commission. Proposals were first reviewed to determine if the proposals were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the firm and key personnel. All six proposals were short-listed for oral presentations. The committee conducted oral interviews on March 25th, 26th, and 27th.

Based on the oral and written evaluations, the Committee determined that the four most qualified firms are Arup, Fehr & Peers, HNTB, and Raimi + Associates. After making this determination, BART began negotiations with these firms. With support from the Planning and Internal Audit Departments, Contract Administration staff evaluated the rates and mark-ups received from each Proposer for a cost-plus fixed fee agreement. Staff determined that the rate structures of all four firms are fair and reasonable, and that all four firms are responsible organizations. Negotiations between BART and the firms concluded on mutually favorable terms.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were Small Business Entity (SBE) subconsulting

opportunities; therefore, an SBE participation goal of 26% was set for this Agreement. All of the Proposers committed to meeting the 26% SBE participation goal. ARUP committed to meeting a 27% SBE participation goal; Fehr & Peers committed to meeting a 26% SBE participation goal; HNTB committed to meeting a 26% SBE participation goal; and Raimi + Associates committed to meeting a 26% SBE participation goal. The Office of Civil Rights will monitor the actual SBE participation attained based on individual task orders issued and amounts actually paid to SBE firms. The Agreements require the Consultants to ensure that SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends the following four awards under RFP No. 6M6126, each in an amount not to exceed \$8,000,000 for a five-year performance period:

1. Arup North America, Ltd. of San Francisco, CA
2. HNTB of Oakland, CA
3. Fehr and Peers of Walnut Creek, CA
4. Raimi + Associates of Berkeley, CA

Work Plans (WPs) under the Agreements will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget. The Office of the General Counsel will approve each Agreement as to form.

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit of \$8,000,000. These agreements have a total combined limit not to exceed \$32,000,000. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each WP. While most WPs are expected to have capital funding sources, some may have operating funds. Each WP will be subject to the availability of funding in the Planning Department budget, or other department budgets as requested, for future years.

ALTERNATIVES: The District could reject all of the proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact planning activities underway in support of the implementation of the District's Strategic Plan and would not likely result in better quality bids.

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

MOTION: The General Manager is authorized to award the below listed Agreements to provide General Environmental and Planning Services in support of BART projects, in an

amount not to exceed \$8,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and FTA's requirements related to protest procedures.

- Agreement No. 6M6136 to Arup North America, Ltd;
- Agreement No. 6M6137 to Fehr & Peers;
- Agreement No. 6M6138 to HNTB Corporation; and
- Agreement No. 6M6139 to Raimi + Associates.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 16, 2019

FROM: General Manager

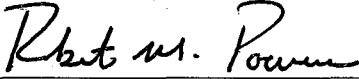
SUBJECT: Transit-Oriented Development Policy Update – Unsolicited Proposals for Property Development

At the Thursday, May 23, 2019 Board of Directors meeting, staff will present an information item on proposed changes to the Transit-Oriented Development (TOD) Policy as it relates to unsolicited proposals for property development. Staff will provide an overview of a proposed review process for unsolicited proposals that the District occasionally receives for development of BART owned property.

Tentatively in June, staff will be bringing back for Board consideration two action items in support of the proposed review process:

1. New Unsolicited Proposal Review Fee to recover BART costs associated with reviewing the proposals. A noticed public hearing on this item is required.
2. BART TOD Policy amendment to specifically address unsolicited proposals for property development (see attached redline of proposed policy changes to TOD Policy).

Attached please find the presentation and a redlined version of the existing TOD Policy that includes the proposed new section addressing unsolicited proposals for property development. If you have any questions, please contact Val Menotti, Chief Planning & Development Officer at (510) 287-4794.



per Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Transit-Oriented Development Policy

Adopted June 9, 2016

DRAFT – Redline for Proposed Amendment

VISION

The San Francisco Bay Area Rapid Transit District (BART) is a steward of a large scale public investment. This includes real estate assets essential to BART's transit operations, and real estate assets that can be used to catalyze transit-oriented development in furtherance of BART's purpose and goals. BART leverages these opportunities by working in partnership with the communities it serves in order to implement the regional land use vision and achieve local and regional economic development goals. Strengthening the connections between people, places, and services enhances BART's value as a regional resource.

GOALS

- A. Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- B. Sustainable Communities Strategy.** Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- C. Ridership.** Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- D. Value Creation and Value Capture.** Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.
- E. Transportation Choice.** Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- F. Affordability.** Serve households of all income levels by linking housing affordability with access to opportunity.

STRATEGIES

A. Manage Resources Strategically to Support Transit-Oriented Development

1. Develop a 4-Year Work Plan to assess how staff and financial activities toward TOD will be most fruitful. Identify BART staffing priorities and assignments to promote TOD on and around District property, including contributions to efforts such as planning and development, community engagement, funding and financing strategies.
2. Favor long-term ground leases of no more than 66 years, rather than sale of property, as the standard disposition strategy for joint development projects, except in cases where alternative approaches are required to achieve specific development objectives or where other strategies would generate greater financial return to the District.
3. Solicit proposals for transit-oriented development in localities that have an adopted plan allowing for transit-supportive land uses as defined in the TOD Guidelines. Utilize a competitive selection process but ensure the solicitation process considers property assembly with adjacent land owners for optimal TOD.

Transit-Oriented Development Policy

Adopted June 9, 2016

DRAFT – Redline for Proposed Amendment

3-4. Develop a procedure that will allow BART to respond to unsolicited proposals for property development on sites not identified in the 4-year Workplan. Although BART does not encourage unsolicited proposals, they can be a valuable means for BART to partner with local communities and/or the development community to produce innovative or unique developments that deliver benefits in excess of what is typically provided by the market.

4-5. Revisit the Transit-Oriented Development Policy every 10 years.

B. Support Transit-Oriented Districts

1. Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole.
2. Form partnerships with public agencies, developers and landowners, community development organizations, finance entities, and consider strategic land acquisition to help build TOD both on and off BART property.
3. For BART system expansion, ensure that transit-oriented development and value capture opportunities are explicitly accounted for in major investments such as the location of new station sites, design and construction of station facilities, and acquisition of new properties.

C. Increase Sustainable Transportation Choices using Best Practices in Land Use and Urban Design

1. Utilize BART's TOD Guidelines to ensure future development and investments seamlessly connect BART stations with surrounding communities.
2. Ensure that combined TOD/parking/access improvements on and around each BART station encourage net new BART ridership, utilizing corridor-level, shared, and off-site approaches to parking replacement as appropriate. Following the aspirational Station Access Policy place types, use the following guidelines to replace current BART parking as follows when developing BART property with TOD: strive for no or limited parking replacement at "Urban with Parking" Stations; and use the access model to maximize revenue to BART from development and ridership when determining a parking replacement strategy at all station types.
3. Utilize strategies including mixed-use development, transportation demand management, and pedestrian-friendly urban design to encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation, thereby reducing greenhouse gas emissions.

D. Enhance Benefits of TOD through Investment in the Program

1. Evaluate the financial performance of proposed projects based on sound financial parameters and the ability to generate transit ridership, fare revenue, lease payments, parking revenues, grant resources, other financial participation, and/or cost savings. Consider the opportunity cost to the District of delaying or accelerating development opportunities.
2. Use a variety of financing and governance mechanisms, including joint powers authorities, assessment districts, improvement districts, and lease credits to achieve station area TOD objectives.

Transit-Oriented Development Policy

Adopted June 9, 2016

DRAFT – Redline for Proposed Amendment

3. As appropriate, and in consideration of District-wide financial needs, reinvest revenues from the sale and lease of BART land into the TOD Program, informed by the priorities identified in the 4-Year Work Plan.

E. Invest Equitably

1. Increase scale of development at and near BART stations through catalytic investments in TOD, to help address the regional shortfall in meeting housing and other sustainable growth needs.
2. Implement BART's adopted Affordable Housing Policy and aim for a District-wide target of 30 percent of all units to be affordable, with a priority to very low (<50% AMI), low (51-80% AMI) and/or transit-dependent populations.
3. Ensure the 4-Year Work Plan addresses how BART will achieve its affordable housing goals.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

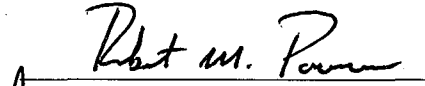
DATE: May 17, 2019

FROM: General Manager

SUBJECT: Fleet of the Future Survey Results and Bicycle Accommodation

Attached are presentation slides that BART staff will be presenting at the Board of Directors meeting on May 23, 2019, regarding Fleet of the Future Survey Results and Bicycle Accommodation. This is an information item for Board discussion.

If you have questions, please contact Kerry Hamill at (510) 464-6153.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

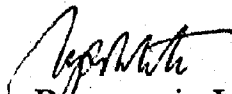
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors **Date:** May 16, 2019
FROM: Controller-Treasurer
SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending March 31, 2019 which will be presented to the Board on May 23, 2019.

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


Rosemarie V. Poblete