

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

BOARD MEETING AGENDA

May 24, 2018

4:00 p.m.

Please note: The first business item on the agenda is Closed Session. The Board will reconvene in open session at 5:00 p.m. or immediately following the Closed Session, whichever is later.

A regular meeting of the Board of Directors will be held at **4:00 p.m.** on Thursday, May 24, 2018, in the BART Board Room, 2040 Webster Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email (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 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
Interim 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. 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

3. PUBLIC HEARING- 5:00 p.m. or immediately following the Closed Session, whichever is later.

- A. Fiscal Year 2019 Annual Budget.*

4. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of May 10, 2018.* Board requested to authorize.
- B. Fiscal Year 2019 Proposition 4 Appropriations Limit.* Board requested to adopt.
- C. Change Order to Agreement No. 6M4474 with Occupational Health Centers of California for Pre-Employment Medical, Drug & Alcohol Screening.* Board requested to authorize.
- D. Award of Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement.* Board requested to authorize.
- E. Award of Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements.* Board requested to authorize.

- F. Award of Contract No. 15TH-120A, Reroofing and Water Intrusion Repairs at Train Control Rooms.* Board requested to authorize
- G. Award of Invitation for Bid No. 9049, Fuse, Collector Shoe.* Board requested to authorize.
- H. Fiscal Year 2018 Third Quarter Financial Report.* For information.

5. 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.)

6. ADMINISTRATION ITEMS

Director Allen, Chairperson

- A. Award of Digital Railway’s Exclusive Negotiating Agreement, with Mobilitie Management, LLC.* Board requested to authorize.
- B. Fiscal Year 2019 Annual Budget. For information.

7. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Change Order to Contract No. 09AU-120, TBT Internal Retrofit, with Shimmick and CEC, a Joint Venture, for Additional Restraint at Tube Joints (C.O. No. 7.1, Part 1).* Board requested to authorize.
- B. Change Order to Contract No. 09AU-120, TBT Internal Retrofit, with Shimmick and CEC, a Joint Venture, for Impacts from Rule Changes (C.O. No. 30.2, Part 1).* Board requested to authorize.
- C. Award of Invitation for Bid No. 9048, Stainless Steel Capped Contact Rail.* Board requested to authorize.
- D. Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) for Homeless Outreach Teams (HOT).* Board requested to authorize.

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

Director Blalock, Chairperson

- A. Certify the BART to Livermore Extension Project Final Environmental Impact Report (FEIR) and Potential Next Steps.* Board requested to authorize.
 - 1. The BART to Livermore Extension Project FEIR has been completed in compliance with California Environmental Quality Act;
 - 2. The BART to Livermore Extension Project FEIR was presented to the BART Board and the BART Board has reviewed and considered the information contained in the BART to Livermore Extension Project FEIR; and

3. The BART to Livermore Extension Project FEIR reflects BART's independent judgment and analysis.

9. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Update of Roll Call for Introductions Items.

10. BOARD MATTERS

- A. (CONTINUED from May 10, 2018 Board Meeting)
Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights.* Board requested to adopt. (Director Dufty's request)
- B. 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.)
- C. 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.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

11. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 18, 2018

FROM: General Manager

RE: FY19 Budget Public Hearing presentation

Attached is the "FY19 Budget Public Hearing" presentation that will be presented to the Board at the May 24, 2018 meeting as an information item.

If you have any questions about the document, please contact Pamela Herhold, Acting 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 1,813th Meeting
May 10, 2018

A regular meeting of the Board of Directors was held May 10, 2018, convening at 9:01 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Saltzman, Simon and Raburn.

Absent: Director Keller.

President Raburn called for Introduction of Special Guests. Director Dufty thanked External Affairs staff members Melissa Jordan, Christopher Filippi, Cheryl Stalter and Steve Connell for the production of a video regarding BART's LGBTQ employees, noting that the District would receive an Equality Trailblazer award from Equality California in recognition of the agency's inclusion of the LGBTQ community. The video was shown.

President Raburn requested that Item 2-B, Sale of Parcel 0-A048-165X, North of Industrial Boulevard and East of the BART Right of Way, to City of Hayward, be removed and voted on separately.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 26, 2018
2. Lifeline Transportation Program Cycle 5 Funds.
3. Award of Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalks Systemwide.

Director Saltzman made the following motions as a unit. Director Dufty seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Saltzman, Simon and Raburn. Noes - 0. Absent – 1: Director Keller.

1. That the Minutes of the Meeting of April 26, 2018, be approved.
2. Adoption of Resolution No. 5369, In the Matter of Authorizing Action Necessary to Obtain Cycle 5 Lifeline Transportation Program Funds from the Metropolitan Transportation Commission.
3. That the General Manager be authorized to award Contract No. 15QH-250, Repair of Asphalt and Concrete Sidewalk Systemwide to Alaniz Construction, Inc. for the Bid Price of \$997,323.50, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

President Raburn brought the matter of Sale of Parcel O-A048-165X, North of Industrial Boulevard and East of the BART Right of Way, to City of Hayward before the Board. Mr. Carl Holmes, Assistant General Manager of Planning, Development and Construction; Mr. Sean Brooks, Department Manager of Real Estate & Property Development; and Ms. Kelly McAdoo, City Manager, City of Hayward, presented the item. The item was discussed. Director Saltzman moved adoption of Resolution No. 5370, In the matter of designating as Excess Land available for immediate sale BART Parcel O-A048-165X and authorizing the sale of said parcel to the City of Hayward or the City of Hayward's assignee; and that the Board authorize the General Manager or her designee to enter into an Option Agreement with the City of Hayward for the sale of parcel O-A048-165X. Director Blalock seconded the motion which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, McPartland, Saltzman, Simon, and Raburn. Noes - 1. Director Josefowitz. Absent – 1: Director Keller.

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

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART to Livermore: Project Update before the Board. Mr. Carl Holmes; Mr. Val Menotti, Chief Planning and Development Officer; and Mr. Andrew Tang, Principal Planner, presented the item.

The following individuals addressed the Board:

Robert S. Allen
Nancy Bankhead
Susanna Chau
Gail Gobe
John Marchand
Tim Sbanti
Joel Ramos
David Best

The item was discussed.

Director McPartland exited the meeting.

Director Allen, Chairperson of the Administration Committee, brought the matter of Third Amendment to the Use, Operating, and Maintenance Agreement for the Millbrae Station and BART, Peninsula Corridor Joint Powers Board, and San Mateo County Transit District Facilities Related to the BART San Francisco Airport Extension Project, before the Board. Ms. Pamela Herhold, Acting Assistant General Manager, Performance and Budgets, presented the item. President Raburn moved that the General Manager be authorized to execute the Third Amendment to the Use, Operation and Maintenance Agreement so that a payment schedule with Consumer Price Index based annual increases is continued for another five years, from Fiscal Year 2019 through Fiscal Year 2023. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon, and Raburn. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Allen brought the matter of Fiscal Year 2019 Preliminary Budget Sources, Uses and Service Plan, and Capital Budget before the Board. Ms. Herhold; Mr. Dennis Markham, Department Manager, Operating Budgets; and Mr. Michael Eiseman, Division Manager, Financial Planning, presented the item. The item was discussed.

Alan Smith and Joel Ramos addressed the Board.

Director Allen brought the matter of Comparison of California Public Employees' Retirement System (CalPERS) Assumptions and BART Demographics before the Board. Ms. Herhold; Mr. Michael Jones, Assistant General Manager, Administration; and Ms. Mary Beth Redding, Vice President, Bartel Associates, Inc., presented the item. The item was discussed.

Director Allen brought the matter of Pension Funding Strategies Update before the Board. General Manager Grace Crunican; Mr. Jones; and Ms. Redding presented the item. The item was discussed.

Director Simon exited the meeting.

President Raburn announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators), Item 10-B (Public Employee Employment), and Item 10-C (Conference with Negotiators) 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 12:37 p.m.

The Board Meeting reconvened in closed session at 12:47 p.m.

Directors present: Directors Allen, Blalock, Josefowitz, Saltzman, and Raburn.

Absent: Directors Keller and McPartland. Directors Dufty and Simon entered the meeting later.

Director Dufty entered the meeting.

Director Simon entered the meeting.

The Board Meeting recessed at 1:55 p.m.

The Board Meeting reconvened in open session at 1:57 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon, and Raburn.

Absent: Directors Keller and McPartland.

President Raburn announced that the Board had concluded its closed session and that there were no announcements to be made

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Performance Report, Third Quarter Fiscal Year 2018 - Service Performance Review, before the Board. Ms. Crunican; and Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

President Raburn brought the following Engineering & Operations items before the Board.

1. Award of Contract No. 15CQ-110, C35 Interlocking Renewal.
2. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group - California, LP, for Contract Time Extension (C.O. No. 275).
3. Change Order to Contract No. 01RQ-120, Construction of Hayward Maintenance Complex Project Site, Track & Systems, with ProVen Management, Inc., for Contract Time Extension (C.O. No. 82.1).

President Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes - 0. Absent – 2: Directors Keller and McPartland.

1. That the General Manager be authorized to award Contract No. 15CQ-110 for C35 Interlocking Renewal, to DMZ Builders of Concord, California, for the Bid Price of \$13,271,300.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
2. That the General Manager be authorized to execute Change Order No. 275, Time Impacts from Change Order No. 67 and Change Notice No. 110.1, in an amount not to exceed \$3,600,000.00, and extend the Contract completion date 160 calendar days, for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.
3. That the General Manager be authorized to execute Change Order No. 82.1, Time impacts from Change Order No. 82, for Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, with ProVen Management, Inc., in an amount not to exceed \$350,00.00, and extend the Contract completion date by an amount not to exceed 128 calendar days.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Ms. Crunican; Mr. Holmes, and Ms. Kerry Hamill, Assistant General Manager, External Affairs, presented the item. The item was discussed. Director Blalock moved the Board take a position of Support for Assembly Bill 2161, Housing: homeless integrated data warehouse; Senate Bill 912: Housing: homeless programs and affordable housing; Senate Bill 918: Homeless Youth Act of 2018; Assembly Bill 2450: Electrically conductive balloons: manufacturers: warning; a position of support if amended for Assembly Bill 2162: Planning and zoning: housing development: supportive housing; and a position of oppose for Proposition 70: Requires Legislative Supermajority Vote Approving Use of Cap-and-Trade Reserve Fund. President Raburn seconded the motion.

Director Saltzman requested Assembly Bill 2162 be voted on separately.

Director Blalock moved the Board take a position of Support for Assembly Bill 2161; Senate Bill 912; Senate Bill 918; Assembly Bill 2450; and a position of oppose for Proposition 70. Director Saltzman seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes – 1: Director Allen. Absent – 2: Directors Keller and McPartland.

President Raburn moved the Board take a position of Support if amended for Assembly Bill 2162. Director Blalock seconded the motion.

Director Saltzman made a substitute motion to take a position of Support for Assembly Bill 2162. Director Dufty seconded the substitute motion, which carried by electronic vote. Ayes – 5: Directors Blalock, Dufty, Josefowitz, Saltzman, and Simon. Noes – 2: Directors Allen and Raburn. Absent – 2: Directors Keller and McPartland.

Director Blalock brought the matter of Station Experience Design Guidelines before the Board. Mr. Holmes; Mr. Menotti, and Mr. Ian Griffiths, Senior Planner, presented the item. The item was discussed.

Director Blalock brought the matter of Irvington BART Station Project Update before the Board. Mr. Holmes; Mr. Paul Medved, Group Manager, Capital Projects; and Ms. Susan Poliwka, Senior Planner, presented the item.

Director Saltzman exited the meeting.

President Raburn called for the Independent Police Auditor's Report. Mr. Russell Bloom, Independent Police Auditor, reported on steps he had taken and activities, investigations and meetings the Independent Police Auditor's Office had participated in.

President Raburn 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, and outstanding Roll Call for Introductions items, noting Clipper usage of 81% utilization rate and average sales up 1600 per day.

President Raburn brought the matter of Resolution to Direct Profits Derived from Paid Advertising by Progressives for Immigration Reform to BART's Office of Civil Rights. Director Dufty requested the item be continued to a future Board meeting. The item was continued.

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

Director Simon reported she had attended a brain storming meeting with General Manager, Grace Crunican; San Francisco Police Department; and the Mayor of San Francisco on improving the customer experience and quality of life at the Civic Center Station.

Director Blalock reported he had attended the South Bay Engineers Club Meeting.

President Raburn reported he had attended the League of Women Voters All City Luncheon and Oakland Chinatown Gala.

Director Josefowitz reported the Metropolitan Transportation Commission's Programming and Allocations Committee had approved a means - based fare pilot program to present to the full Commission.

Director Allen reported she had attended the Tri-Valley San Joaquin Valley Regional Rail Authority meeting, Contra Costa Mayor's Conference, and Pleasant Hill BART Leasing Authority Board Meeting

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

The Meeting was adjourned 2:58 p.m.

Patricia K. Williams
Interim District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rbat M. Poon</i> 16 MAY 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lisa Agustin Dept: Budget	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Lisa Agustin</i> 5/14/18	<i>[Signature]</i> 5/15/18 []	<i>Chris Gan</i> 5/15/18 []	[]	<i>[Signature]</i> 5/15/18 []

FY19 Proposition 4 Appropriations Limit

PURPOSE: To approve the District's Fiscal Year 2019 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 10, 2018, the documentation was made available to the public.

Attachment 1 summarizes the FY19 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 \$623,143,663.

FISCAL IMPACT: No fiscal impact. The FY19 appropriations limit is \$623,143,663. Operating and Capital expenditures subject to the appropriations limit total \$376,706,296. As

such, the District is \$246,437,367 below the subject FY19 appropriations limit.

ALTERNATIVES: None.

RECOMMENDATION: Approval of the following motion.

MOTION: That the Board adopt the attached resolution which sets the District's FY19 appropriations limit at \$623,143,663.

Attachment 1

Fiscal Year 2019 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 2019 is calculated on the basis of the urban consumer price index (CPI-U SF/Oakland/SJ) and District-wide population gains. Steps in the calculations are as follows:

Relevant data, percent change:

- CPI-U SF/Oakland/SJ, 3.5645% (applies this year per option 1 above)
- Population Change, District-wide, 0.9409% (applies this year per option 2 above)

District Population

	<u>As of 1/1/17</u>	<u>As of 1/1/18</u>	<u>% Change</u>
Alameda	1,645,359	1,660,202	0.9021%
Contra Costa	1,139,513	1,149,363	0.8644%
<u>San Francisco</u>	<u>874,228</u>	<u>883,963</u>	<u>1.1136%</u>
Total	3,659,100	3,693,528	0.9409%

FY19 Cumulative Adjustment Factor:

CPI-U SF/Oakland/Hayward	x	Population Factor	=	Current Adjustment Factor
(1 + 3.5645%)	x	(1 + 0.9409%)	=	1.0454
Current Adjustment Factor	x	Prior Year Adjustment	=	Cumulative Adjustment Factor
1.0454	x	3.2830	=	3.4320

FY19 Appropriations Limit:

FY87 Appropriations Base	x	FY19 Cumulative Adj Fctr	=	FY19 Appropriations Limit
181,568,000	x	3.4320	=	<u>\$623,143,663</u>

ATTACHMENT 2
FY19 PROPOSITION 4 APPROPRIATIONS LIMIT
Whole Dollars, as of 05/01/18

LIMIT		NOTES & COMMENTS
CPI-U	3.5645%	CPI-U for SF/OAK/Hayward 2/18 vs 2/17
Per Capita Personal Income delta FY17>FY18	3.6700%	State DOF Price & Population Information, 1/1/18 (report released 5/1/18)
District Population Growth	0.9409%	Districtwide growth is based on District Total
Annual Adjustment Factor	1.0454	[1+(CPI -U)]*[1+(District population growth)]
Cumulative Adjustment Factor	3.4320	(Current year factor)*(prior year cumulative factor)
Appropriations Limit	\$623,143,663	(FY87 base appropriations) x (cumulative factor)
APPROPRIATIONS		
Operating Budget		
Operating Expenses	770,993,009	FY19 Prelim Operating Budget
Operating Subtotal	770,993,009	
Operating Allocations		
Misc. Capital Allocations	14,863,843	FY19 Prelim Operating Budget
Other Capital Allocations	77,564,820	FY19 Prelim Operating Budget
Operating Allocations Subtotal	92,428,663	
Capital Allocation To Operating		
Capital Budget		
Funded	1,354,894,349	FY19 Proposed Capital Budget
Unfunded	-	FY19 Proposed Capital Budget
Subtotal	1,354,894,349	
Less Funded Pass Through	(580,751,216)	FY19 Proposed Capital Budget
Less Unfunded Pass Through	-	FY19 Proposed Capital Budget
Subtotal	(580,751,216)	
Net Capital Expense	774,143,133	
Debt Service:		
Debt Service	46,639,568	FY19 Prelim Operating Budget
GO Seismic & RR Bonds	65,187,754	Per GO & RR Bond Series Debt schedule
Debt Service Subtotal	111,827,322	
Total Operating & Capital Appropriations	\$1,749,392,127	
EXCLUSIONS		
Allocation from Reserves	-	FY19 Prelim Operating Budget
ADA Mandated Service Expense	16,063,770	FY19 Prelim Operating Budget
Net Operating Revenue:		
Net Passenger Revenue	485,852,660	FY19 Prelim Operating Budget
Other Operating Revenue	65,604,385	FY19 Prelim Operating Budget
Subtotal	551,457,045	FY19 Prelim Operating Budget
Other Allocations (Access Fund)	-	FY19 Prelim Operating Budget
Federal Operating Funds	-	FY19 Prelim Operating Budget
Federal Capital Funds:		
Funded	83,247,651	FY19 Proposed Capital Budget
Unfunded	-	FY19 Proposed Capital Budget
Subtotal	83,247,651	
Debt Service (GO Seismic & RR Bonds)	65,187,754	Per above, GO Bond Series Debt schedule
Capital Budget Funded from GO Bond Proceeds	90,985,696	FY19 Proposed Capital Budget
Capital Budget Funded from Measure RR Bond Proceeds	417,800,943	FY19 Proposed Capital Budget
Capital Budget Funded from Sales Tax Revenue Bond Proceeds	374,108	FY19 Proposed Capital Budget
BART Capital Funds	147,568,865	FY19 Proposed Capital Budget
Total Exclusions	\$1,372,685,831	
MARGIN		
Appropriations Limit	623,143,663	Per above
Appropriations Subject to Limit	376,706,296	Appropriations less exclusions, per above
Margin	\$246,437,367	Appropriations less expenditures subject to limit
RESIDENT POPULATION**		
Alameda		
Population	1,660,202	State DOF Price & Population Information, 1/1/18 (report released 5/1/18)
Percent Change	0.9021%	
Contra Costa		
Population	1,149,363	State DOF Price & Population Information, 1/1/18 (report released 5/1/18)
Percent Change	0.8644%	
San Francisco		
Population	883,963	State DOF Price & Population Information, 1/1/18 (report released 5/1/18)
Percent Change	1.1136%	
District Total		
Population	3,693,528	Sum of population for BART counties
Percent Change	0.9409%	Percent increase

**Population Estimate as of 1/1/18. 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 2019
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 2019 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 2019 shall be \$623,143,663.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 MAY 2018</i> <i>Rbt M. Pown</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/17/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gia Hle Dept: Human Resources Administration	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/17/18	<i>[Signature]</i> for V. Hunt	<i>[Signature]</i> 5/17/18	[]	<i>[Signature]</i> 5/17/18

Increase Expenditure of Funding for Agreement 6M4474 Pre-Employment Medical, Drug & Alcohol Screening and Hepatitis B Screening

PURPOSE: To obtain Board authorization for the General Manager to execute a change order to increase the expenditure of funds for agreement No. 6M4474, Pre-Employment Medical, Drug & Alcohol Screening and Hepatitis B Screening awarded to Occupational Health Centers of California by \$75,000 from \$99,500 to \$174,500 and extend the time frame until December 2018.

DISCUSSION: The present agreement, 6M4474, is for the period of July 1, 2015 through June 30, 2018. A new contract is being finalized for the new fiscal year. The extended time period and additional funds will allow for continued services and time to analyze whether an RFP process is needed.

FISCAL IMPACT: Human Resources will fund the estimated \$75,000 covering services to be rendered through December 2018. Funds are included in the operating budget, Cost Center number 0502420, Account 681300, Professional and Technical Services. Funding for services to be rendered in the FY19 is included in the operating budget of the Human Resources Department for that year, subject to approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

ALTERNATIVE: To not increase funding expenditure and service agreement duration would cause a significant disruption in service to BART pre-employment and drug testing, impacting hiring and compliance.

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

MOTION: The General Manager is authorized to execute a change order to Agreement No. 6M4474, Pre-Employment Medical, Drug & Alcohol screening and Hepatitis B screening awarded to Occupational Health Centers of California by \$75,000 and extend time frame to December 31, 2018.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Pat M. Roman</i> 16 MAY 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 5/3/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maansii Chirag Sheth Dept: Maintenance and Engineering Signature/Date: <i>MSheth</i> 05-10-2018	General Counsel <i>Vijay P. Joshi</i> 5/10/18 []	Controller/Treasurer <i>John White</i> 5/10/18 []	District Secretary []	BARC <i>Paul A. ...</i> 5/14/18 []

Award of Contract 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement

PURPOSE:

To obtain Board authorization for the General Manager to award Contract Number 09DJ-150A, to furnish all labor, equipment, and materials required for installation of the TBT Cathodic Protection Reference Cell Replacement to DMZ Builders (DMZ) of Concord, CA.

DISCUSSION:

This Contract is for the replacement of existing non-operational reference cells. These are critical components of the Cathodic Protection (CP) Monitoring System and need to be functional in order to validate the performance of the CP system.

CP is an electrochemical process used to protect a metal structure from corrosion that is either submerged in water, such as BART's Transbay Tube (TBT) with an outer steel shell, or buried steel structures in soil, such as a pipeline. The BART TBT CP System consists of four major components: an Outer steel shell; an Anode sled with cable; a Power Supply; and a Reference Cell.

The reference cell is an electrochemical device used for taking voltage measurements and for conducting corrosion surveys that help identify section and/or areas along the TBT that may not be receiving adequate protection. When the measured voltage conforms to the National Association of Corrosion Engineers (NACE) CP Standards, then the structure is considered to be cathodically protected. The cell is also used for validating the performance of a CP system and to adjust the CP Power Supplies, as required for adequate protection of the

outer steel shell. The measurements gathered from the reference cells allow staff to design, troubleshoot and properly maintain a cathodic protection system.

The Contract was publicly advertised on November 15, 2017. Advance Notice to Bidders of this Contract was emailed on November 16, 2017 to 11 prospective bidders with an 'A' or 'B' Contractor classification. A Pre-Bid meeting and site tour was conducted on February 23, 2018 with seven prospective bidders in attendance. Office of Civil Rights (OCR) conducted a Matchmaking Session on March 20, 2018 to help introduce Disadvantaged Business Enterprise ("DBE") firms to potential prime contractors. Prior to the Bid opening, the District issued two Addendums for this Contract.

Two Bids were received on April 17, 2018 as shown below:

Item	Name	Bid Amount
1	DMZ Builders – Concord, CA	\$ 949,850
2	Shimmick Construction Company – Oakland, CA	\$ 1,503,470
3	Engineer's Estimate	\$693,227

District staff reviewed all bids and found the apparent lowest bidder, DMZ Builders, to be responsive to the solicitation. Staff's review of DMZ's license, business experience, and financial capabilities has resulted in a determination that DMZ is a responsible Bidder.

Although the two bids received were above the engineer's estimate of \$ 693,227, staff determined the lowest bid is reasonable and found the difference to be attributable to the following factors:

1. Productivity rates in the estimating manual used for creating the engineer's estimate were significantly different than estimated in the Contractor's Bid Price, especially for Bid Line Item No. 8: Provide conduits, including but not limited to terminations, elbows, condulets, beam clamps, couplings and associated labor. This is estimated to have added approximately \$167,700 to the bid price.
2. In the past six months since the engineer's estimate was prepared, there has been a significant increase in the cost of contracted and subcontracted work in the Bay Area due to a demand in the commercial markets. This disproportionately affects the labor cost attributed with installation of conduits, wires and cables, resulting in a significant difference between the engineers estimate and bid price.

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 DBE subcontracting opportunities; therefore, a DBE participation goal of 14% was set for this Contract. The low Bidder, DMZ Builders committed to subcontracting 14.6% to DBEs. The Office of Civil Rights has determined that DMZ Builders has met the DBE participation goal set for this Contract.

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

FISCAL IMPACT:

Funding of \$949,850 for award of Contract No 09DJ-150A is included in the total project budget for 09DJ005, TBT CP Reference Cells Replacement. 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
F/G 3609 - FY16 Capital Improvements CA-2017-029	\$ 2,000,000
F/G 8529 - FY15 Bart Operating to Capital	\$ 500,000
Total	\$ 2,500,000

As of April 30, 2018, \$2,500,000 is the total budget for this project. BART has expended \$79,856, and committed \$0 to date. This action will commit \$949,850 leaving an available fund balance of \$1,470,294 balance for this project.

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

ALTERNATIVES:

An alternative is not to replace the reference cells and lose the ability to verify if the TBT outer steel shell is receiving adequate cathodic protection in accordance with the NACE Standards.

Another alternative is to reject all bids and re-advertise the Contract, resulting in additional costs for re-advertisement, and that is unlikely to guarantee a lower Bid price.

RECOMMENDATION:

Adopt the following motion.

MOTION:

Authorize the General Manager to award Contract number 09DJ-150A for the TBT Cathodic Protection Reference Cell Replacement to DMZ Builders of Concord, CA for the total bid price of \$949,850, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and FTA's requirements related to

protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pawan</i> 15 MAY 2018		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carl Orman Dept: District Architect <i>Carl Orman</i> Signature/Date: 5/9/2018	General Counsel <i>[Signature]</i> 5/10/18 []	Controller/Treasurer <i>[Signature]</i> 5/10/18 []	District Secretary []	BARC <i>[Signature]</i> 5/14/18 []

Award of Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15NP-110 Elevator Lobby LED Lighting Improvements, to Sustainable Group, Inc., of Moraga, California for the bid price of \$445,285.00.

DISCUSSION: This Contract is to provide improved elevator lobby lighting at 10 stations. Elevator lobby lighting improvement for other stations will be performed in the future as part of BART's Accessibility Improvement Program (AIP). This lighting improvement will provide a better customer experience, promote safety and is in response to a request from BART's Accessibility Task Force (BATF). The following stations will be improved under this contract: Lake Merritt, South Hayward, Coliseum, 16th and 24th Street, Fremont, Bayfair, Civic Center, Walnut Creek and Downtown Berkeley.

This Contract is designated as a Micro Small Business Entity ("MSBE") Set-Aside Contract under the District's Disadvantaged Business Enterprise Program Small Business Elements ("SBE Elements"). Bidders were informed that Bids may only be submitted by firms certified as an MSBE, under the District's SBE Elements, prior to the Bid opening date. The scope of this Contract includes, among other things, Removing light fixtures, furnishing and installing LED light fixtures in the vicinity of BART elevator lobbies. Work will be at street, concourse, bridge and platform levels. New light fixtures will also be installed on new poles along exterior access path to elevator at South Hayward Station.

The District provided advanced notice to 94 prospective Bidders and Contract Documents were posted to the District's Procurement Portal and available to Bidders electronically and printed form on February 26, 2018. The Contract was advertised February 23, 2018 in local publications. A total of 23 firms downloaded the Contract Documents from the Procurement Portal. A pre-Bid meeting was conducted on March 22, 2018 and 6 prospective Bidders

attended the meeting. A total of 2 Bids were received and Bids were publicly opened on April 24, 2018. A tabulation of the Bids, including the Engineer's Estimate is as follows:

Bidder, Location, Total Base Bid Price

Sustainable Group, Inc. Moraga, CA \$445,285.00

Icenogle Construction Management, Inc. San Francisco, CA \$1,046,708.00

Engineer's Estimate \$614,233.00

After review by the District, the apparent low Bid submitted by Sustainable Group, Inc. has been deemed to be responsive to the solicitation. Examination of Sustainable Group's license, business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Bid price of \$445,285.00, is fair and reasonable.

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

The project will also receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualified for a categorical exclusion as defined under 23 CFR 771.117 (c) (15) for alterations to facilities to make them more accessible for elderly and handicapped persons. The categorical exclusion list has since been updated by FTA but the project would still qualify as a categorical exclusion.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements, this contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All prospective Bidders who are interested in submitting a Bid on MSBE Set-Aside contracts must be certified first by District's Office of Civil Rights as an MSBE. The lowest responsive Bidder, Sustainable Group, Inc., is a BART certified MSBE.

FISCAL IMPACT: Funding in the amount of \$445,285 for Contract No.15NP-110 is included in the total project budget for FMS# 15NP001 - ADA Lighting Improvements.

The table below lists funding assigned to the referenced project since March 10, 2014 and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources.

Fund Group	Amount
FEDERAL	754,267
BART	688,567
Total	1,442,834

As of April 27, 2018, \$1,442,834 is the total budget for this project. BART has expended \$259,706 and committed \$451,334 to date for other actions. This action will commit \$445,285 leaving an available balance of \$286,509 in these 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: To reject all Bids and authorize Staff to re-advertise the Contract. The reissuance process will likely delay construction six (6) months resulting in deferral of the lighting improvements at the ten stations. If the project were deferred, BART Staff costs incurred to date related to this project may need to be reimbursed to the FTA.

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

MOTION: The General Manager is authorized to award Contract No. 15NP-110, Elevator Lobby LED Lighting Improvements, to Sustainable Group, Inc. for the Bid price of \$445,285.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rat M. Poon</i> 16 MAY 2018		GENERAL MANAGER ACTION REQ'D: Award and Forward to the Board		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Isaac Lim Dept: District Architect <i>Isaac Lim</i> Signature/Date: 5/8/18	General Counsel <i>[Signature]</i> 5/10/18 []	Controller/Treasurer <i>[Signature]</i> 5/10/18 []	District Secretary []	BART <i>[Signature]</i> 5/16/18 []

Award 15TH-120A Reroofing and Water Intrusion Repairs at Train Control Rooms

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15TH-120A Reroofing and Water Intrusion Repairs at Train Control Rooms to Pioneer Contractors, Inc. for the Bid price of \$1,280,400.00.

DISCUSSION: This Contract provides for, among other things, the replacement of roofing at Daly City, Fruitvale, and San Leandro station train control rooms and installation of a waterproofing membrane in the trackway over the Daly City train control room.

The District provided advanced notice to nine (9) prospective Bidders on March 16, 2018 and Contract Documents were sent to three (3) plan rooms. The Contract was advertised on March 18, 19, and 20, 2018 in local publications. A total of sixteen (16) firms downloaded copies of the Contract Documents. A pre-Bid meeting was conducted on March 29, 2018 with six (6) prospective Bidders attending the meeting. A site tour was conducted on March 29, 2018, after the pre-Bid meeting, with three (3) prospective Bidders attending. Two (2) addenda were issued. Two (2) Bids were received and are shown below:

Bidder	Location	Total Bid Price
Pioneer Contractors, Inc.	San Francisco, CA	\$1,280,400.00
Rockridge Builders	Oakland, CA	\$1,341,943.00
	Engineer's Estimate	\$1,126,400.00

After review by District staff, the Bid submitted by Pioneer Contractors, Inc. was deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business

experience, and financial capabilities has resulted in a determination that the Bidder is responsible. The Total Base Bid Price of \$1,280,400.00 was found to be fair and reasonable.

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

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 6% for Minority Business Enterprises (MBEs) and 3.9% for Women Business Enterprises (WBEs). Pioneer Contractors, Inc. 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.

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. Pioneer Contractors, Inc. is a certified Small Business, thus, making it eligible for the Prime Preference. Since Pioneer Contractors, Inc. is the lowest responsive Bidder, and is eligible for the 5% Small Business Prime Preference, the application of the Prime Preference will not alter the award to Pioneer Contractors, Inc.

CAPITAL FISCAL IMPACT: Funding in the amount of \$1,280,400 for Contract No. 15TH-120A is included in the total project budget for FMS# 15TH001 – Water Intrusion Repairs - TCR.

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:

Proposed Funding	
F/G 535A - FY10-11 Prop 1B - PTMISEA	\$ 422,130
F/G 851W - FY07-11 Capital Allocation	\$ 79,202
F/G 8524 - FY12 Capital Allocation	\$ 60,209
F/G 8525 - FY13 Capital Allocation	\$ 1,300,000
TOTAL	\$ 1,861,542

As of April 27, 2018, \$1,861,542 is the total budget for this project. BART has expended \$223,941 and committed \$45,265 to date. This action will commit \$1,280,400, leaving an available fund balance of \$311,936 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 to reject all Bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the Bid package and obtain new Bids. The reissuance process will delay water intrusion repairs at the train control rooms and reduce the District's ability to provide reliable and safe operation of train service for our patrons. There is no assurance that with a resolicitation, the Bids would be lower than the amount of the current Bids received.

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

MOTION: The General Manager is authorized to award Contract No. 15TH-120A, Reroofing and Water Intrusion Repairs at Train Control Rooms to Pioneer Contractors, Inc., for the Bid price of \$1,280,400, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>16 MAY 2018</i> <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/2/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cristiano Torresi Dept: Rolling Stock and Shops <i>[Signature]</i> Signature/Date: <i>5/10/18</i>	General Counsel <i>[Signature]</i> <i>5/10/18</i> []	Controller/Treasurer <i>[Signature]</i> <i>5/10/18</i> []	District Secretary []	BARC <i>[Signature]</i> <i>5/14/18</i> []

AWARD OF INVITATION FOR BID NO. 9049, FUSE, COLLECTOR SHOE

PURPOSE: To obtain Board Authorization to Award Invitation for Bid (IFB) No. 9049 to Alameda Electric Distributors, Hayward, CA, in the amount of \$655,339.02 (including all taxes) for the purchase of Fuse, Collector Shoe.

DISCUSSION: The District's legacy fleet of 669 revenue cars is powered by a high-voltage third rail that runs alongside the running rail. Current collector assemblies utilize paddles as devices that rub along the third rail and provide the train with the propulsion power it needs to traverse the BART System. The collector shoe fuse is the primary means of protection for the 1,000-volt DC power system of the revenue vehicle. Each car has four (4) fuses. These fuses are a consumable item that must be replaced upon failure and as such, a spare inventory pool is required to support these replacements.

IFB No. 9049 is a two (2) year estimated quantity contract. 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. Upon Board approval of this contract, the General Manager will have the authority to purchase up to 150% of the contract Bid price, subject to availability of funding.

A Notice requesting Bids was published and uploaded onto the BART Vendor Portal on March 26, 2018. Correspondence was sent to six prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on May 1, 2018 and one Bid was received.

Bidder	Item	Unit Price	Quantity	Grand total including 9.75% sales tax
Alameda Electric	Fuse	\$ 497.60	1200	\$ 655,339.20

Independent cost estimate by BART staff: \$633,318.96 including sales tax.

Alameda Electric submitted the low bid of \$655,339.20 including sales tax. After review, staff has determined that Alameda Electric’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) and 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. Alameda Electric is not a certified Small Businesses and, therefore, is not eligible for the 5% Small Business Prime Preference.

FISCAL IMPACT: Funding of \$655,339.02 for this procurement will come from Rolling Stock and Shops (RS&S) Non-Inventory Material Usage Account (#680-030) as materials are procured. Funding for FY 19 is included in the operating budget of department #0803622. Funding for FY 20, 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 is based on the following totals by year:

FY 19: \$327,669.51
 FY 20: \$327,669.51
 Two Year Total: \$655,339.02

ALTERNATIVES: The alternative would be to reject the single Bid received and re-advertise the Contract, which staff believes would not result in a better price or more competition.

RECOMMENDATION: Staff recommends that the Board adopt the following motion.

MOTION: The General Manager is authorized to award IFB No. 9049 for Fuse, Collector

AWARD OF INVITATION FOR BID NO. 9049

Shoe to Alameda Electric Distributors for an amount of \$655,339.20 including tax, pursuant to notification to be issued by the General Manager.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 18, 2018

FROM: General Manager

SUBJECT: FY18 Third Quarter Financial Report

The FY18 Third Quarter Financial Report (January – March 2018) is attached. The budget for this quarter assumed the opening of the two-station Silicon Valley Berryessa Extension (SVBX) in January 2018. The extension opening was delayed to FY19, however, the FY18 operating budget for January through June still includes SVBX for passenger revenue, operating expense and financial assistance. As a result, budget to actual variances will be overstated. Excluding the impact of SVBX in the budget for the third quarter, the net result for the quarter was \$7.9M unfavorable to budget and year-to-date (YTD), \$4.9M favorable to budget.

Operating Sources

Total Ridership excluding SVBX was 3.4% under budget for the third quarter of FY18, compared to 3.2% and 2.4% under budget in the second and first quarters, respectively, and 3.2% lower than ridership in the same period of FY17. Despite reduced budget expectations for FY18, monthly ridership in FY18 is still trending below the lower budget. Passenger revenue in the third quarter was \$13.4M (10.2%) unfavorable, due to continuing under budget ridership and delay of SVBX revenue service date.

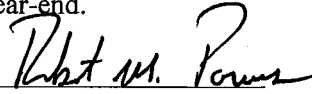
Financial Assistance in the third quarter of FY18 was unfavorable to budget due to State Transit Assistance (STA) and Valley Transportation Authority (VTA) Assistance, offset by increased revenue from Sales Tax, Property Tax and Low Carbon Fuel Standard (LCFS) credit sales. STA was \$6.6M unfavorable to budget due to timing but expected to be near budget at year end. VTA Assistance was \$3.3M unfavorable to budget due to the delay of SVBX opening. Sales Tax, which included a budgeted 2.1% rate of growth over FY17, was \$1.7M (4.8%) favorable to budget for the third quarter and is \$4.6M favorable to budget YTD. Property Tax is \$3.1M favorable to budget, YTD. Third quarter LCFS credit sales exceeded the budget by \$3.2M, with proceeds allocated to the Sustainability program and to operating, increasing Operating to Capital allocations.

Operating Uses

Total Expense for the third quarter was under budget, finishing \$4.9M (2.6%) favorable. Labor and benefits were \$3.3M (2.3%) favorable to budget and all non-labor was \$0.8M under budget. Regular wages and benefits were favorable due mainly to filling only the most critical operating positions. Labor is favorable by 1.7% year-to-date. Non-labor was unfavorable to budget largely due to other non-labor expenses offset by lower than expected electricity prices. Capital and Other Allocations were greater than budget due to the \$3.2M from LCFS cited above, offset by decreases in allocations determined by fare revenue.

The ridership decline continues to negatively impact operating sources but is expected to be partially offset by increased financial assistance. BART's focus on filling only critical operating positions has helped manage labor expenses, however, the last quarter of the year will be financially challenging due

to pressure to increase staff to address service and quality of life issues. The ridership and expense trends may result in an operating deficit by FY18 Year End. Staff is continually monitoring department budgets to address potential shortfalls prior to year-end.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**Quarterly Financial Report
Third Quarter
Fiscal Year- 2018**

Revenue

- Excluding SVBX, avg weekday trips for the quarter were 405,801, 3.5% under budget and 2.4% below the same quarter last year. Total trips for the quarter were 3.4% under budget, with weekend and holiday trips under budget 2.7%.
- Net passenger revenue was 10.2% under budget due to under budget ridership and delay of SVBX revenue service date.
- Parking revenue was \$0.1M favorable due to Daily Non-Reserve and Long Term programs.
- Other operating revenue was \$0.1M favorable with investment income offset by unfavorable telecom.

Expense

- Labor (excluding OPEB) was \$3.3M favorable in Q3 due to savings from vacancies partially offset by unfavorable overtime variance and under-recovered capital reimbursement for the quarter.
- Power was \$1.8M favorable due to lower than expected energy market price.
- Other Non Labor expense was over budget by \$1.0M mostly due to material usage and rental expenses needed for emergency repairs and strengthened effort in station brightening.
- Q3 budget includes \$5.6M in SVBX operating labor and \$0.8M in SVBX operating non-labor.

Financial Assistance and Allocations




- Sales Tax for 3Q grew 4.8% over 3QFY17 and was \$1.7M favorable (2.1% growth budgeted).
- Property Tax, Other Assistance was \$3.2M favorable due to increased property tax and federal and local financial assistance.
- STA was \$6.6M unfavorable due to timing, expected to be near budget at year end.
- Low Carbon Fuel Standard (LCFS) Program revenue was \$3.2M favorable to budget due to the sale of credits generated in prior FYs and high market prices.
- VTA Assistance \$3.3M unfavorable due to delay of SVBX revenue service date.
- Debt service was \$1.0M favorable due to savings from refunding.
- Capital and Other Allocations were \$0.5M greater than budget primarily due to \$3.2M of increased LCFS revenue (\$1.6M allocated to Sustainability, \$1.6M allocated to Operating Reserves per LCFS Policy), offset by \$1.5M under budget SFO Ext fare revenue and \$1.2M under budget incremental fare increase revenue.

Net Operating Result

- The Net Operating Result for Q3 was unfavorable by \$10.3M due to lower revenue and delayed SVBX service. Excluding SVBX would give Q3 an unfavorable \$7.9M net operating result variance, and a favorable \$4.9M operating result variance for year-to-date.

	Current Quarter			(\$ Millions)	Year to Date		
	Budget	Actual	Var		Budget	Actual	Var
Revenue							
Net Passenger Revenue	130.9	117.5	-10.2%		375.4	357.5	-4.8%
Parking Revenue	8.8	8.9	1.2%		26.4	26.8	1.5%
Other Operating Revenue	8.9	9.0	0.8%		23.3	24.8	6.4%
Total Net Operating Revenue	148.6	135.4	-8.8%		425.1	409.1	-3.8%
Expense							
Net Labor	139.2	135.9	2.3%		405.5	398.6	1.7%
OPEB Unfunded Liability	0.8	0.0			2.3	0.0	
Electric Power	10.8	9.0	17.0%		32.5	28.8	11.3%
Purchased Transportation	7.3	7.3	0.8%		22.0	21.1	4.1%
Other Non Labor	31.4	32.4	-3.0%		92.0	86.8	5.6%
Total Operating Expense	189.5	184.6	2.6%		554.3	535.3	3.4%
Operating Result (Deficit)	(41.0)	(49.1)	-20.0%		(129.1)	(126.2)	2.3%
Taxes and Financial Assistance							
Sales Tax	65.1	66.8	2.6%		192.1	196.7	2.4%
Property Tax, Other Assistance	4.0	7.2	80.9%		28.8	33.5	16.4%
State Transit Assistance	10.8	4.2	-61.5%		13.4	4.2	-69.1%
Low Carbon Fuel Std Prog	0.0	3.2	-		4.0	16.3	308.5%
Valley Transportation Authority Assistance	3.3	0.0	-100.0%		3.3	0.0	-100.0%
Debt Service	(12.7)	(11.7)	7.8%		(38.1)	(36.4)	4.5%
Capital and Other Allocations	(31.0)	(31.5)	-1.7%		(91.3)	(100.3)	-9.9%
OPEB Unfunded Liability Offset	0.8	0.0			2.3	0.0	
Net Financial Assistance	40.3	38.2	-5.2%		114.6	114.1	-0.4%
Net Operating Result	(0.7)	(11.0)	(10.3)		(14.6)	(12.1)	2.5
System Operating Ratio	78.4%	73.4%	-5.0%		76.7%	76.4%	-0.3%
Rail Cost / Passenger Mile	0.393	0.411	-4.6%		0.382	0.387	-1.2%

* Totals may not add due to rounding to the nearest million.

-  No Problem
-  Caution: Potential Problem/Problem Being Addressed
-  Significant Problem



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Paum</i> 16 MAY 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/15/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Travis Engstrom Dept: Office of the CIO <i>[Signature]</i> Signature/Date: 5/15/2018	General Counsel <i>[Signature]</i> 5/16/18 []	Controller/Treasurer <i>[Signature]</i> 5/16/18 []	District Secretary []	BARC <i>[Signature]</i> 5/15/18 []

BART Digital Railway – Exclusive Negotiating Agreement

PURPOSE:

To request Board authorization for the General Manager or her designee to enter into an Exclusive Negotiating Agreement (ENA) with Mobilitie Management, LLC (Mobilitie) for the development of the BART Digital Railway and a related project for the San Francisco Municipal Transportation Agency.

DISCUSSION:

The proposed Digital Railway is a system of wired and wireless communications infrastructure along the District's rights of way, within stations and in the Fleet of the Future. Included as part of the overall Project is a project with the San Francisco Municipal Transportation Agency (SFMTA) extending commercial cellular communications and fiber optic infrastructure to the SFMTA underground.

The Board authorized the General Manager to enter into a Communications Agreement with SFMTA in September 2016. The Communications Agreement, also approved by the SFMTA Board and the San Francisco Board of Supervisors, authorizes BART to work with SFMTA and a commercial vendor to pursue a commercial extension of the District's revenue generating underground cellular and fiber optic infrastructure to underground areas of SFMTA service, primarily in downtown San Francisco, and share revenue obtained with SFMTA.

To obtain proposals to design, build and operate the BART Digital Railway and the SFMTA project an Invitation for Proposal (Invitation) was issued in March 2017. The Invitation included new commercial business opportunities in fiber optic cable, station wireless services and in-train wireless services for the District's Fleet of the Future.

The Invitation sought proposals from private commercial entities to construct commercial telecommunications infrastructure for BART and SFMTA that would provide valuable service to patrons and generate revenue for the District, and in SFMTA areas, generate shared revenue with SFMTA.

In response to the Invitation ten proposals were received and three of the proposals were rejected as non-responsive. The seven responsive proposals were reviewed and scored based on several factors, including revenue for the District, the firm's qualifications, experience and references, key personnel and project team organizational structure, proposed services and project impact and plan and schedule. As a result of the analysis, Mobilitie was determined to be the top respondent. Mobilitie is the nation's largest private wireless services firm, with tens of thousands of infrastructure projects across all 50 states. Mobilitie owns and operates 60 neutral host cellular systems. Mobilitie has built over 3,000 communication towers, 70,000 miles of fiber, over 60,000 cell sites, and generated over 100,000 network designs for the major cellular carriers. Mobilitie has high density metropolitan cellular and fiber deployments in New York City, Chicago, San Francisco and Los Angeles. Mobilitie has deployments in many sports stadiums across the country, resorts and in Seattle Sound Transit.

The ENA establishes a six month exclusive negotiating period, with a staff option to extend for an additional six months, during which staff will work with Mobilitie to conduct preliminary design work, meet California Environmental Quality Act (CEQA) requirements and negotiate and enter into Master and Project License Agreements, and discuss relevant amendments and permits to cover the four primary elements of the BART Digital Railway and SFMTA project, as set forth in the Invitation: 1) Underground Cellular Services for SFMTA, 2) Wayside and Fleet of the Future Wireless Services, 3) In-Station Wireless Services, and 4) Fiber Optic Telecommunication Services for both BART and SFMTA. Following the negotiations, if license agreements are reached, such agreements will be submitted to the Board for approval prior to initiation of the proposed projects.

All agreements will be approved as to form by the Office of General Counsel prior to execution.

FISCAL IMPACT:

There will be no fiscal impact associated with conducting negotiations other than the costs for staff time. Under the terms of the Exclusive Negotiating Agreement, Mobilitie will bear the costs of design, analysis and permitting per District standards.

ALTERNATIVES:

Do not enter into an Exclusive Negotiating Agreement (ENA) with Mobilitie. This action would significantly delay consideration and development of the BART Digital Railway.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager or her designee is authorized to execute an Exclusive Negotiating Agreement to negotiate exclusively for a six month period, with a staff option to extend for an additional six months, with Mobilitie Management, LLC, for development of the BART Digital Railway, and the SFMTA project including negotiations regarding designs, construction plans, and development of license agreements for 1) Underground Cellular Services for SFMTA, 2) Wayside and Fleet of the Future Wireless Services, 3) In-Station Wireless Services, and 4) Fiber Optic Telecommunication Services.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhett M. Powner</i> 16 MAY 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/6/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP <i>A Hitchings</i> Signature/Date: 4/30/18	General Counsel <i>V. B. []</i> 4/20/18 []	Controller/Treasurer <i>[]</i> 4/20/18 []	District Secretary []	BARC <i>Paul []</i> 4/30/18 []

Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, Change Order No. 7.1 Part 1 Additional Restraint at Tube Joints

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 7.1 Part 1, Additional Restraint at Tube Joints, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit in an amount not to exceed \$2,000,000.

DISCUSSION:

On December 1, 2016, the Board of Directors authorized staff to award Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, to Shimmick/CEC Joint Venture. Staff issued the Notice to Proceed for the Contract on February 2, 2017. During the review of the Contractor's submittals, it was found that in the region of the TBT joints, there was inadequate anchorage of the retrofit plates to resist hydrostatic pressures after a major earthquake. The solution was to revise the anchoring, which resulted in 360 extra anchors, and to add some steel plating. Change Order No. 7.1 Part 1 compensates the Contractor for the cost of this extra work in a not to exceed amount of \$2,000,000.

The total estimated value for all elements of Change Order No. 7 is \$2,099,000. Change Order No. 7 Part 1 was previously issued for the amount of not to exceed \$99,000. Change Order No. 7.1 Part 1 will be issued for the amount of not to exceed \$2,000,000. The following table summarizes the District's financial commitments for all elements of Change Order No. 7.

Change Order No. 7 Part 1	\$99,000
Change Order No. 7.1 Part 1	\$2,000,000 (Pending Approval BOD May 24)
Total Commitment	\$2,099,000

Pursuant to Board Rule 5-2.3, for Construction contracts over \$200,000,000 in value, Change Orders involving expenditures greater than \$500,000 require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$2,000,000 for the issuance of Change Order No. 7.1 Part 1 to Contract No. 09AU-120 is included in the total budget for 09AU000 – TBT Retrofit #1 (Underwater). 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	Fund Description	Source	Amount
801F & 801J	ESP GO Bond	BART	\$299,701,507
801I	ESP GO Bond Interest Earnings	BART	\$20,000,000
850V, 850X	Capital Allocation	BART	207,228
802A	2017 Measure RR GO Bond	BART	54,000,000
Total			\$373,908,735

As of April 9, 2018, \$373,908,735 is the total budget for this project. BART has expended \$87,874,337, committed \$262,843,260, and reserved \$7,599,000 to-date for other actions. This action will commit \$2,000,000 leaving an available fund balance of \$13,592,139 in 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 can elect not to authorize the execution of this Change Order. If the Change

Order is not executed, the Contractor may pursue a claim against the District for the cost of the additional work and delays attributable to the District. Such a claim and related litigation costs would likely increase the final cost to the District.

RECOMMENDATION:

That the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 7.1 Part 1, Additional Restraint at Tube Joints, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture in an amount not to exceed \$2,000,000.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

4/24/2018

ATTACHMENT No 1
CONTRACT 09AU-120

CO No. 007.1 Part 1

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor	Shimmick/CEC Joint Venture
Contract No. / NTP	09AU-120 / February 2, 2017
Contract Description:	TBT Internal Retrofit
Percent Complete as of 4/24/18	18.82%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 267,083,110
Change Orders			
Board Authorized COs	20.59%	\$ 55,000,000	
Other Than Board Authorized COs	0.53%	\$ 1,412,306	
This Change Order No. 007.1 Part 1	0.75%	\$ 2,000,000	
Subtotal of all Change Orders	21.87%	\$ 58,412,306	
<u>Revised Contract Amount</u>			<u>\$ 325,495,416</u>

SCHEDULE

Original Contract Duration	1800	days
Time Extension to Date		
Time Extension Due to Approved Cos	249	days
Time Extension Due to this CO 007.1 Part 1	0	days
Revised Contract Duration	2,049	days

MWBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 267,048,110
Current MWBE Participation excluding this Change Order	2.45%
Projected MWBE Participation excluding this Change Order	22.01%
This Change Order No. 007.1 Part 1	0.00%
Contract 09AU-120 MWBE Participation Commitment	33.30%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rht M. Pevan</i> 16 May 2018		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 9/8/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP <i>Anthony Hitchings</i> Signature/Date: 4/30/18	General Counsel <i>[Signature]</i> 4/20/18 []	Controller/Treasurer <i>[Signature]</i> 4/20/18 []	District Secretary []	BARC <i>[Signature]</i> 5/14/18 []

Contract No. 09AU-120 Earthquake Safety Program TBT Internal Retrofit, Change Order No 30.2 Part 1, Impacts from Rule Changes

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 30.2 Part 1, Impacts from Rule Changes, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, in an amount not to exceed \$7,500,000 and in addition extending the Contract duration by 99 calendar days.

DISCUSSION:

Award of Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit to Shimmick/CEC Joint Venture, was authorized by the Board on December 1, 2016; Notice to Proceed was issued on February 2, 2017. Following the Award of Contract No. 09AU-120, the District's rules regarding Contractor oversight and Roadway Worker safety were changed, and the District's use of a vendor to provide Safety Monitors began to be replaced by an in-house program to provide a similar function. Under the current rules, the Contractor's Roadway-Worker trained staff will now be performing the roles of Watchpersons, upper gallery Hatch Monitors, and Safety Escorts for most of the work.

Change Order No. 30 Part 1 and No. 30.1 Part 1 were issued in the formative stages of the rule changes. Now Change Order No. 30.2 Part 1 is being issued to support this future need through to December 2019. Change Order No 30, in aggregate, also provides for training, badging and administrative costs associated with the Contractor providing these new categories of personnel. Furthermore, the Contract has experienced delays due to limits on

the availability of District-provided Safety Monitors. Delays also occurred due to conflicting activity in the TBT for other BART projects. This has created 99 days of Contract delay through December 30, 2017.

Change Order No. 30.2 Part 1 will provide the Contractor compensation in an amount not to exceed \$7,500,000 and add 99 calendar days to the Contract completion date to compensate the Contractor for the delays arising out of the District's impacts, and for field staffing and other costs associated with rule changes. The cost of Contractor-provided staffing will be offset by the Project's budget line item for Safety Monitor staffing.

The total estimated value of the work for all elements of Change Order No. 30 is \$8,000,000. Change Order No. 30 Part 1 was previously issued for the amount of not to exceed \$100,000. Change Order No. 30.1 Part 1 was previously issued for the amount of not to exceed \$400,000. Change Order No. 30.2 Part 1, will be issued for the amount not to exceed \$7,500,000. The following table summarizes the District's financial commitments for all elements of Change Order No. 30

Change Order No. 30 Part 1	\$100,000	
Change Order No. 30.1 Part 1	\$400,000	
Change Order 30.2 Part 1	\$7,500,000	Pending Approval (BOD May 24)
Total Commitment	\$8,000,000	

Pursuant to Board Rule 5-2.3, for construction contracts over \$200,000,000 in value, Change Orders involving expenditures greater than \$500,000 require Board approval. The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$7,500,000 for the issuance of Change Order No. 30.2 Part 1 to Contract No. 09AU-120 is included in the total budget for 09AU000 – TBT Retrofit #1 (Underwater). 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	Fund Description	Source	Amount
801F & 801J	ESP GO Bond	BART	\$299,701,507
801I	ESP GO Bond Interest Earnings	BART	\$20,000,000
850V, 850X	Capital Allocation	BART	207,228
802A	2017 Measure RR GO Bond	BART	54,000,000
Total			\$373,908,735

As of April 9, 2018, \$373,908,735 is the total budget for this project. BART has expended \$87,874,337, committed \$262,843,260, and reserved \$99,000 to-date for other actions. This action will commit \$7,500,000 leaving an available fund balance of \$15,592,139 in 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 available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If the Change Order is not executed, the Contractor may pursue a claim against the District for the cost of the additional work and delays attributable to the District. Such a claim and related litigation costs would likely increase 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. 30.2 Part 1, Impacts from Rule Changes, in an amount not to exceed \$7,500,000 and extend the Contract completion date by 99 days for Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

4/24/2018

ATTACHMENT No 1
CONTRACT 09AU-120

CO No. 030.2 Part 1

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor	Shimmick/CEC Joint Venture
Contract No. / NTP	09AU-120 / February 2, 2017
Contract Description:	TBT Internal Retrofit
Percent Complete as of 4/24/18	18.82%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 267,083,110
Change Orders			
Board Authorized COs	17.78%	\$ 47,500,000	
Other Than Board Authorized COs	0.53%	\$ 1,412,306	
This Change Order No. 030.2 Part 1	2.81%	\$ 7,500,000	
Subtotal of all Change Orders	21.12%	\$ 56,412,306	
<u>Revised Contract Amount</u>			<u>\$ 323,495,416</u>

SCHEDULE

Original Contract Duration	1800	days
Time Extension to Date		
Time Extension Due to Approved COs	150	days
Time Extension Due to this CO 030.2 Part 1	99	days
Revised Contract Duration	2,049	days

MWBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 267,048,110
Current MWBE Participation excluding this Change Order	2.45%
Projected MWBE Participation excluding this Change Order	22.01%
This Change Order No. 030.2 Part 1	0.00%
Contract 09AU-120 MWBE Participation Commitment	33.30%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 17 May 2018		GENERAL MANAGER ACTION REQ'D: Approve and send to the Board		
DATE: 4/26/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bruce King Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 5/7/18	General Counsel <i>[Signature]</i> 5/7/18 []	Controller/Treasurer <i>[Signature]</i> 5/7/18 []	District Secretary []	BARC <i>[Signature]</i> 5/14/18 []

STAINLESS STEEL CAPPED CONTACT RAIL

PURPOSE: To request Board authorization to award Invitation For Bid No. 9048 to Conductix -Wampfler, Inc., Omaha, NE in the amount of \$2,676,923.40 (includes all taxes) for the purchase of STAINLESS STEEL CAPPED CONTACT RAIL.

DISCUSSION: Stainless steel capped aluminum contact rail and appurtenances, such as splice plates, feeder plates, ramps, anchor assemblies, and expansion joints, are used throughout the District to transmit 1000 volt direct current to revenue vehicles. This is a TWO (2) year estimated quantity contract. Pursuant to 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. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on March 14, 2018. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to three (3) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on April 24, 2018 and Two (2) bids were received.

<u>Bidder</u>	<u>Lot Price</u>
<u>Grand Total including 9.75% Sales Tax</u>	
Conductix, Inc. Omaha, NE	\$2,439,110.16

STAINLESS STEEL CAPPED CONTACT RAIL (cont.)

\$2,676,923.40

Transtech Piedmont, SC \$2,499,740.84
 \$2,743,465.57

Independent cost estimate by BART staff: \$2,665,880.00

The District’s Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid, emergency contracts, sole source contracts, or contracts under \$50,000.00. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and 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% Local Small Business Prime Preference for this Invitation for Bid for Local Small Businesses certified by the California Department of General Services located in Alameda, Contra Costa, or San Francisco County. The lowest responsive Bidder, Conductix-Wampfler, Inc. is not a certified Local Small Business and, therefore, is not eligible for the 5% Local Small Business Prime Preference, but it is still the lowest responsive Bidder.

Staff has determined that the apparent low bidder, Conductix, Inc. submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on previous Invitation For Bid No. 8957, opening 4/28/2015, which procured 12,000 ft. contact rail and appurtenances for \$494,042.00, and previous Invitation For Bid No. 9001, opening 6/14/2016, which procured 12,000 ft. contact rail and appurtenances for \$540,418.00. Invitation For Bid No. 9048 is for 48,000 ft. of contact rail with an upgraded stainless steel cap alloy, and proportionately larger quantities of appurtenances.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$2,676,923.40 for Bid No. 9048 is included in the total project budget for FMS# 54RR004 – M&E Line Rail Equipment.

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 802A - 2017 Measure RR GOB	\$27,327,339
TOTAL	\$ 27,327,339

As of April 27, 2018, \$27,327,339 is the total budget for this project. BART has

expended \$241,029 and committed \$8,869,982 to date. This action will commit \$2,676,923.40, leaving an available fund balance of \$15,539,405 in this fund source 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: Reject all bids and readvertise. Staff has determined that rejecting all bids and re bidding is not likely to result in lower bids, and will delay delivery of critically needed contact rail components to the District.

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

MOTION: The General Manager is authorized to award IFB No. 9048 for Stainless Steel Capped Contact Rail to Conductix,Inc. for an amount of \$2,676,923.40, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rht M. Power</i> 17 MAY 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/14/2018		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Tim Chan Dept: Stations Planning	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 5/17/18	<i>[Signature]</i> 5/17/18 []	<i>[Signature]</i> 5/17/18 []		<i>[Signature]</i> 5/17/18 []

San Francisco Homeless Outreach Team Agreement

PURPOSE:

To request Board authorization to approve the pilot Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) in the amount of \$125,000 for one Homeless Outreach Team (HOT) in FY18, and to authorize the General Manager to negotiate and execute agreements annually with the HSH from FY19 through FY22.

DISCUSSION:

The four downtown San Francisco stations, Embarcadero, Montgomery, Powell St. and Civic Center, have recently experienced a significant increase in the presence of homeless individuals, who rely on the stations for shelter and privacy to engage in illicit activities. Their presence has resulted in a sharp decline in station cleanliness, increased drug use, and assaults on BART employees who work at these stations. On an average day, there are 132 homeless individuals in the four downtown stations, with over two-thirds at Powell St. and Civic Center. BART and Muni customers are increasingly frustrated by dirty stations, visible drug use, and feel unsafe in the stations.

To help address these issues, BART entered into an agreement with the Department of Homelessness and Supportive Housing (HSH) in FY18 for a pilot program to bring one HOT into the four downtown stations to build relationships with the homeless individuals, and connect them to services for shelter, substance abuse, mental health and medical treatment. Since the four downtown stations are joint-use with the San Francisco Municipal Transportation Agency (SFMTA), SFMTA is funding 50% of the cost for one team. The HOT was launched on November 14th, 2017 to great success. Attached are the contacts,

referrals and connections made each month between November 2017 and April 2018.

Staff has been working on a number of different initiatives for the past six months to address these issues, including ongoing support for the Pit Stop at 16th St. Station and launching the Elevator Attendant Pilot at Civic Center and Powell St. stations. Staff is now seeking approval of the first pilot agreement in the amount of \$125,000 for the first HOT.

Due to the success of the pilot agreement, BART and SFMTA are proposing to add a second HOT from FY19 through FY22 to cover the Mission St. stations where there are also significant homelessness and drug use challenges. The addition of this second team would allow each team to cover three stations and thereby spend more time with people at one station. The first team would cover Embarcadero, Montgomery and Powell St. stations, and the second team would cover Civic Center, 16th St., and 24th St. stations. SFMTA will continue to be an equal funding partners even though the Mission St. stations are not considered joint use

Prior to execution of the agreement, the Procurement Department will review the contract to confirm compliance with the District's procurement standards and the Office of the General Counsel will approve the agreement as to form.

In all cases, the HOT will collect data on a monthly basis regarding contacts, referrals, and connections under the following categories of homeless services: shelter, substance abuse, mental health, medical and others. These metrics align with the information collected by HSH for reporting purposes. Staff will track progress and report on the data to Management and the Board as requested.

FISCAL IMPACT:

Each homeless outreach team (HOT) costs \$250,000 annually. However, because SFMTA is paying for 50% of total cost, each agency is covering \$125,000 per team. In FY18, HOT #1 was included in the Public Safety Initiatives operating budget for \$125,000, which is funded by the station access parking revenue. This is ongoing and expected to continue through FY22.

The FY19 operating budget proposes a Quality of Life initiative addressing homelessness, funded by the General Fund, that includes HOT #2. The HOT #2 will start in January 2019, so the budget is only \$62,500 instead of the full \$125,000.

This initiative will be assessed annually, and staff will make recommendations to continue the program for another year in the FY budget if the performance measures show it is effective and successful.

Funding for out years, FY19 through FY22, will be included as part of each year's proposed operating budget. Total funding for this Contract, in the amount not to exceed \$1,062,500 from the Public Safety Initiatives operating budget, is based on the following:

	FY18	FY19	FY20	FY21	FY22
HOT #1	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
HOT #2		\$62,500 *	\$125,000	\$125,000	\$125,000
Total by Year	\$125,000	\$187,500	\$250,000	\$250,000	\$250,000
Total					\$1,062,500

* HOT #2 starts January 2019 through June 2019

ALTERNATIVES:

The alternative is to not authorize the contract.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The Board approves the first Agreement with the San Francisco Department of Homelessness and Supportive Housing (HSH) in the amount of \$125,000 for one homeless outreach team (HOT), and authorizes the General Manager to enter into direct negotiations with HSH to execute annual agreements upon budget adoption by the Board that includes the HOTs. The total for the five year program shall not exceed \$1,062,500.

BART PD SFHOT Monthly Stats	Nov	Dec	Jan	Feb	Mar	Apr	Total
Contacts	40	129	89	63	46	66	433
Refusal of Services	3	44	42	9	7	13	118
Service Breakdown	Referral	Referral	Referral	Referral	Referral	Referral	Referral
Homeless Related	6	14	22	9	3	11	65
Mental Health	0	4	1	1	0	1	7
Substance Use	0	2	3	3	0	0	8
Medical	3	12	2	5	0	4	26
State/Federal Benefits	1	7	7	1	0	15	31
Other Misc.	0	41	3	1	0	7	52
Total Referrals	10	80	38	20	3	38	189
Service Breakdown	Connect	Connect	Connect	Connect	Connect	Connect	Connect
Homeless Related	11	153	27	16	51	20	278
Mental Health	2	2	0	2	3	1	10
Substance Use	0	3	0	1	0	0	4
Medical	9	15	3	8	6	4	45
State/Federal Benefits	0	0	0	2	0	1	3
Other Misc.	5	30	6	32	1	7	81
Total Connects	27	203	36	61	61	33	421



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 17 May 2018 <i>Rhett M. Powers</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/8/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Andrew Tang Dept: Planning, Development and Construction <i>[Signature]</i> Signature/Date: May 17, 2018	General Counsel <i>[Signature]</i> 5/17/18 []	Controller/Treasurer <i>[Signature]</i> 5/17/18 []	District Secretary []	BARC <i>[Signature]</i> 5/17/2018 []

Certify the BART to Livermore Extension Project Final EIR and Potential Next Steps

PURPOSE:

To have the Board of Directors certify the BART to Livermore Extension Project Final Environmental Impact Report.

DISCUSSION:

Introduction

A BART extension to Livermore has been under consideration for many years. In 2010, BART certified a Program Environmental Impact Report (PEIR) for the BART to Livermore Extension Program. The purpose of the PEIR was to evaluate possible alignments for a BART extension at a programmatic level. It was not intended to evaluate alternative technologies. That evaluation was to take place as part of project-level environmental review.

On February 9, 2012, the BART Board directed staff to advance the Proposed BART to Livermore Extension Project to the next level of project development, including environmental review, conceptual engineering, development of Ridership Development Plans, and Title VI analysis, as appropriate. In response, staff undertook several steps including preparation of a project-level Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the BART to Livermore Extension Project. That EIR evaluates the Proposed Project, which is also referred to as the Conventional BART Project, as well as alternatives which are discussed below. The Proposed Project would extend transit service using conventional BART technology 5.5 miles east from the existing Dublin/Pleasanton Station along I-580 to a proposed new terminus station located at the Isabel Avenue/I-580 interchange in the city of Livermore. The Proposed Project includes new and modified bus routes, connecting the new Isabel Station to Priority Development

Areas (PDAs), including downtown Livermore, and other destinations such as Lawrence Livermore National Laboratory, the Vasco Road Altamont Corridor Express (ACE) station, and other areas east of the BART system. The Proposed Project also includes a BART storage and maintenance facility located north of I-580 in the vicinity of Cayetano Creek.

Environmental Review

On August 31, 2012, BART issued a Notice of Preparation (NOP) for the BART to Livermore Extension Project EIR. Staff incorporated public comment to develop several preliminary BART to Livermore alternatives.

On February 27, 2014, the BART Board discussed the Proposed Project, as well as which alternatives to include in the BART to Livermore Extension Project EIR. Consistent with that discussion, in addition to the Proposed Project, the EIR evaluates a No Project Alternative and three build alternatives as follows:

- No Project Alternative – The No Project Alternative describes the consequences if the BART Board decides to not proceed with either the Proposed Project or any of the build alternatives. For purposes of the EIR, the No Project Alternative represents the region's existing transportation network and planned improvements to the network through 2040.
- DMU Alternative (with EMU Option) – The Diesel Multiple Unit (DMU) Alternative would have a similar alignment to the Proposed Project but would use diesel-powered rail cars that run on a standard-gauge rail track. The Electric Multiple Unit (EMU) Option is a variant of the DMU Alternative and would be electricity powered rather than diesel powered. The DMU Alternative and the EMU Option include a DMU or EMU storage and maintenance facility located north of I-580 in the vicinity of Cayetano Creek.
- Express Bus/Bus Rapid Transit (BRT) Alternative – The Express Bus/BRT Alternative would provide service to the Livermore area using bus technology only. Under this alternative, new bus transfer platforms would be constructed at the existing Dublin/Pleasanton Station and new bus ramps from the I-580 express lanes would be constructed for buses to enter and connect directly to the bus transfer platforms, allowing passengers to transfer from bus to BART without leaving the station.
- Enhanced Bus Alternative – The Enhanced Bus Alternative entails lower-cost bus service improvements to improve transit access to the Dublin/Pleasanton Station.

Because the three build alternatives were identified in screening as potentially meeting most of the project objectives and being completed in a reasonable timeframe, they merited full evaluation in the EIR.

BART published the BART to Livermore Extension Project Draft EIR (DEIR) on July 31, 2017, which was circulated for agency and public review for the required 45-day review

period and an additional 32 days (77 days total). The associated 10 percent preliminary engineering drawings were also made available on July 31, 2017.

On May 11, 2018, BART published the BART to Livermore Extension Project Final EIR (FEIR), which includes the: 1) DEIR, 2) related appendices, and 3) responses to all comments received during the Draft EIR comment period, and 4) revisions to the DEIR. The FEIR has been prepared in compliance with CEQA and provides full disclosure of the anticipated significant environmental impacts of adopting the Proposed Project or any of the three build alternatives and identifies measures to mitigate significant environmental impacts.

System Expansion Policy and Ridership Development Plan

To guide BART in the extension and expansion of its system, the BART Board adopted a Policy Framework for System Expansion in 1999 and a System Expansion Project Advancement Criteria and Process in 2002 (together known as the System Expansion Policy or SEP). The SEP identifies criteria for project advancement when determining whether a new BART expansion project should be recommended for advancement. The Proposed Project, DMU Alternative, EMU Option and Express Bus/BRT Alternative are subject to the SEP because they expand the system. The Enhanced Bus Alternative is not subject to the SEP because it only entails lower-cost bus service improvements. To fulfill the SEP requirement, ratings for the Proposed Project and build alternatives across the SEP criteria are contained in the BART to Livermore Extension Proposed Project and Build Alternatives Evaluation Report (Evaluation Report)[1] and were presented to the BART Board on March 8, 2018.

The SEP requires a Ridership Development Plan (RDP) be developed for each proposed new station to support increased ridership. The RDP requirement applies to the Proposed Conventional BART Project, DMU Alternative, and EMU Option since these propose a new Isabel Station; but it does not apply to the Express Bus/BRT and Enhanced Bus alternatives since they do not include a new station. On May 14, 2018, the City of Livermore adopted the Isabel Neighborhood Plan (INP) for the Proposed Conventional BART Project. The INP guides future development around the proposed Isabel Station and incorporates BART's Transit-Oriented Development, Station Access, and Affordable Housing policies. City of Livermore staff presented an overview of the INP to the BART Board on April 12, 2018. The adopted INP fulfills the SEP requirement for a RDP for the Proposed Conventional BART Project. Should the BART Board wish to adopt the DMU Alternative or EMU Option, a RDP would need to be developed and adopted by the City of Livermore.[2]

Title VI Review

Federal Executive Order 12898 directs federal agencies to take appropriate and necessary steps to identify and address any disproportionately high and adverse human health or environmental effects of federal programs, policies, and activities on minority and low-

income populations. In January 2018, BART completed a study that determined that the Proposed Project and build alternatives do not have any disproportionately high and adverse effects on minority and low-income populations. The study considered effects in the areas of transportation, community facilities/ services, visual/aesthetics, noise and vibration, relocations, air quality and construction. The study found that the magnitude of impacts from the Proposed Project and build alternatives is not appreciably more severe or greater in minority and low-income populations compared to other populations.

Findings and MMRP

To adopt a project, the BART Board must review and consider the information contained in the FEIR, make specific findings, and certify that the FEIR has been completed in compliance with CEQA. In addition, the Board would need to adopt the Findings, Facts in Support of Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP) for the project its wishes to adopt.

At this time, staff requests that the Board certify that the BART to Livermore Extension Project FEIR has been completed in compliance with CEQA. Findings, Facts in Support of Findings, Statement of Overriding Considerations, and MMRP have not been published for the Proposed Project or any of the build alternatives. Should the Board wish to consider adoption of the Proposed Project or one of the build alternatives, it should direct staff to develop Findings, Facts in Support of Findings, Statement of Overriding Considerations, and MMRP for the desired project and return to the Board.

The following are reasons to certify the BART to Livermore Extension Project FEIR:

1. It completes the CEQA process and puts information developed in the CEQA analysis into the public record.
2. Having a certified FEIR would allow BART or another agency to adopt a project at a later date.
3. It allows BART or another agency to use the BART to Livermore Extension Project FEIR for a related project by supplementing the FEIR rather than developing a new EIR.

FISCAL IMPACT:

The recommended action has no fiscal impact.

ALTERNATIVES:

Alternative courses of action the BART Board of Directors could take include the following:

1. Not certify the FEIR and not take any further action.
2. Not certify the FEIR at this time, but should the BART Board wish to consider

adopting the Proposed Conventional BART Project or one of the build alternatives, the Board could direct staff to prepare Findings, Facts in Support of Findings, Statement of Overriding Considerations, and MMRP for either the Proposed Project or one of the build alternatives and return to the Board to consider both FEIR certification and project adoption.[3]

3. Certify the FEIR at this time, and should the BART Board wish to consider adopting the Proposed Conventional BART Project or one of the build alternatives, the Board could direct staff to prepare Findings, Facts in Support of Findings, Statement of Overriding Considerations, and MMRP for either the Proposed Project or one of the build alternatives and return to the Board to consider project adoption.[4]

RECOMMENDATION:

It is recommended that following Motion be adopted.

MOTION:

The BART Board of Directors certifies:

1. The BART to Livermore Extension Project Final Environmental Impact Report has been completed in compliance with CEQA;
2. The BART to Livermore Extension Project Final Environmental Impact Report was presented to the BART Board and the BART Board has reviewed and considered the information contained in the BART to Livermore Extension Project Final Environmental Impact Report; and
3. The BART to Livermore Extension Project Final Environmental Impact Report reflects BART's independent judgment and analysis.

[1] This report supplements the information provided in the BART to Livermore Extension Project EIR and provides a comparison of the benefits and costs of the Proposed Project and build alternatives. It can be found at <https://www.bart.gov/about/projects/liv>.

[2] Alternatively, the Board could choose to adopt the DMU Alternative or EMU Option without a RDP.

[3] Once the Findings, Facts in Support of Findings, Statement of Overriding Considerations, and MMRP for the Proposed Conventional BART Project, Express Bus/BRT Alternative or Enhanced Bus Alternative are complete, the BART Board could adopt that alternative as the BART to Livermore Extension Project. However, completing these documents for the DMU Alternative (or EMU Option) would not enable the BART Board to adopt that alternative until either the City of Livermore has adopted an INP for the DMU Alternative (or EMU Option), or the BART Board chooses to adopt the DMU Alternative (or EMU Option) without a RDP.

[4] See previous footnote.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** May 3, 2018
FROM: General Counsel
SUBJECT: Proposed Resolution Directing Specific Advertising Funds

At the request of Director Dufty, attached is a Resolution he will ask you to consider at the May 10th Board meeting. The proposed Resolution directs the profits derived from a recent advertising campaign to the Office of Civil Rights.

PROPOSED MOTION:

Adoption of the attached Resolution.



Matt Burrows

cc: Board Appointed Officers
Executive Staff

Attachment

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

In the Matter of Directing Profits
Derived From Paid Advertising by
Progressives for Immigration Reform to
BART's Office of Civil Rights /

Resolution No. _____

WHEREAS, The San Francisco Bay Area Rapid Transit District (the "District") is committed to providing safe and efficient transit to all members of the public and has passed a Safe Transit Policy¹ codifying that position; and

WHEREAS, The District's advertising guidelines permit point of view advertising without regard to the viewpoint expressed, consistent with First Amendment freedom of speech rulings; and

WHEREAS, the group Progressives for Immigration Reform recently purchased advertising within the BART system that resulted in numerous complaints from the public; and

WHEREAS, the Board of Directors wishes to direct the advertising revenues of the District from this paid advertising campaign to the budget of the District's Office of Civil Rights.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors directs that the General Manager dedicate the advertising revenues generated from the recent advertising by Progressives for Immigration Reform to BART's Office of the Civil Rights, to enhance Limited English Proficiency (LEP) services with input from BART's

¹ BART Resolution 5346 (6/22/17)

Environmental Justice Committee and that such funds should be considered additive,
over and above existing LEP funding and services; and

BE IT FURTHER RESOLVED, that it is requested that the Board of Directors be
advised as to the additional LEP services that are provided as a consequence of this
funding.

Adopted: _____

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